

State of Iowa

1993

JOURNAL OF THE SENATE

1993

**REGULAR SESSION
SEVENTY-FIFTH
GENERAL ASSEMBLY**

**Convened January 11, 1993
Adjourned May 2, 1993**

**Volume II
April 22 - May 2**

**LEONARD L. BOSWELL, President of the Senate
HAROLD G. VAN MAANEN, Speaker of the House**

Published by the
STATE OF IOWA
Des Moines

JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY
SIXTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 22, 1993

The Senate met in regular session at 9:16 a.m., President Boswell presiding.

Prayer was offered by the Reverend Maynard Brothersen, pastor of the St. Mary Catholic Church, Albia, Iowa.

The Journal of the Wednesday, April 21, 1993, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Varn and Murphy for the day on request of Senator Horn.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

PRESENTATION OF PELLA TULIP QUEEN

Senator Hedge presented Amy Vroom, Queen of the Fifty-eighth Annual Tulip Time Festival, who in turn introduced the members of her court: Karin Vander Ploeg, Angie Van Arendonk, Darcy Vande Lune and Michele Uitermarkt.

Queen Amy invited the members of the Senate to attend the Tulip Time Festival in Pella, May 6, 7 and 8, 1993.

The Queen, her attendants and their parents distributed the famous Dutch cookies to the senators and staff.

The Senate stood at ease at 9:40 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:50 a.m., President Boswell presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 21, 1993, passed the following bills in which the concurrence of the House was asked:

Senate File 80, a bill for an act relating to the provision of emergency medical services by a physician assistant, and providing for exemption from liability in certain situations.

Senate File 312, a bill for an act relating to the formation of the friends of capitol hill nonprofit corporation.

ALSO: That the House has on April 21, 1993, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 94, a bill for an act relating to fertilizers or soil conditioners and pesticides by prohibiting regulations by local governmental entities (S—3591).

Senate File 287, a bill for an act relating to hospital privileges provided certain professionals including certified health service providers in psychology (S—3590).

Senate File 370, a bill for an act relating to setting minimum fines for certain criminal convictions, increasing the civil penalty assessed for certain motor vehicle license revocations, collecting delinquent fines, penalties, costs, and restitution, and allowing community service in lieu of a fine (S—3592).

ALSO: That the House has on April 21, 1993, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 79, a bill for an act relating to criminal trial testimony by minors and certain victims and witnesses and providing an effective date.

House File 151, a bill for an act relating to plans for release of inmates committed to the custody of the department of corrections.

House File 169, a bill for an act relating to rural water districts, by providing for authority to execute agreements for the administration of services, and the incorporation of real property.

House File 275, a bill for an act to permit a person who has been issued a coaching authorization to be employed by a school district as head coach and providing an effective date.

House File 301, a bill for an act relating to judicial ethics or grievance hearings and examination and admissions subject to the administrative authority of the supreme court.

House File 342, a bill for an act relating to the sale, use, possession, and transportation of minnows for commercial or personal use.

House File 448, a bill for an act extending the time limit for filling school board vacancies and providing an effective date.

House File 495, a bill for an act relating to regulation of insurance, including the authority of the division to regulate certain policies and contracts and the parties to such policies and contracts, establishing fees, and providing a penalty.

House File 584, a bill for an act relating to housing facilities for persons with certain disabilities.

ALSO: That the House has on April 21, 1993, passed the following bill in which the concurrence of the Senate is asked:

House File 472, a bill for an act relating to bonds issued by airport authorities.

Read first time and passed on file.

INTRODUCTION OF BILL

Senate File 416, by committee on Ways and Means, a bill for an act relating to a deduction of amounts received as grants by sanitary disposal projects in determining net income.

Read first time and placed on Ways and Means Calendar.

RECESS

On motion of Senator Horn, the Senate recessed at 11:54 a.m., until 1:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

ETHICS

Convened: April 21, 1993, 1:20 p.m.

Members Present: Gettings, Chair; Rosenberg, Vice Chair; Hedge, Ranking Member; Drake and Husak.

Members Absent: McKean (excused).

Committee Business: Approved LSBs 1907 and 1908 as committee resolutions.

Adjourned: 1:55 p.m.

WAYS AND MEANS

Convened: April 21, 1993, 2:04 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Fuhrman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak.

Members Absent: none.

Committee Business: Amended House File 648 and ordered redrafted as a committee bill; approved SSB 318 as a committee bill; amended and approved SSB 169 as a committee bill.

Adjourned: 3:02 p.m.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty ninth and tenth grade students from Fort Dodge High School and guest from Austria, Fort Dodge, Iowa. Senator Kersten.

Professor Tom Droleskey and students from Morningside College, Sioux City, Iowa. Senator Banks.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 22nd day of April, 1993:

Senate Files 38, 267, 347, 363 and 392.

JOHN F. DWYER
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

Communication was received announcing that on April 22, 1993, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 59 — An act relating to prohibiting fire fighters and certain emergency medical services personnel from being required to obtain a professional permit to carry weapons as a condition of employment.

COMMITTEE REPORTS**HUMAN RESOURCES**

Final Bill Action: SENATE CONCURRENT RESOLUTION 32, a concurrent resolution expressing support for centers for independent living for persons with disabilities in Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Riordan and Rittmer. Nays, none. Absent or not voting, 4: Judge, Kramer, Sturgeon and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 415, a bill for an act relating to the establishment of a preadmission assessment program for frail elders considering placement or residing in a nursing facility.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Szymoniak, Lloyd-Jones, Tinsman, Buhr, Judge, Riordan and Rittmer. Nays, none. Pass, 2: Bartz and Bennett. Absent or not voting, 3: Kramer, Sturgeon and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: *SENATE FILE 416 (SSB 318), a bill for an act relating to a deduction of amounts received as grants by sanitary disposal projects in determining net income.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Dieleman, Husak, Bennett, Drake, Fuhrman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 1: Deluhery.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means on Senate File 416 and they were attached to the committee report.

AMENDMENTS FILED

S—3590	S. F.	287	House amendment
S—3591	S. F.	94	House amendment
S—3592	S. F.	370	House amendment

AFTERNOON SESSION

The Senate reconvened at 1:41 p.m., President Boswell presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Judge for the remainder of the day on request of Senator Horn and Senator Bartz until he arrives on request of Senator Kramer.

ADOPTION OF RESOLUTIONS (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Resolutions 10 and 11.

Senate Resolution 10

On motion of Senator Husak, Senate Resolution 10, a resolution to provide the senate rules governing lobbyists, was taken up for consideration.

Senator Drake offered amendment S—3595 filed by Senators Drake and Husak from the floor to page 5 of the resolution and moved its adoption.

Amendment S—3595 was adopted by a voice vote.

Senator Drake offered amendment S—3593 filed by Senators Drake and Husak from the floor to page 5 of the resolution and moved its adoption.

Amendment S—3593 was adopted by a voice vote.

Senator Husak moved the adoption of Senate Resolution 10 as amended, which motion prevailed by voice vote.

Senate Resolution 11

On motion of Senator Drake, Senate Resolution 11, a resolution to provide for the Senate Code of Ethics, was taken up for consideration.

Senator Drake offered amendment S—3594 filed by Senators Drake and Husak from the floor to page 12 of the resolution and moved its adoption.

Amendment S—3594 was adopted by a voice vote.

Senator Drake moved the adoption of Senate Resolution 11 as amended, which motion prevailed by voice vote.

UNFINISHED BUSINESS

(Deferred April 20, 1993)

House File 360

The Senate resumed consideration of House File 360, a bill for an act relating to containers used for liquified petroleum gas and providing a penalty, deferred April 20, 1993.

Senator Sorensen offered amendment S—3589 filed by Senators Sorensen, Kibbie and Fraise on April 21, 1993, to page 1 of the bill and moved its adoption.

Amendment S—3589 was adopted by a voice vote.

With the adoption of amendment S—3589, the Chair ruled amendment S—3561 filed by Senators Sorensen and Kibbie on April 21, 1993, to page 1 of the bill, out of order.

Senator Sorensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 360) the vote was:

Ayes, 44:

Banks	Bennett	Bisignano	Borlaug
Boswell	Buhr	Cannolly	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal

Hedge	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Palmer	Pate	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Zieman

Nays, 2:

Priebe Welsh

Absent or not voting, 4:

Bartz Judge Murphy Varn

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

UNFINISHED BUSINESS (Deferred April 12, 1993)

House File 579

The Senate resumed consideration of House File 579, a bill for an act relating to the disposition of documents pertaining to the issuance of certain bonds or obligations, deferred April 12, 1993.

Senator Sorensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 579) the vote was:

Ayes, 46:

Banks	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

Absent or not voting, 4:

Bartz

Judge

Murphy

Varn

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

HOUSE AMENDMENTS CONSIDERED

Senate File 3

Senator Buhr called up for consideration Senate File 3, a bill for an act relating to the establishment and regulation of elder group homes, amended by the House, and moved that the Senate concur in House amendment S—3570 filed April 21, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 3) the vote was:

Ayes, 46:

Banks	Bennett	Bisignano	Borlaug
Boswell	Buhr	Cannolly	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

Absent or not voting, 4:

Bartz

Judge

Murphy

Varn

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

Senate File 206

Senator Connolly called up for consideration Senate File 206, a bill for an act relating to educational finances, activities, and procedures and providing an effective date, amended by the House in House amendment S—3545 filed April 20, 1993.

Senator Connolly offered amendment S—3579 filed by him on April 21, 1993, to House amendment S—3545 and moved its adoption.

Amendment S—3579 was adopted by a voice vote.

Senator Connolly moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Connolly moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 206) the vote was:

Ayes, 44:

Banks	Bennett	Borlaug	Boswell
Buhr	Connolly	Deluhery	Dieleman
Drake	Fink	Fraise	Fuhrman
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Palmer	Pate	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 6:

Bartz
Priebe

Bisignano
Varn

Judge

Murphy

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

UNFINISHED BUSINESS (Deferred April 15, 1993)

House File 409

On motion of Senator Dieleman, House File 409, a bill for an act relating to multipurpose vehicle registration fees for disabled persons, with report of committee on Transportation recommending amendment and passage, and the committee on Ways and Means recommending amendment and passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Dieleman offered amendment S—3428 filed by the committee on Transportation on April 7, 1993, to strike everything after the enacting clause and to the title page of the bill.

Senator Dieleman asked and received unanimous consent that action on amendment S—3428 be deferred.

Senator Dieleman offered amendment S—3510 filed by the committee on Ways and Means on April 15, 1993, to page 1 of the bill.

Senator Dieleman offered amendment S—3574 filed by him on April 21, 1993, to amendment S—3510 and moved its adoption.

Amendment S—3574 was adopted by a voice vote.

Senator Dieleman moved the adoption of amendment S—3510 as amended, which motion prevailed by voice vote.

Senator Dieleman offered amendment S—3514 filed by him on April 19, 1993, to page 1 of the bill and moved its adoption.

Amendment S—3514 was adopted by a voice vote.

With the adoption of amendment S—3514, the Chair ruled amendment S—3428 by the committee on Transportation to strike everything after the enacting clause and to the title page of the bill, previously deferred, out of order.

Senator Dieleman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 409) the vote was:

Ayes, 46:

Banks	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

Absent or not voting, 4:

Bartz	Judge	Murphy	Varn
-------	-------	--------	------

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

UNFINISHED BUSINESS (Deferred April 20, 1993)

Senate File 277

The Senate resumed consideration of Senate File 277, a bill for an act relating to authorization of alternative forms of regulation for utilities providing communications services and providing an effective date, and amendment S—3540 by Senators Gronstal, et al., to page 2 of the bill, deferred April 20, 1993.

Senator Gronstal moved the adoption of amendment S—3540, which motion prevailed by voice vote.

Senator Welsh withdrew amendment S—3535 filed by him on April 20, 1993, to page 3 of the bill.

Senator Welsh offered amendment S—3537 filed by Senators Welsh and Deluhery on April 20, 1993, to page 3 of the bill and moved its adoption.

Amendment S—3537 was adopted by a voice vote.

Senator Gronstal offered amendment S—3539 filed by Senators Gronstal, et al., on April 20, 1993, to page 3 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—3539 be adopted?” (S.F. 277) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Bisignano	Boşwell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Kibbie	Lloyd-Jones	Palmer
Priebe	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Vilsack	Welsh

Nays, 22:

Banks	Bennett	Borlaug	Drake
Fuhrman	Hedge	Hester	Jensen
Kersten	Kramer	Lind	Maddox
McKean	McLaren	Pate	Rensink
Rife	Rittmer	Slife	Taylor
Tinsman	Zieman		

Absent or not voting, 4:

Bartz	Judge	Murphy	Varn
-------	-------	--------	------

Amendment S—3539 was adopted.

Senator Welsh offered amendment S—3534 filed by him on April 20, 1993, to page 4 and the title page of the bill and moved its adoption.

Amendment S—3534 was adopted by a voice vote.

Senator Jensen called up the motion to reconsider the vote by which amendment S—3538 to Senate File 277 was adopted by the Senate on April 20, 1993, filed by him on April 20, 1993, found on page 1255 of the Senate Journal and moved its adoption.

A non record roll call was requested.

The ayes were 21, nays 25.

The motion lost.

Senator Deluhery asked and received unanimous consent that action on **Senate File 277** be deferred.

Senator Buhr took the chair at 3:35 p.m.

UNFINISHED BUSINESS (Deferred April 15, 1993)

House File 136

On motion of Senator Priebe, House File 136, a bill for an act relating to the care of dogs and cats transferred by animal care facilities, authorizing fees and providing penalties, with report of committees on Agriculture and Ways and Means recommending passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Priebe offered amendment S—3439 filed by him on April 8, 1993, to pages 1-3 of the bill and moved its adoption.

On the question "Shall amendment S—3439 be adopted?" (H.F. 136) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Banks	Bisignano	Borlaug	Boswell
Buhr	Fink	Fraise	Fuhrman
Gettings	Giannetto	Hedge	Horn
Husak	Kibbie	McKean	McLaren
Palmer	Priebe	Sorensen	Sturgeon
Vilsack	Welsh		

Nays, 22:

Bennett	Connolly	Deluhery	Dieleman
Drake	Gronstal	Hester	Jensen
Kersten	Kramer	Lind	Lloyd-Jones
Maddox	Pate	Rensink	Riordan
Rittmer	Rosenberg	Slife	Szymoniak
Tinsman	Zieman		

Absent or not voting, 6:

Bartz	Judge	Murphy	Rife
Taylor	Varn		

Amendment S—3439 lost.

Senator Priebe asked and received unanimous consent that action on **House File 136** be deferred.

UNFINISHED BUSINESS (Deferred April 22, 1993)

House File 193

On motion of Senator Connolly, House File 193, a bill for an act relating to increasing the scheduled fine for traffic violations in a road construction zone, with report of committee on Transportation recommending amendment and passage, and report of committee on Ways and Means recommending passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Connolly offered amendment S—3429 filed by the committee on Transportation on April 7, 1993, to page 1 of the bill.

Senator Connolly offered amendment S—3492 filed by him on April 14, 1993, to amendment S—3429 and moved its adoption.

Amendment S—3492 was adopted by a voice vote.

Senator Connolly moved the adoption of amendment S—3429 as amended, which motion prevailed by voice vote.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 193) the vote was:

Ayes, 42:

Banks	Bennett	Borlaug	Boswell
Buhr	Connolly	Deluhery	Dieleman
Drake	Fink	Fraise	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Pate	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Zieman		

Nays, 4:

Bisignano	Fuhrman	Priebe	Welsh
-----------	---------	--------	-------

Absent or not voting, 4:

Bartz	Judge	Murphy	Varn
-------	-------	--------	------

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

President Boswell took the chair at 3:55 p.m.

UNFINISHED BUSINESS CALENDAR

House File 400

On motion of Senator Welsh, House File 400, a bill for an act authorizing city utilities to include cable communication or television systems, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Welsh offered amendment S—3457 filed by the committee on Communications and Information Policy on April 8, 1993, to page 1 of the bill.

Senator Vilsack raised the point of order that amendment S—3457 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3457 out of order.

Senator Riordan asked and received unanimous consent that action on **House File 400** be deferred.

House File 652

On motion of Senator Gronstal, House File 652, a bill for an act relating to the office of secretary of state, the conduct of elections and voter registration in the state, and relating to corrective and technical changes to Iowa's election laws, providing an effective date, and providing penalties, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **House File 652** be deferred.

House File 632

On motion of Senator Gronstal, House File 632, a bill for an act placing a moratorium on construction and operation of certain commercial waste incinerators and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Fraise asked and received unanimous consent that action on **House File 632** be deferred.

House File 639

On motion of Senator Gronstal, House File 639, a bill for an act relating to state condemnation and acquisition of environmentally contaminated property, with report of committee recommending amendment and passage, placed on the Unfinished

Business Calendar on April 15, 1993, was taken up for consideration.

Senator Gronstal offered amendment S—3468 filed by the committee on Environment and Energy Utilities on April 8, 1993, to page 1 of the bill.

Senator Buhr took the chair at 4:15 p.m.

Senator Gronstal offered amendment S—3548 filed by him on April 20, 1993, to amendment S—3468.

Senator McKean asked and received unanimous consent that action of amendment S—3548 to amendment S—3468, amendment S—3468 and **House File 639** be deferred.

BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **House File 319** be referred from the Unfinished Business Calendar to the committee on **Human Resources**.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 193, 360, 409 and 579** and **Senate File 206** be immediately messaged to the House.

Senator Horn asked and received unanimous consent to send an immediate message to the House on **Senate File 3**.

INTRODUCTION OF BILL

Senate File 417, by committee on Ways and Means, a bill for an act relating to the Iowa communications network by establishing a board and a council, expanding the definitions of private and public agencies, amending financing provisions, providing for the lease of Part III facilities, providing for certain restrictions on the disposition of the network, providing for a procedure for determining which provider shall provide connections to Part III, establishing an alternative form of rate review for rate-regulated telephone utilities, providing for the

right of the state to locate and construct the network on public and private property and providing an immediate effective date.

Read first time and placed on Ways and Means Calendar.

APPENDIX

COMMITTEE REPORTS

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Final Bill Action: SENATE RESOLUTION 8, a resolution recognizing the economic importance of the National Balloon Classic in Indianola.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Riordan, Vilsack, Zieman, Bennett, Bisignano, Borlaug, Giannetto, Lloyd-Jones, Maddox and Sorensen. Nays, none. Absent or not voting, 3: Bartz, Judge and Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 9, a resolution recognizing the economic importance of the sprint car racing season in Knoxville, Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Riordan, Vilsack, Zieman, Bennett, Bisignano, Borlaug, Giannetto, Lloyd-Jones, Maddox and Sorensen. Nays, none. Absent or not voting, 3: Bartz, Judge and Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: *SENATE FILE 417 (SSB 169), a bill for an act relating to the Iowa communications network by establishing a board and a council, expanding the definitions of private and public agencies, amending financing provisions, providing for the lease of Part III facilities, providing for certain restrictions on the disposition of the network, providing for a procedure for determining which provider shall provide connections to Part III, establishing an alternative form of rate review for rate-regulated telephone utilities, providing for the right of the state to locate and construct the network on public and private property and providing an immediate effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dieleman, Husak, Bennett, Deluhery, Drake, Fuhrman, Hedge, Hester, Lloyd-Jones, McLaren and Szymoniak. Nays, 4: Murphy, Palmer, Riordan and Rosenberg.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 417 and they were attached to the committee report.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate Resolution 10 as amended was adopted by the Senate on April 22, 1993.

WALLY E. HORN

MR. PRESIDENT: I move to reconsider the vote by which Senate Resolution 11 as amended was adopted by the Senate on April 22, 1993.

WALLY E. HORN

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3439 to House File 136 failed to be adopted by the Senate on April 22, 1993.

JIM KERSTEN

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3539 to Senate File 277 was adopted by the Senate on April 22, 1993.

MICHAEL E. GRONSTAL

BILL ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bill to committee:

H.F. 472 Ways and Means

SUBCOMMITTEE ASSIGNMENT

Senate Concurrent Resolution 31

STATE GOVERNMENT: Kibbie, Chair; Drake and Gronstal

ANNOUNCEMENT OF APPOINTMENT

The President of the Senate announced the following statutory appointment:

CAPITOL PLANNING COMMISSION
Chapter 18A.2

Senator John Jensen, May 1, 1993 - April 30, 1997

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty-five sixth grade students from Nashua Elementary School, Nashua. Senator Borlaug.

AMENDMENTS FILED

S—3593	S. R.	10	Richard F. Drake Emil J. Husak
S—3594	S. R.	11	Richard F. Drake Emil J. Husak
S—3595	S. R.	10	Richard F. Drake Emil J. Husak
S—3596	H.F.	361	Elaine Szymoniak
S—3597	H.F.	361	Michael E. Gronstal
S—3598	S. F.	415	Wayne Bennett Jean Lloyd-Jones
S—3599	S. F.	43	Patrick J. Deluhery

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:22 p.m., until 9:00 a.m., Friday, April 23, 1993.

JOURNAL OF THE SENATE

ONE HUNDRED THIRD CALENDAR DAY
SIXTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 23, 1993

The Senate met in regular session at 9:09 a.m., President Boswell presiding.

Prayer was offered by the Reverend Marvin Lindley, pastor of the United Methodist Church, Ida Grove, Iowa.

The Journal of the Thursday, April 22, 1993, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Varn for the day on request of Senator Horn.

INTRODUCTION OF BILL

Senate File 418, by committee on Ways and Means, a bill for an act relating to the annexation of land to cities.

Read first time and placed on Ways and Means Calendar.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

ADOPTION OF RESOLUTIONS (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Resolutions 8 and 9.

Senate Resolution 8

On motion of Senator Fink, Senate Resolution 8, a resolution recognizing the economic importance of the National Balloon Classic in Indianola, with report of committee recommending passage, was taken up for consideration.

Senator Fink moved the adoption of Senate Resolution 8, which motion prevailed by a voice vote.

Senate Resolution 9

On motion of Senator Fink, Senate Resolution 9, a resolution recognizing the economic importance of the sprint car racing season in Knoxville, Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Fink moved the adoption of Senate Resolution 9, which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

Senate File 287

Senator Riordan called up for consideration Senate File 287, a bill for an act relating to hospital privileges provided certain professionals including certified health service providers in psychology, amended by the House, and moved that the Senate concur in House amendment S—3590 filed April 22, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 287) the vote was:

Ayes, 44:

Banks	Bartz	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal

Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Slife	Sorensen	Szymoniak
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Voting present, 1:

Kramer

Absent or not voting, 5:

Bennett	Murphy	Sturgeon	Taylor
Varn			

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

UNFINISHED BUSINESS (Deferred April 19, 1993)

House File 348

The Senate resumed consideration of House File 348, a bill for an act relating to the filing of certain birth certificates, deferred April 19, 1993.

Senator Fuhrman offered amendment S—3530 filed by Senators Fuhrman and Kramer on April 20, 1993, to strike everything after the enacting clause of the bill and moved its adoption.

Amendment S—3530 was adopted by a voice vote.

Senator Judge moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 348) the vote was:

Ayes, 48:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery

Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Banks Varn

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

UNFINISHED BUSINESS CALENDAR

House Joint Resolution 17

On motion of Senator Riordan, House Joint Resolution 17, a joint resolution to nullify an administrative rule of the board of nursing defining the term nurse and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Riordan moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

On the question "Shall the resolution pass?" (H.J.R. 17) the vote was:

Ayes, 37:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Dieleman
Drake	Fink	Fraise	Gettings
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife

Riordan
Sorensen
Zieman

Rittmer
Sturgeon

Rosenberg
Taylor

Slife
Welsh

Nays, 12:

Bisignano
Gronstal
Lloyd-Jones

Deluhery
Judge
Szymoniak

Fuhrman
Kramer
Tinsman

Giannetto
Lind
Vilsack

Absent or not voting, 1:

Varn

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

House File 384

On motion of Senator Murphy, House File 384, a bill for an act relating to tuition reimbursements of postsecondary institutions by school districts under the postsecondary enrollment options act, with report committee recommending passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Murphy offered amendment S—3532 filed by Senators, Murphy, et al., on April 20, 1993, to page 1 of the bill and moved its adoption.

Amendment S—3532 was adopted by a voice vote.

Senator Connolly offered amendment S—3547 filed by him on April 20, 1993, to page 1 and the title page of the bill.

Senator Connolly offered amendment S—3553 filed by him on April 20, 1993, to amendment S—3547 and moved its adoption.

Amendment S—3553 was adopted by a voice vote.

Senator Taylor raised the point of order that amendment S—3547 as amended was not germane to the bill.

Senator Taylor withdrew his point of order.

Senator Connolly moved the adoption of amendment S—3547 as amended, which motion prevailed by voice vote.

Senator Murphy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 384) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Slife Varn

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

UNFINISHED BUSINESS (Deferred April 8, 1993)

Senate File 43

The Senate resumed consideration of Senate File 43, a bill for an act relating to establishing statewide implementation of 911 telephone services and providing for the funding of such services and providing an effective date, deferred April 8, 1993.

Senator Gettings offered amendment S-3437 filed by the committee on Commerce on April 7, 1993, to strike everything after the enacting clause and to the title page of the bill.

President pro tempore Palmer took the chair at 9:56 a.m.

Senator Gettings offered amendment S—3599 filed by Senator Deluhery on April 22, 1993, to amendment S—3437 and moved its adoption.

Amendment S—3599 was adopted by a voice vote.

Senator Gettings moved the adoption of amendment S—3437 as amended, which motion prevailed by voice vote.

With the adoption of amendment S—3437 as amended, the Chair ruled the following amendments out of order:

S—3081 filed by the committee on Commerce on March 4, 1993, to pages 1-4 of the bill.

S—3087 filed by Senators Welsh and Priebe on March 8, 1993, to pages 1 and 2 of the bill.

S—3119 filed by Senator Jensen on March 11, 1993, to pages 2-4 of the bill.

Senator Gettings asked and received unanimous consent that **House File 388 be substituted for Senate File 43 as amended.**

House File 388

On motion of Senator Gettings, House File 388, a bill for an act relating to establishing statewide implementation of 911 telephone services and providing for the funding of such services, was taken up for consideration.

Senator Welsh asked and received unanimous consent that action on **Houe File 388 be deferred.**

CONSIDERATION OF BILL **(Ways and Means Calendar)**

Senate File 411

On motion of Senator Murphy, Senate File 411, a bill for an act relating to bond issuance elections and authorizing a political subdivision to impose an income surtax to partially fund certain bonds, was taken up for consideration.

Senator Tinsman asked and received unanimous consent that action on **Senate File 411 be deferred.**

UNFINISHED BUSINESS
(Deferred April 22, 1993)

House File 639

The Senate resumed consideration of House File 639, a bill for an act relating to state condemnation and acquisition of environmentally contaminated property, amendment S—3468 by the committee on Environment and Energy Utilities to page 1 of the bill, and amendment S—3548 by Senator Gronstal to amendment S—3468, deferred April 22, 1993.

Senator McKean asked and received unanimous consent that action on amendment S—3548 to amendment S—3468, amendment S—3468 and **House File 639** be deferred.

ADOPTION OF RESOLUTION
(Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 32.

Senate Concurrent Resolution 32

On motion of Senator Lloyd-Jones, Senate Concurrent Resolution 32, a concurrent resolution expressing support for centers for independent living for persons with disabilities in Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Lloyd-Jones moved the adoption of Senate Concurrent Resolution 32, which motion prevailed by a voice vote.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 1993, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 623, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, and making related statutory changes (S—3602 to H—4011).

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**

House File 623

Senator Husak called up for consideration House File 623, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, and making related statutory changes, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3602 to Senate amendment H—4011 filed April 23, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Husak moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 623) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, 1:

Riordan

Absent or not voting, 1:

Varn

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

CONSIDERATION OF BILL (Appropriations Calendar)

Senate File 414

On motion of Senator Boswell, Senate File 414, a bill for an act providing for ex officio, nonvoting membership on the state board of regents and for related matters, was taken up for consideration.

Senator Boswell asked and received unanimous consent that action on Senate File 414 be deferred.

CONSIDERATION OF BILL (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 415.

Senate File 415

On motion of Senator Szymoniak, Senate File 415, a bill for an act relating to the establishment of a preadmission assessment program for frail elders considering placement or residing in a nursing facility, with report of committee recommending passage, was taken up for consideration.

Senator Bennett asked and received unanimous consent to withdraw amendment S—3598 filed by Senators Bennett and Lloyd-Jones on April 22, 1993, to page 3 of the bill.

Senator Bennett offered amendment S—3600 filed by Senators Bennett and Lloyd-Jones from the floor to page 3 of the bill and moved its adoption.

Amendment S—3600 was adopted by a voice vote.

Senator Buhr offered amendment S—3610 filed by her from the floor to page 3 of the bill.

Senator Bartz asked and received unanimous consent that action on amendment S—3610 be deferred for consideration of amendment S—3612.

Senator Bartz offered amendment S—3612 filed by Senators Bartz, et al., from the floor to pages 2 and 3 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3612 be adopted?" (S.F. 415) the vote was:

Ayes, 29:

Banks	Bartz	Bennett	Bisignano
Borlaug	Dieleman	Drake	Fraise
Fuhrman	Gettings	Giannetto	Hedge
Hester	Horn	Husak	Jensen
Kersten	Maddox	McKean	McLaren
Murphy	Pate	Priebe	Rensink
Rife	Rittmer	Taylor	Welsh
Zieman			

Nays, 19:

Boswell	Buhr	Connolly	Deluhery
Fink	Gronstal	Judge	Kramer
Lind	Lloyd-Jones	Palmer	Riordan
Rosenberg	Slife	Sorensen	Sturgeon
Szymoniak	Tinsman	Vilsack	

Absent or not voting, 2:

Kibbie	Varn
--------	------

Amendment S—3612 was adopted.

Senator Buhr withdrew amendment S—3610 to page 3 of the bill, previously deferred.

Senator Buhr offered amendment S—3613 filed by her from the floor to page 3 of the bill and moved its adoption.

Amendment S—3613 was adopted by a voice vote.

Senator Szymoniak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 415) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Varn

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

Senator Giannetto took the chair at 11:35 a.m.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 1993, passed the following bills in which the concurrence of the House was asked:

Senate File 57, a bill for an act relating to the collection and administration of property taxes, special assessments, and various rates, charges, and rentals and providing an effective date.

Senate File 362, a bill for an act relating to small group rating practices and the availability of health insurance coverage.

ALSO: That the House has on April 22, 1993, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 63, a bill for an act relating to the establishment of a long-term care asset preservation program (S—3607).

Senate File 220, a bill for an act relating to deaf and hard-of-hearing persons by changing definitions and the ability to charge certain interpreter fees as costs in a legal action (S—3603).

Senate File 380, a bill for an act relating to providing greater accessibility to health care and health care insurance coverage and establishing pilot projects (S—3606).

ALSO: That the House has on April 22, 1993, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 354, a bill for an act relating to the state department of transportation by requiring federal and state cooperation regarding federal funding of transportation, by permitting a credit for certain registration fees on leased vehicles purchased by the lessee, concerning motor vehicle license suspension or revocation for drug-related offenses, by eliminating liens on public property and providing for retroactive application, by changing inspection requirements of railroads, by providing for the length of buses, by changing the transportation habitual offender statute and providing for additional penalties, by providing for safety standards for privately owned, public use airports, and by providing for the preapplication process for federal funding for airports and providing an effective date.

House File 633, a bill for an act relating to the approval, disapproval, suspension, or revocation of liquor control licenses, wine permits, or beer permits, the imposition of civil penalties, and the appeal of the actions of local authorities or the administrator of the alcoholic beverages division regarding liquor control licenses, wine permits, and beer permits, the appropriation of moneys collected through civil penalties, the removal of certain restrictions on the sale of alcoholic beverages, and providing for other properly related matters.

ALSO: That the House has on April 22, 1993, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bills in which the concurrence of the Senate is asked:

House File 210, a bill for an act to provide for a six-month suspension of the driver's license of a person under the age of twenty-one who alters the license to purchase alcohol (S-3605 to H-4005).

House File 496, a bill for an act relating to area education agency and school district procedures regarding school reorganization (S-3604 to H-3991).

ALSO: That the House has on April 23, 1993, insisted on its amendment to **Senate File 266**, a bill for an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of licensing and regulation, department of alcoholic beverages, department of banking, department of credit unions, department of insurance, department of utilities, and the racing and gaming commission and providing effective dates, and that the members of the **Conference Committee** on part of the House are: The Representative from Linn, Mr. Corbett, Chair; the Representative from Jackson, Mr. Dickinson; the Representative from Black Hawk, Mr. Hanson; the Representative from Polk, Mr. McCoy; the Representative from Hardin, Mr. McNeal.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 33, by Deluhery, Fraise, Vilsack, Drake, Tinsman, Rife, Rittmer, Connolly, Zieman, and Welsh, a concurrent resolution supporting an upper Mississippi River and Illinois waterway feasibility study.

Read first time and passed on file.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 266** on the part of the Senate: Senators Vilsack, Chair; Gettings, Bisignano, Rensink and Hedge.

UNFINISHED BUSINESS (Deferred April 22, 1993)

House File 652

The Senate resumed consideration of House File 652, a bill for

an act relating to the office of secretary of state, the conduct of elections and voter registration in the state, and relating to corrective and technical changes to Iowa's election laws, providing an effective date, and providing penalties, deferred April 22, 1993.

Senator Bartz offered amendment S—3546 filed by him on April 20, 1993, to pages 1, 4 and 8 of the bill.

Senator Gronstal raised the point of order that amendment S—3546 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3546 in order.

Senator Bartz moved the adoption of amendment S—3546, which motion lost by voice vote.

Senator Sorensen offered amendment S—3483 filed by Senators Sorensen and Fraise on April 13, 1993, to pages 7 and 11 of the bill.

Senator Gronstal offered amendment S—3609 filed by him from the floor to amendment S—3483 and moved its adoption.

Amendment S—3609 was adopted by a voice vote.

Senator Sorensen moved the adoption of amendment S—3483 as amended, which motion prevailed by voice vote.

Senator Gronstal offered amendment S—3583 filed by him on April 21, 1993, to page 20 of the bill and moved its adoption.

Amendment S—3583 was adopted by a voice vote.

Senator Gronstal offered amendment S—3619 filed by him from the floor to pages 1, 5, 12, 14, 15 and 18 of the bill and moved its adoption.

Amendment S—3619 was adopted by a voice vote.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 652) the vote was:

Ayes, 42:

Banks	Bartz	Bennett	Bisignano
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lloyd-Jones	Maddox	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Riordan	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh		

Nays, 7:

Borlaug	Fuhrman	Lind	McKean
Rife	Rittmer	Zieman	

Absent or not voting, 1:

Varn

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

Senator Husak took the chair at 12:47 p.m.

BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **Senate File 219** be referred from the Unfinished Business Calendar to the committee on **Human Resources**.

BUSINESS PENDING

Senate File 411

The Senate resumed consideration of Senate File 411, a bill for an act relating to bond issuance elections and authorizing a political subdivision to impose an income surtax to partially fund certain bonds, previously deferred.

Senator Tinsman withdrew amendment S—3611 filed by her from the floor to strike everything after the enacting clause and to the title page of the bill.

Senator Horn asked and received unanimous consent that action on Senate File 411 be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 94

Senator Priebe called up for consideration Senate File 94, a bill for an act relating to fertilizers or soil conditioners and pesticides by prohibiting regulations by local governmental entities, amended by the House in House amendment S—3591 filed April 22, 1993.

Senator Banks asked and received unanimous consent to withdraw amendment S—3617 filed by Senators Banks and Priebe from the floor to House amendment S—3591.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor for the remainder of the day on request of Senator Jensen.

BUSINESS PENDING

Senate File 94

The Senate resumed consideration of Senate File 94.

Senator Fink offered amendment S—3616 filed by him from the floor to House amendment S—3591 and moved its adoption.

Amendment S—3616 was adopted by a voice vote.

Senator Priebe moved that the Senate concur in the House amendment as amended.

The motion lost by a voice vote and the Senate refused to concur in the House amendment as amended.

Senator Fink took the chair at 1:12 p.m.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 416.

Senate File 416

On motion of Senator Husak, Senate File 416, a bill for an act relating to a deduction of amounts received as grants by sanitary disposal projects in determining net income, was taken up for consideration.

Senator Husak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 416) the vote was:

Ayes, 34:

Bennett	Bisignano	Boswell	Buhr
Deluhery	Dieleman	Drake	Fink
Fraise	Gettings	Giannetto	Gronstal
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Lind	Lloyd-Jones
Maddox	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Rittmer
Rosenberg	Slife	Sturgeon	Szymoniak
Vilsack	Welsh		

Nays, 13:

Banks	Bartz	Borlaug	Connolly
Fuhrman	Hedge	Hester	Kramer
McKean	McLaren	Sorensen	Tinsman
Zieman			

Absent or not voting, 3:

Riordan	Taylor	Varn
---------	--------	------

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Slife for the remainder of the day on request of Senator Lind.

HOUSE AMENDMENT CONSIDERED

Senate File 370

Senator Vilsack called up for consideration Senate File 370, a bill for an act relating to setting minimum fines for certain criminal convictions, increasing the civil penalty assessed for certain motor vehicle license revocations, collecting delinquent fines, penalties, costs, and restitution, and allowing community service in lieu of a fine, amended by the House in House amendment S—3592 filed April 22, 1993.

Senator Vilsack offered amendment S—3615 filed by him from the floor to pages 1 and 4-6 of House amendment S—3592 and moved its adoption.

Amendment S—3615 was adopted by a voice vote.

Senator Vilsack moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Vilsack moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 370) the vote was:

Ayes, 44:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox

McKean	McLaren	Murphy	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 3:

Fuhrman	Palmer	Welsh
---------	--------	-------

Absent or not voting, 3:

Slife	Taylor	Varn
-------	--------	------

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

CONSIDERATION OF BILL (Ways and Means Calendar)

Senate File 196

On motion of Senator Riordan, Senate File 196, a bill for an act relating to the sales, services, and use tax in connection with printing activities and providing effective and applicability dates, was taken up for consideration.

Senator Riordan withdrew amendment S—3142 filed by him on March 16, 1993, to pages 2 and 3 of the bill.

Senator Riordan withdrew amendment S—3177 filed by him on March 22, 1993, to pages 2-4 of the bill.

Senator Riordan offered amendment S—3614 filed by Senators Riordan, Dieleman and Murphy from the floor to pages 2-4 of the bill.

Senator Riordan asked and received unanimous consent that action on amendment S—3614 and **Senate File 196** be deferred.

BUSINESS PENDING

Senate File 411

The Senate resumed consideration of Senate File 411, a bill for an act relating to bond issuance elections and authorizing a

political subdivision to impose an income surtax to partially fund certain bonds, previously deferred.

Senator McKean offered amendment S—3558 filed by Senators McKean and Banks on April 21, 1993, to pages 1, 8, 9-11 and 14 of the bill.

Senator Husak asked and received unanimous consent to withdraw amendment S—3578 filed by Senators Slife and Husak on April 21, 1993, to amendment S—3558.

Senator McKean moved the adoption of amendment S—3558 and requested a record roll call.

On the question "Shall amendment S—3558 be adopted?" (S.F. 411) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 18:

Banks	Bartz	Bisignano	Borlaug
Boswell	Drake	Hedge	Husak
Jensen	Kramer	Lind	McKean
McLaren	Pate	Priebe	Rensink
Rife	Zieman		

Nays, 29:

Bennett	Buhr	Connolly	Deluhery
Dieleman	Fink	Fraise	Fuhrman
Gettings	Giannetto	Gronstal	Hester
Horn	Judge	Kersten	Kibbie
Lloyd-Jones	Maddox	Murphy	Palmer
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Tinsman	Vilsack
Welsh			

Absent or not voting, 3:

Slife	Taylor	Varn
-------	--------	------

Amendment S—3558 lost.

Senator Fuhrman offered amendment S—3620 filed by Senators Fuhrman and Husak from the floor to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3620 be adopted?" (S.F. 411) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Banks	Bisignano	Borlaug	Boswell
Fraise	Fuhrman	Hedge	Husak
Jensen	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Pate
Rensink	Rife	Riordan	Rittmer
Tinsman	Welsh		

Nays, 24:

Bartz	Bennett	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Gettings	Giannetto	Gronstal	Hester
Horn	Judge	Kibbie	Murphy
Palmer	Priebe	Rosenberg	Sorensen
Sturgeon	Szymoniak	Vilsack	Zieman

Absent or not voting, 4:

Kersten	Slife	Taylor	Varn
---------	-------	--------	------

Amendment S—3620 lost.

Senator Murphy offered amendment S—3580 filed by him on April 21, 1993, to pages 1, 5-7, 9, 15 and the title page of the bill and moved its adoption.

Amendment S—3580 was adopted by a voice vote.

Senator McKean offered amendment S—3557 filed by Senators McKean, Husak and Banks on April 21, 1993, to page 2 of the bill and moved its adoption.

Amendment S—3557 was adopted by a voice vote.

Senator Murphy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 411) the vote was:

Ayes, 32:

Bartz	Bennett	Bisignano	Buhr
Connolly	Deluhery	Dieleman	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hester	Horn	Jensen
Judge	Kersten	Kibbie	Kramer
Lloyd-Jones	Maddox	Murphy	Palmer
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Vilsack	Welsh

Nays, 15:

Banks	Borlaug	Boswell	Drake
Hedge	Husak	Lind	McKean
McLaren	Pate	Priebe	Rensink
Rife	Tinsman	Zieman	

Absent or not voting, 3:

Slife	Taylor	Varn
-------	--------	------

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

UNFINISHED BUSINESS

(Deferred April 22, 1993)

Senate File 277

The Senate resumed consideration of Senate File 277, a bill for an act relating to authorization of alternative forms of regulation for utilities providing communications services and providing an effective date, deferred April 22, 1993.

Senator Gronstal withdrew the motion to reconsider the vote by which amendment S-3539 to Senate File 277 was adopted by the Senate on April 22, 1993, filed by him on April 22, 1993, and found on page 1308 of the Senate Journal.

Senator Horn asked and received unanimous consent that action on Senate File 277 be deferred.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent to send an immediate message to the House on **Senate File 287**.

Senator Horn asked and received unanimous consent that **Senate Files 94, 370, 411, 415 and 416; Senate Concurrent Resolution 32; House Files 348, 384 and 623 and House Joint Resolution 17** be immediately messaged to the House.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 34, by Riordan, Priebe, Bartz, Banks, Boswell, Fraise, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Palmer, Sorensen, and Ziemann, a concurrent resolution relating to the research and development of soybean-based industrial and consumer products.

Read first time and passed on file.

APPENDIX**STUDY BILLS RECEIVED****SSB 325 Appropriations**

Requiring that moneys credited to and deposited in the general fund of the state be used for the purposes for which the moneys were collected and providing an effective date.

SSB 326 Appropriations

Creating a unified transportation fund, making appropriations, and providing an effective date.

REPORTS OF COMMITTEE MEETINGS**HUMAN RESOURCES**

Convened: April 22, 1993, 8:50 a.m.

Members Present: Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Bennett, Buhr, Judge, Riordan and Rittmer.

Members Absent: Kramer, Sturgeon and Varn (all excused).

Committee Business: Recommended passage of Senate Concurrent Resolution 32 and Senate File 415.

Adjourned: 9:05 a.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: April 22, 1993, 1:50 p.m.

Members Present: Riordan, Chair; Vilsack, Vice Chair; Zieman, Ranking Member; Bennett, Bisignano, Borlaug, Giannetto, Lloyd-Jones, Maddox and Sorensen.

Members Absent: Bartz, Judge and Kibbie (all excused).

Committee Business: Recommended passage of Senate Resolutions 8 and 9.

Adjourned: 1:55 p.m.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 23rd day of April, 1993:

Senate Files 78, 225, 335, 343 and 374.

JOHN F. DWYER
Secretary of the Senate

PRESENTATION OF VISITORS

The Chair welcomed the Honorable James D. Wells, former member of the House and Senate from Linn County, who was present in the Senate chamber.

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-eight fifth grade students from Colo Elementary School, Colo, accompanied by Liz Robinson. Senator Giannetto.

Seventy third grade students from Moulton Elementary School, Des Moines, accompanied by Jean Wegard. Senator Buhr.

Fifteen third and fourth grade students from Forest City Christian School, Forest City, accompanied by Joyce Tjarks. Senator Priebe.

Twenty-five fifth grade students from Lake View School, Centerville, accompanied by Mary Beth Thomas. Senator Judge.

Fifty sixth grade students from Keota Elementary School, Keota, accompanied by Rod Hill. Senator Hedge.

Forty-nine fifth grade students from Lynnville-Sully Elementary School, Sully, accompanied by Darlene Gates. Senator Dieleman.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 221, the following corrections were made:

1. Sections 1 and 2 were reversed to reflect proper Code order.
2. Page 7, line 3, the word and number "section 100" were changed to the word and number "section 12".

ALSO: That in enrolling Senate File 225, the following correction was made:

1. Title page, line 1, the words "An Act related to" were changed to the words "An Act relating to".

JOHN F. DWYER
Secretary of the Senate

SUBCOMMITTEE ASSIGNMENTS**House Concurrent Resolution 24**

APPROPRIATIONS: Kibbie, Chair; Boswell and Slife

House File 319

HUMAN RESOURCES: Sturgeon, Chair; Bennett and Szymoniak

SSB 325

APPROPRIATIONS: Murphy, Chair; Boswell and McLaren

SSB 326

APPROPRIATIONS: Connolly, Chair; Fraise and Pate

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 22, 1993, when the final votes were taken on Senate Files 3 and 206, and on House Files 360, 579, 409, and 193. Had I been present, I would have voted "aye" on the bills.

Also, a record roll call was taken on amendment S-3539 to Senate File 277. Had I been present, I would have voted "nay" on the amendment.

MERLIN E. BARTZ

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 22, 1993.

Had I been present, I would have voted "aye" on final passage of Senate Files 3 and 206 and House Files 193, 360, 409 and 579.

PATTY JUDGE

RESOLUTION ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following resolution to committee:

S. C. R. 33 Small Business, Econ. Dev. & Tourism

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 652 passed the Senate on April 23, 1993.

MICHAEL E. GRONSTAL

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: HOUSE CONCURRENT RESOLUTION 24, a concurrent resolution relating to the state board of regents five-year building program.

Recommendation: DO PASS.

Final Vote: Ayes, 18: Murphy, Boswell, McLaren, Buhr, Connolly, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Pate, Rensink, Rosenberg, Tinsman and Vilsack. Nays, 2: Banks and Bisignano. Absent or not voting, 5: Borlaug, Horn, Palmer, Slife and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 419 (SSB 325), a bill for an act requiring that moneys credited to and deposited in the general fund of the state be used for the purposes for which the moneys were collected and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 21: Murphy, Banks, Bisignano, Boswell, McLaren, Buhr, Connolly, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Rensink, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 4: Borlaug, Horn, Slife and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 419 and they were attached to the committee report.

WAYS AND MEANS

Final Bill Action: SENATE FILE 418 (LSB 2631), a bill for an act relating to the annexation of land to cities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dieleman, Husak, Bennett, Drake, Fuhrman, Hedge, Hester, Lloyd-Jones, McLaren, Palmer, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 2: Deluhery and Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILL

Senate File 419, by committee on Appropriations, a bill for an act requiring that moneys credited to and deposited in the general fund of the state be used for the purposes for which the moneys were collected and providing an effective date.

Read first time and placed on Appropriations Calendar.

AMENDMENTS FILED

S—3600	S.F.	415	Wayne Bennett Jean Lloyd-Jones
S—3601	H.F.	430	Tony Bisignano
S—3602	H.F.	623	House amendment
S—3603	S.F.	220	House amendment
S—3604	H.F.	496	House amendment
S—3605	H.F.	210	House amendment
S—3606	S.F.	380	House amendment
S—3607	S.F.	63	House amendment
S—3608	H.F.	576	Michael E. Gronstal

S-3609	H.F.	652	Michael E. Gronstal
S-3610	S.F.	415	Florence Bunhr
S-3611	S.F.	411	Maggie Tinsman
S-3612	S.F.	415	Merlin E. Bartz William D. Dieleman John W. Jensen Eugene S. Fraise Berl E. Priebe Don Gettings Emil J. Husak Ray Taylor
S-3613	S.F.	415	Florence Buhr
S-3614	S.F.	196	Jim Riordan William Dieleman Larry Murphy
S-3615	S.F.	370	Tom Vilsack
S-3616	S.F.	94	Bill Fink
S-3617	S.F.	94	Brad Banks Berl E. Priebe
S-3618	H.F.	263	Ralph Rosenberg Linn Fuhrman
S-3619	H.F.	652	Michael E. Gronstal
S-3620	S.F.	411	Linn Fuhrman Emil J. Husak
S-3621	H.F.	418	Ray Taylor

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 3:14 p.m., until 2:30 p.m., Monday, April 26, 1993.

JOURNAL OF THE SENATE

ONE HUNDRED SIXTH CALENDAR DAY
SIXTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 26, 1993

The Senate met in regular session at 2:38 p.m., Senator Judge presiding.

Prayer was offered by the Honorable H. Kay Hedge, member of the Senate from Mahaska County, Fremont, Iowa.

The Journal of the Friday, April 23, 1993, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Slife for the day on request of Senator Maddox.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 23, 1993, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 350, a bill for an act relating to child support and providing for civil penalties, an effective date, and a retroactive applicability date (S—3624).

ALSO: That the House has on April 23, 1993, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 144, a bill for an act relating to government ethics, providing penalties, transition provisions, providing for retroactive applicability, and an effective date (S—3623 to H—3703).

ALSO: That the House has on April 26, 1993, passed the following bill in which the concurrence of the House was asked:

Senate File 391, a bill for an act relating to the appointment and employment of advocates for persons subject to involuntary hospitalization for mental illness.

ALSO: That the House has on April 26, 1993, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 326, a bill for an act relating to participation in family support programs (S-3625).

Senate File 409, a bill for an act naming an I-80 bridge "Schwengel Bridge" (S-3626).

ALSO: That the House has on April 26, 1993, passed the following bill in which the concurrence of the Senate is asked:

House File 664, a bill for an act relating to providing for special valuation for property tax and sales, service, and use tax exemptions for wind energy conversion property.

This bill was read first time and **passed on file**.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

UNFINISHED BUSINESS (Deferred April 23, 1993)

House File 639

The Senate resumed consideration of House File 639, a bill for an act relating to state condemnation and acquisition of environmentally contaminated property, amendment S-3468 by the committee on Environment and Energy Utilities to page 1 of the bill, and amendment S-3548 by Senator Gronstal to amendment S-3468, deferred April 23, 1993.

Senator McKean asked and received unanimous consent that action on amendment S—3548 to amendment S—3468, amendment S—3468 and House File 639 be deferred.

UNFINISHED BUSINESS CALENDAR

House File 83

On motion of Senator Sturgeon, House File 83, a bill for an act relating to the discharge of offensive weapons at an occupied structure, motor vehicle, or one or more persons and providing a penalty, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Sturgeon offered amendment S—3479 filed by the committee on Judiciary on April 13, 1993, to strike everything after the enacting clause and to the title page of the bill.

Senator Taylor offered amendment S—3498 filed by him on April 15, 1993, to amendment S—3479.

Senator Sturgeon raised the point of order that amendment S—3498 to amendment S—3479 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3498 out of order.

Senator Taylor offered amendment S—3499 filed by him on April 15, 1993, to amendment S—3479.

Senator Sturgeon raised the point of order that amendment S—3499 to amendment S—3479 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3499 out of order.

Senator Taylor raised the point of order that amendment S—3479 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3479 in order.

Senator Sturgeon moved the adoption of amendment S—3479, which motion prevailed by voice vote.

Senator Sturgeon moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 83) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, 1:

Taylor

Absent or not voting, 1:

Slife

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

President Boswell took the chair at 4:08 p.m.

ADOPTION OF RESOLUTION (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House Concurrent Resolution 24.

House Concurrent Resolution 24

On motion of Senator Kibbie, House Concurrent Resolution 24, a concurrent resolution relating to the state board of regents five-year building program, with report of committee recommending passage, was taken up for consideration.

Senator Rosenberg offered amendment S—3629 filed by him from the floor to pages 2-4 of the resolution and moved its adoption.

A non record roll call was requested.

The ayes were 18, nays 30.

Amendment S—3629 lost.

Senator Kibbie moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

On the question "Shall the resolution pass?" (H.C.R. 24) the vote was:

Ayes, 39:

Bartz	Bennett	Borlaug	Boswell
Buhr	Connolly	Deluhery	Dieleman
Drake	Fink	Fraise	Gettings
Gronstal	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McLaren
Murphy	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Tinsman
Varn	Vilsack	Zieman	

Nays, 10:

Banks	Bisignano	Fuhrman	Giannetto
Hedge	Hester	McKean	Palmer
Taylor	Welsh		

Absent or not voting, 1:

Slife

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

UNFINISHED BUSINESS

(Deferred April 21, 1993)

Senate File 405

The Senate resumed consideration of Senate File 405, a bill

for an act extending the pollution control equipment property tax exemption to property used for the recycling of waste plastic, wastepaper products, and waste paperboard, and amendment S—3550 as amended by Senators Deluhery and Husak to page 2 and the title page of the bill, deferred April 21, 1993.

Senator Murphy offered amendment S—3587 filed by him on April 21, 1993, to amendment S—3550.

Senator Gronstal raised the point of order that amendment S—3587 to amendment S—3550 was not germane.

The Chair ruled the point well taken and amendment S—3587 out of order.

Senator Deluhery asked and received unanimous consent to withdraw amendment S—3550 as amended.

Senator Priebe offered amendment S—3551 filed by him on April 20, 1993, to page 3 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3551 be adopted?" (S.F. 405) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Banks	Bartz	Buhr	Drake
Fuhrman	Giannetto	Hedge	Jensen
Kersten	Kibbie	Lind	Maddox
McLaren	Priebe	Rensink	Rife
Rittmer	Rosenberg	Sturgeon	Taylor
Tinsman	Welsh	Zieman	

Nays, 25:

Bennett	Bisignano	Boswell	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Gronstal	Hester	Horn
Husak	Judge	Kramer	Lloyd-Jones
McKean	Murphy	Palmer	Pate
Riordan	Sorensen	Szymoniak	Varn
Vilsack			

Absent or not voting, 2:

Borlaug Slife

Amendment S—3551 lost.

The Chair ruled amendment S—3586 filed by Senator Murphy on April 21, 1993, to page 1 and the title page of the bill, out of order.

Senator Bennett offered amendment S—3559 filed by Senators Bennett, et al., on April 21, 1993, to pages 1-3 and the title page of the bill and called for a division: page 1, lines 4-32 as division S—3559A and page 1, lines 32-50 and page 2 as division S—3559B.

Senator Gronstal raised the point of order that division S—3559A was not germane to the bill.

The Chair ruled the point well taken and division S—3559A out of order.

Senator Bennett asked and received unanimous consent to withdraw division S—3559B.

Senator Riordan withdrew amendment S—3563 filed by him on April 21, 1993, to pages 1, 2 and the title page of the bill.

The Senate stood at ease at 5:04 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 5:31 p.m., President Boswell presiding.

BUSINESS PENDING

Senate File 405

The Senate resumed consideration of Senate File 405.

Senator Lind asked and received unanimous consent that action on Senate File 405 be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 220

Senator Szymoniak called up for consideration Senate File 220, a bill for an act relating to deaf and hard-of-hearing persons by changing definitions and the ability to charge certain interpreter fees as costs in a legal action, amended by the House, and moved that the Senate concur in House amendment S—3603 filed April 23, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 220) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Varn
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Bisignano	Rife	Slife
-----------	------	-------

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

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**

House File 210

Senator Lloyd-Jones called up for consideration House File 210, a bill for an act to provide for a six-month suspension of the driver's license of a person under the age of twenty-one who alters the license to purchase alcohol, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3605 to Senate amendment H—4005 filed April 23, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Lloyd-Jones moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 210) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Slife

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

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 26, 1993, passed the following bill in which the concurrence of the House was asked:

Senate File 140, a bill for an act to allow an electric generation and transmission cooperative to establish classes of memberships.

ALSO: That the House has on April 26, 1993, passed the following bills in which the concurrence of the Senate is asked:

House File 667, a bill for an act relating to indebtedness owed to the state, providing for the addition of late fees, providing for the entry of information in a centralized, computerized data bank, prohibiting renewal of vehicle registration to persons owing an obligation to the state, and providing an effective date.

This bill was read first time and **passed on file**.

House File 670, a bill for an act relating to the rewriting and reordering of the state budget and financial control Act, and providing an applicability date.

This bill was read first time and **passed on file**.

ALSO: That the House has on April 26, 1993, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 625, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 83 and 210 and House Concurrent Resolution 24** be **immediately messaged** to the House, and to send an immediate message to the House on **Senate File 220**.

BUSINESS PENDING

House File 639

The Senate resumed consideration of House File 639, a bill for an act relating to state condemnation and acquisition of environmentally contaminated property, amendment S—3468 by the committee on Environment and Energy Utilities to page 1 of the bill, and amendment S—3548 by Senator Gronstal to amendment S—3468, previously deferred.

Senator McKean offered amendment S—3630 filed by him from the floor to page 1 of the bill.

Senator Horn asked and received unanimous consent that action on amendment S—3630 and **House File 639** be deferred (amendments S—3468 and S—3548 pending).

BUSINESS PENDING

Senate File 405

The Senate resumed consideration of Senate File 405, a bill for an act extending the pollution control equipment property tax exemption to property used for the recycling of waste plastic, wastepaper products, and waste paperboard, previously deferred.

Senator Tinsman offered amendment S—3637 filed by her from the floor to page 2 and the title page of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3637 be adopted?" (S.F. 405 the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Banks	Bartz	Bennett	Borlaug
Deluhery	Drake	Fuhrman	Giannetto
Hedge	Hester	Jensen	Kersten
Kramer	Lind	Maddox	McKean

McLaren	Pate	Rensink	Rife
Rittmer	Taylor	Tinsman	Zieman

Nays, 25:

Bisignano	Boswell	Buhr	Connolly
Dieleman	Fink	Fraise	Gettings
Gronstal	Horn	Husak	Judge
Kibbie	Lloyd-Jones	Murphy	Palmer
Priebe	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Varn	Vilsack
Welsh			

Absent or not voting, 1:

Slife

Amendment S—3637 lost.

The Senate stood at ease at 6:40 p.m. until the fall of the gavel.

The Senate resumed session at 6:47 p.m., President Boswell presiding.

Senator Husak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 405) the vote was:

Ayes, 40:

Banks	Bartz	Bisignano	Boswell
Buhr	Connolly	Deluhery	Dieleman
Fink	Fraise	Gettings	Giannetto
Gronstal	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	Murphy	Palmer	Pate
Priebe	Rensink	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Tinsman	Varn	Vilsack	Welsh

Nays, 9:

Bennett	Borlaug	Drake	Fuhrman
Hedge	McLaren	Rife	Taylor
Zieman			

Absent or not voting, 1:

Slife

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

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 26, 1993, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 245, a bill for an act relating to the recording of certain instruments in the office of county recorder (S—3633).

Senate File 372, a bill for an act relating to the structured fines pilot program, establishing a civil penalty and surcharge, providing for the distribution of fines, and providing an effective date (S—3634).

Senate File 398, a bill for an act relating to the rights of mobile home, personal property, and real property owners and claimants in actions for abandonment and under a lease agreement (S—3638).

ALSO: That the House has on April 26, 1993, passed the following bills in which the concurrence of the Senate is asked:

House File 660, a bill for an act relating to income tax return checkoffs for purposes of state individual income tax and establishing an income tax checkoff to support the Iowa state fair foundation and providing for the Act's retroactive applicability.

This bill was read first time and **passed on file**.

House File 661, a bill for an act relating to the exemption from the state sales tax for certain prescription drugs and medical devices and providing for the Act's applicability.

This bill was read first time and **passed on file**.

House File 663, a bill for an act relating to an increase in property tax dollars certified for purposes of the property tax limitation for the fiscal year beginning July 1, 1994.

This bill was read first time and **passed on file**.

BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **Senate File 417** be referred from the Ways and Means Calendar to the committee on **Communications and Information Policy**.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 405** be **immediately messaged** to the House.

APPENDIX

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 26th day of April, 1993:

Senate Files 48, 288, 254, 364, 320 and 271.

JOHN F. DWYER
Secretary of the Senate

PETITIONS

The following petitions were presented and placed on file by:

Senator Rensink from eight residents of Sioux County opposing legislation which adds comprehensive school transformation to outcome based education and portfolio assessments.

Senator Tinsman from 194 residents of Scott County, Iowa, and Rock Island County; Illinois, opposing legislation increasing the federal excise tax on cigarettes.

Senator Tinsman from 4,000 residents of Scott County favoring legislation which would help protect our state's children against all forms of child abuse.

Senator Rittmer from 30 residents of Clinton County favoring legislation changing hunting laws.

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 26, 1993, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 38 — Providing for requirements of a financing statement filed under the uniform commercial code, and providing applicability and effective dates.

SENATE FILE 267 — Relating to and making appropriations to the justice system, providing for other related matters concerning the justice system, and providing effective and retroactive applicability dates.

SENATE FILE 347 — Relating to public retirement systems, and including effective and retroactive applicability dates.

SENATE FILE 363 — Relating to motor vehicle dealers by permitting the sale of classic cars and defining adjacent lots for purposes of license fees.

SENATE FILE 392 — Relating to duties and procedures of the department of corrections, providing for agreements for private employment of inmates, application of witness fees earned by an inmate toward payment of restitution or crime victim compensation, removing language relating to transfers of certain inmates, providing for temporary supervision and placement of inmates in violator facilities, making changes in provisions relating to escape from work release, and changing times of payment of certain funds to inmates.

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 23, 1993, 3:35 p.m.

Members Present: Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Buhr, Connolly, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Rensink, Rosenberg, Tinsman and Vilsack.

Members Absent: Borlaug, Horn, Slife and Varn (all excused).

Committee Business: Approved SSB 325 as a committee bill; recommended passage of House Concurrent Resolution 24; assigned bills to subcommittees.

Adjourned: 3:55 p.m.

BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

S. C. R.	34	Agriculture
H. F.	664	Ways and Means

AMENDMENTS FILED

S-3622	H.F.	388	Michael Gronstal
S-3623	H.F.	144	House amendment
S-3624	S.F.	350	House amendment
S-3625	S.F.	326	House amendment
S-3626	S.F.	409	House amendment
S-3627	S. J. R.	8	Al Sturgeon
S-3628	S. J. R.	8	Al Sturgeon
S-3629	H.C.R.	24	Ralph Rosenberg
S-3630	H.F.	639	Andy McKean
S-3631	S.F.	196	Tony Bisignano
			Joe J. Welsh
			Larry Murphy
			Florence Buhr
			Mike Connolly
			Jim Kersten
			Maggie Tinsman
			William D. Palmer
			Randal J. Giannetto
			Michael E. Gronstal
S-3632	H.F.	388	Joe Welsh
S-3633	S.F.	245	House amendment
S-3634	S.F.	372	House amendment
S-3635	H.F.	400	Richard Varn
S-3636	H.F.	418	Ray Taylor
S-3637	S.F.	405	Maggie Tinsman
S-3638	S.F.	398	House amendment
S-3639	S.F.	418	Jim Riordan
			Albert G. Sorensen

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 6:55 p.m., until 9:00 a.m., Tuesday, April 27, 1993.

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTH CALENDAR DAY
SIXTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 27, 1993

The Senate met in regular session at 9:07 a.m., President Boswell presiding.

Prayer was offered by the Reverend Frank Chiodo, pastor of the Basilica Of Saint John, Des Moines, Iowa.

The Journal of the Monday, April 26, 1993, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Giannetto until he arrives on request of Senator Horn and Senator Kramer until she arrives on request of Senator Tinsman.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 26, 1993, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 142, a bill for an act relating to motorcycle rider education and the use of protective headgear when operating or riding motorcycles and motorized bicycles and the sale of such headgear and providing penalties and a repeal provision (S—3640).

ALSO: That the House has on April 26, 1993, adopted the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 28, a joint resolution proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of state license fees received from hunting, fishing, and trapping, and other public or private funds appropriated,

allocated, or received by the state for fish and wildlife protection purposes.

This resolution was read first time and passed on file.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 326

Senator Vilsack called up for consideration Senate File 326, a bill for an act relating to participation in family support programs, amended by the House, and moved that the Senate concur in House amendment S—3625 filed April 26, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 326) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Giannetto

Kramer

Welsh

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

UNFINISHED BUSINESS (Deferred April 22, 1993)

House File 632

The Senate resumed consideration of House File 632, a bill for an act placing a moratorium on construction and operation of certain commercial waste incinerators and providing an effective date, deferred April 22, 1993.

Senator Fraise withdrew amendment S—3533 filed by him on April 20, 1993, to page 1 of the bill.

Senator Fraise offered amendment S—3542 filed by him on April 20, 1993, to page 1 of the bill and moved its adoption.

Amendment S—3542 lost by a voice vote.

Senator Judge offered amendment S—3524 filed by her on April 20, 1993, to page 1 and to the title page of the bill and moved its adoption.

Amendment S—3524 was adopted by a voice vote.

Senator Fraise asked and received unanimous consent that action on **House File 632** be deferred.

HOUSE AMENDMENTS CONSIDERED

Senate File 372

Senator Vilsack called up for consideration Senate File 372, a bill for an act relating to the structured fines pilot program, establishing a civil penalty and surcharge, providing for the distribution of fines, and providing an effective date, amended

by the House, and moved that the Senate concur in House amendment S—3634 filed April 26, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 372) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Giannetto Kramer

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

Senate File 394

Senator Varn called up for consideration Senate File 394, a bill for an act relating to establishing a debt due for medical assistance resulting from a transfer of assets, and to allowable claims against a conservatorship for the cost of medical care or services provided to a recipient of medical assistance, amended by the House in House amendment S—3527 filed April 20, 1993.

Senator Varn offered amendment S—3642 filed by him from the floor to House amendment S—3527 and moved its adoption.

Amendment S—3642 was adopted by a voice vote.

Senator Varn moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Varn moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 394) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Giannetto Kramer

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

UNFINISHED BUSINESS
(Deferred March 29, 1993)

Senate File 381

The Senate resumed consideration of Senate File 381, a bill for an act relating to the production of livestock, deferred March 29, 1993.

Senator Priebe offered amendment S—3353 filed by Senators Priebe, et al., on April 1, 1993, to pages 1-4 of the bill and moved its adoption.

Amendment S—3353 was adopted by a voice vote.

Senator Priebe moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 381) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Giannetto Kramer

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate Files 381 and 394** be **immediately messaged** to the House and to send an immediate message to the House on **Senate Files 326 and 372**.

HOUSE AMENDMENT CONSIDERED

Senate File 380

Senator Varn called up for consideration Senate File 380, a bill for an act relating to providing greater accessibility to health care and health care insurance coverage and establishing pilot projects, amended by the House, and moved that the Senate concur in House amendment S—3606 filed April 23, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 380) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Giannetto Kramer

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

UNFINISHED BUSINESS
(Deferred April 22, 1993)

House File 400

The Senate resumed consideration of House File 400, a bill for an act authorizing city utilities to include cable communication or television systems, deferred April 22, 1993.

Senator Varn offered amendment S—3635 filed by him on April 26, 1993, to page 1 of the bill.

Senator Vilsack raised the point of order that amendment S—3635 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3635 out of order.

Senator Varn asked and received unanimous consent that action on **House File 400** be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 350

Senator Lloyd-Jones called up for consideration Senate File 350, a bill for an act relating to child support and providing for civil penalties, an effective date, and a retroactive applicability date, amended by the House, and moved that the Senate concur in House amendment S—3624 filed April 26, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Lloyd-Jones moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 350) the vote was:

Ayes, 49:

Banks
Borlaug

Bartz
Boswell

Bennett
Buhr

Bisignano
Connolly

Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Giannetto

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

UNFINISHED BUSINESS (Deferred April 22, 1993)

House File 136

The Senate resumed consideration of House File 136, a bill for an act relating to the care of dogs and cats transferred by animal care facilities, authorizing fees and providing penalties, deferred April 22, 1993.

Senator Priebe offered amendment S—3641 filed by him from the floor to pages 1-5 of the bill.

Senator Bartz called for a division of amendment S—3641: page 1, lines 46-50 as division S—3641A; page 1, lines 3-45 and page 2, lines 1-9 as division S—3641B.

President pro tempore Palmer took the chair at 10:48 a.m.

Senator Priebe moved the adoption of division S—3641A, which motion prevailed by voice vote.

Senator Priebe moved the adoption of division S—3641B, which motion prevailed by voice vote.

With the adoption of amendment S—3641, the Chair ruled the motion to reconsider the vote by which amendment S—3439 failed to be adopted by the Senate on April 22, 1993, filed by Senator Kersten on April 22, 1993, and found on page 1308 of the Senate Journal, out of order.

Senator Priebe moved that the bill be read the last time now and placed upon its passage; which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 136) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Giannetto

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

HOUSE AMENDMENT CONSIDERED

Senate File 174

Senator Rosenberg called up for consideration Senate File 174, a bill for an act concerning compliance with the federal Americans with Disabilities Act and making penalties applicable, amended by the House, and moved that the Senate concur in House amendment S—3549 filed April 20, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 174) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Giannetto

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 136** be **immediately messaged** to the House and to send an immediate message to the House on **Senate Files 174, 350 and 380**.

BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **House**

File 581 be referred from the Unfinished Business Calendar to the committee on **Human Resources**.

UNFINISHED BUSINESS CALENDAR

House File 263

On motion of Senator Rosenberg, House File 263, a bill for an act relating to requirements for fingerprint reporting and access by individuals and their attorneys to criminal history data, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Rosenberg offered amendment S—3478 filed by the committee on Judiciary on April 13, 1993, to pages 3-5 of the bill.

Senator Rosenberg offered amendment S—3618 filed by Senators Rosenberg and Fuhrman on April 23, 1993, to amendment S—3478 and moved its adoption.

Amendment S—3618 was adopted by a voice vote.

Senator Rosenberg moved the adoption of amendment S—3478 as amended, which motion prevailed by voice vote.

Senator Rosenberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 263) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor

Tinsman
Zieman

Varn

Vilsack

Welsh

Nays, none.

Absent or not voting, 1:

Giannetto

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

House File 644

On motion of Senator Gronstal, House File 644, a bill for an act extending upgrade dates and insurance premiums and requiring a noncompliance surcharge for underground storage tanks, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Gronstal offered amendment S—3469 filed by the committee on Environment and Energy Utilities on April 8, 1993, to page 1 and the title page of the bill and moved its adoption.

Amendment S—3469 was adopted by a voice vote.

Senator Kersten asked and received unanimous consent that action on **House File 644** be deferred.

UNFINISHED BUSINESS (Deferred April 23, 1993)

House File 388

The Senate resumed consideration of House File 388, a bill for an act relating to establishing statewide implementation of 911 telephone services and providing for the funding of such services, deferred April 23, 1993.

Senator Welsh asked and received unanimous consent that action on amendment S—3632 filed by him on April 26, 1993, to page 1 of the bill be deferred.

Senator Connolly asked and received unanimous consent that action on amendment S—3647 filed by Senators Connolly and Welsh from the floor to page 1 of the bill be deferred.

Senator Gronstal offered amendment S—3622 filed by him on April 26, 1993, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 26, nays 12.

Amendment S—3622 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Maddox until he returns on request of Senator Hedge.

BUSINESS PENDING

House File 388

The Senate resumed consideration of House File 388.

Senator Bennett offered amendment S—3646 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—3646 was adopted by a voice vote.

Senator Welsh withdrew amendment S—3632 to page 1 of the bill, previously deferred.

Senator Welsh offered amendment S—3648 filed by him from the floor to page 1 of the bill.

Senator Rife asked and received unanimous consent that action on amendment S—3648 and **House File 388** be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 245

Senator Buhr called up for consideration Senate File 245, a bill for an act relating to the recording of certain instruments in the office of county recorder, amended by the House, and moved

that the Senate concur in House amendment S—3633 filed April 26, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 245) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Giannetto Maddox

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

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **House File 263** be **immediately messaged** to the House and to send an immediate message to the House on **Senate File 245**.

BILL REFERRED TO COMMITTEE

Senator Husak asked and received unanimous consent that

House File 201 be referred from the Unfinished Business Calendar to the committee on **Commerce**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 27, 1993, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 191, a bill for an act relating to the levy of taxes for school libraries in certain school districts.

ALSO: That the House has on April 27, 1993, passed the following bill in which the concurrence of the Senate is asked:

House File 662, a bill for an act relating to reporting requirements for new jobs training projects and to the assessment of real property for purposes of the division of tax revenue for industrial new jobs training projects and small business new jobs training projects and providing for the Act's applicability.

This bill was read first time and **passed on file**.

INTRODUCTION OF BILL

Senate File 420, by Horn and Rife, a bill for an act relating to the regulation of milk and milk products.

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

RECESS

On motion of Senator Husak, the Senate recessed at 11:56 a.m., until 2:00 p.m.

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

H.F.	660	Ways and Means
H.F.	661	Ways and Means
H.F.	663	Ways and Means
H.F.	667	Ways and Means
H.F.	670	Appropriations

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 80, the following correction was made:

1. Page 1, line 1, the words "Section 147A.8 subsection 2," were changed to the words "Section 147A.8, subsection 2,".

ALSO: That in enrolling Senate File 349, the following correction was made:

1. Page 6, line 25, the words "NEW SECTION. 252D.17A. NOTICE" were changed to the words "NEW SECTION. 252D.17A NOTICE".

JOHN F. DWYER
Secretary of the Senate

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 33

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Vilsack, Chair; Judge and Ziemann

Senate File 219

HUMAN RESOURCES: Szymoniak, Chair; Bartz and Lloyd-Jones

House File 472

WAYS AND MEANS: Lloyd-Jones, Chair; Drake and Palmer

House File 660

WAYS AND MEANS: Husak, Chair; Dieleman and Drake

House File 661

WAYS AND MEANS: Dieleman, Chair; McLaren and Szymoniak

House File 663

WAYS AND MEANS: Deluhery, Chair; Lloyd-Jones and McLaren

House File 664

WAYS AND MEANS: Husak, Chair; Hester and Rosenberg

House File 667

WAYS AND MEANS: Palmer, Chair; Hedge and Riordan

**REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 266**

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 266, a bill for an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of licensing and regulation, department of alcoholic beverages, department of banking, department of credit unions, department of insurance, department of utilities, and the racing and gaming commission and providing effective dates, respectfully make the following report:

1. That the conference committee is unable to agree.

On the Part of the Senate:

TOM VILSACK, Chair
TONY BISIGNANO
DON E. GETTINGS

On the Part of the House:

RON CORBETT, Chair
RICK DICKINSON
MATT McCOY

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty eighth grade students from Schaller/Crestland Middle School, Schaller, accompanied by Lori Schmidt. Senator Bennett.

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 27, 1993, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 78 — Making technical changes to transportation code provisions concerning applications for registration and title, relating to the speed limit laws, concerning the agency appeal process regarding the sale of railroad property, and relating to the issuance of commercial vehicle violation citations.

SENATE FILE 225 — Relating to technical and other changes within the Code to transfer the library division, regional library system, library compact, state data center, and public broadcasting division from the department of cultural affairs to the department of education and to transfer the Terrace Hill commission from the department of cultural affairs to the department of general services, and providing for related matters.

SENATE FILE 335 — Relating to the Wallace Technology Transfer Foundation and providing an effective date.

SENATE FILE 343 — Relating to standards for land surveying by designating an Iowa plane coordinate system.

SENATE FILE 374 — Relating to the state Department of Transportation concerning renewal of driver's licenses by mail.

AMENDMENTS FILED

S—3640	S.F.	142	House amendment
S—3641	H.F.	136	Berl E. Priebe
S—3642	S.F.	394	Richard Varn
S—3643	H.F.	639	Andy McKean
S—3644	H.F.	576	Jim Lind
S—3645	H.F.	576	Jim Lind
S—3646	H.F.	388	Wayne Bennett
S—3647	H.F.	388	Mike Connolly
			Joe Welsh
S—3648	H.F.	388	Joe Welsh

AFTERNOON SESSION

The Senate reconvened at 2:12 p.m., President Boswell presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

UNFINISHED BUSINESS (Deferred April 19, 1993)

House File 267

The Senate resumed consideration of House File 267, a bill for an act relating to the definition of resident for taking fish, game, and other protected species of animal, and amendment S—3521 by Senators Judge, Lind and Fink to strike everything after the enacting clause of the bill, deferred April 19, 1993.

Senator Judge asked and received unanimous consent to withdraw amendment S—3521.

Senator Judge offered amendment S—3523 filed by her on April 20, 1993, to strike everything after the enacting clause of the bill and moved its adoption.

Amendment S—3523 was adopted by a voice vote.

With the adoption of amendment S—3523, the Chair ruled amendment S—3365 filed by the committee on Natural Resources on April 2, 1993, to page 1 of the bill, out of order.

Senator Judge moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 267) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Connolly Giannetto

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

UNFINISHED BUSINESS

(Deferred April 26, 1993)

House File 639

The Senate resumed consideration of House File 639, a bill for an act relating to state condemnation and acquisition of environmentally contaminated property, amendment S—3468 by the committee on Environment and Energy Utilities to page 1 of the bill, amendment S—3548 by Senator Gronstal to amendment S—3468, and amendment S—3630 by Senator McKean to page 1 of the bill, deferred April 26, 1993.

Senator McKean offered amendment S—3643 filed by him from the floor to amendment S—3630 and moved its adoption.

A non record roll call was requested.

The ayes were 20, nays 26.

Amendment S—3643 lost.

Senator McKean moved the adoption of amendment S—3630 and requested a record roll call.

On the question “Shall amendment S—3630 be adopted?” (H.F. 639) the vote was:

Ayes, 30:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Dieleman	Fuhrman
Gettings	Hedge	Hester	Husak
Jensen	Kersten	Kramer	Lind
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Rensink	Rife
Rittmer	Slife	Taylor	Tinsman
Welsh	Zieman		

Nays, 19:

Buhr	Connolly	Deluhery	Drake
Fink	Fraise	Gronstal	Horn
Judge	Kibbie	Lloyd-Jones	Murphy
Riordan	Rosenberg	Sorensen	Sturgeon
Szymoniak	Varn	Vilsack	

Absent or not voting, 1:

Giannetto

Amendment S—3630 was adopted.

Senator Horn asked and received unanimous consent that action on **House File 639** be **deferred** (amendment S—3468 and amendment S—3548 to amendment S—3468 pending).

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 144

Senator Rosenberg called up for consideration House File 144, a bill for an act relating to government ethics, providing penalties, transition provisions, providing for retroactive applicability, and an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3623 to Senate amendment H—3703 filed April 26, 1993.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 144) the vote was:

Ayes, 35:

Banks	Bartz	Borlaug	Buhr
Connolly	Deluhery	Dieleman	Drake
Fink	Fuhrman	Gettings	Gronstal
Hedge	Hester	Husak	Judge
Kersten	Kramer	Lind	Lloyd-Jones
Maddox	McKean	Murphy	Pate
Priebe	Rensink	Riordan	Rittmer
Rosenberg	Slife	Sturgeon	Szymoniak
Tinsman	Varn	Vilsack	

Nays, 14:

Bennett	Bisignano	Boswell	Fraise
Horn	Jensen	Kibbie	McLaren
Palmer	Rife	Sorensen	Taylor
Welsh	Zieman		

Absent or not voting, 1:

Giannetto

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Rosenberg moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 144) the vote was:

Ayes, 43:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fuhrman
Gettings	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	Murphy
Palmer	Pate	Priebe	Rensink

Riordan
Sorensen
Varn

Rittmer
Sturgeon
Vilsack

Rosenberg
Szymoniak
Zieman

Slife
Tinsman

Nays, 6:

Bisignano
Taylor

Fraise
Welsh

McLaren

Rife

Absent or not voting, 1:

Giannetto

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 144 and 267** be **immediately messaged** to the House.

UNFINISHED BUSINESS (Deferred April 23, 1993)

Senate File 196

The Senate resumed consideration of Senate File 196, a bill for an act relating to the sales, services, and use tax in connection with printing activities and providing effective and applicability dates, and amendment S—3614 by Senators Riordan, Dieleman and Murphy to pages 2-4 of the bill, deferred April 23, 1993.

Senator Riordan moved the adoption of amendment S—3614, which motion prevailed by voice vote.

Senator Bisignano asked and received unanimous consent that action on **Senate File 196** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Vilsack for the remainder of the day on request of Senator Bisignano.

HOUSE AMENDMENT CONSIDERED

Senate File 398

Senator Szymoniak called up for consideration Senate File 398, a bill for an act relating to the rights of mobile home, personal property, and real property owners and claimants in actions for abandonment and under a lease agreement, amended by the House, and moved that the Senate concur in House amendment S—3638 filed April 26, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 398) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Murphy Vilsack

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

BUSINESS PENDING

House File 632

The Senate resumed consideration of House File 632, a bill for an act placing a moratorium on construction and operation of certain commercial waste incinerators and providing an effective date, previously deferred.

Senator Fraise offered amendment S—3649 filed by him from the floor to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 16, nays 28.

Amendment S—3649 lost.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 632) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Murphy

Vilsack

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

HOUSE AMENDMENT CONSIDERED

Senate File 409

Senator Fraise called up for consideration Senate File 409, a bill for an act naming an I-80 bridge "Schwengel Bridge", amended by the House, and moved that the Senate concur in House amendment S—3626 filed April 26, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 409) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Murphy Vilsack

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 632** be **immediately messaged** to the House and to send an immediate message to the House on **Senate Files 398 and 409**.

MOTIONS TO RECONSIDER WITHDRAWN**Senate Resolution 10**

Senator Horn withdrew the motion to reconsider Senate Resolution 10, a resolution to provide the senate rules governing lobbyists, filed by him on April 22, 1993, and found on page 1308 of the Senate Journal.

Senate Resolution 11

Senator Horn withdrew the motion to reconsider Senate Resolution 11, a resolution to provide for the Senate Code of Ethics, filed by him on April 22, 1993, and found on page 1308 of the Senate Journal.

BUSINESS PENDING**Senate File 196**

The Senate resumed consideration of Senate File 196, a bill for an act relating to the sales, services, and use tax in connection with printing activities and providing effective and applicability dates, previously deferred.

Senator Bisignano offered amendment S—3653 filed by him from the floor to page 2 of the bill.

Senator Lind raised the point of order that amendment S—3653 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3653 in order.

Senator Bisignano moved the adoption of amendment S—3653 and requested a record roll call.

On the question "Shall amendment S—3653 be adopted?" (S.F. 196) the vote was:

Ayes, 21:

Bisignano	Buhr	Connolly	Deluhery
Fink	Gettings	Giannetto	Gronstal
Jensen	Kibbie	Lind	Lloyd-Jones
Palmer	Priebe	Rosenberg	Slife
Sturgeon	Tinsman	Varn	Welsh
Zieman			

Nays, 25:

Banks	Bartz	Bennett	Borlaug
Boswell	Dieleman	Drake	Fraise
Fuhrman	Hedge	Hester	Horn
Husak	Kersten	Kramer	Maddox
McKean	McLaren	Pate	Rensink
Riordan	Rittmer	Sorensen	Szymoniak
Taylor			

Absent or not voting, 4:

Judge	Murphy	Rife	Vilsack
-------	--------	------	---------

Amendment S—3653 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Judge until she returns on request of Senator Buhr.

BUSINESS PENDING

Senate File 196

The Senate resumed consideration of Senate File 196.

The Chair ruled the following amendments out of order:

S—3631 filed by Senators Bisignano, et al., on April 26, 1993, to page 2 of the bill and S—3652 filed by Senators Bisignano, Palmer and Buhr from the floor to amendment S—3631.

Senator Connolly asked unanimous consent that action on **Senate File 196** be deferred.

Objection was raised by Senator Riordan.

Senator Riordan withdrew his objection.

Senator Connolly withdrew his motion to defer.

Senator Riordan moved that the bill be read the last time now and placed upon its passage; which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 196) the vote was:

Ayes, 31:

Banks	Bartz	Bennett	Borlaug
Boswell	Deluhery	Drake	Fink
Fraise	Gettings	Giannetto	Hedge
Hester	Horn	Husak	Jensen
Kersten	Kramer	Lind	Maddox
McLaren	Pate	Priebe	Rensink
Riordan	Rittmer	Slife	Sorensen
Szymoniak	Taylor	Tinsman	

Nays, 15:

Bisignano	Buhr	Connolly	Fuhrman
Gronstal	Kibbie	Lloyd-Jones	McKean
Murphy	Palmer	Rosenberg	Sturgeon
Varn	Welsh	Zieman	

Voting present, 1:

Dieleman

Absent or not voting, 3:

Judge	Rife	Vilsack
-------	------	---------

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

Senator Horn asked and received unanimous consent that **Senate File 196** be immediately messaged to the House.

BUSINESS PENDING

House File 644

The Senate resumed consideration of House File 644, a bill for an act extending upgrade dates and insurance premiums and requiring a noncompliance surcharge for underground storage tanks, previously deferred.

Senator Kersten withdrew amendment S—3654 filed by him from the floor to page 1 and the title page of the bill.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 644) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Priebe	Rensink	Riordan	Rittmer
Rosenberg	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Varn
Welsh	Zieman		

Nays, 1:

Pate

Absent or not voting, 3:

Judge

Rife

Vilsack

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

Senator Horn asked and received unanimous consent that **House File 644** be immediately messaged to the House.

UNFINISHED BUSINESS CALENDAR

House File 635

On motion of Senator Gronstal, House File 635, a bill for an act relating to the solicitation and giving of contributions to certain candidates for state office for which a special election is held during the regular legislative session, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Gronstal offered amendment S—3495 filed by him on April 14, 1993, to page 1 of the bill and moved its adoption.

Amendment S—3495 was adopted by a voice vote.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 635) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McLaren
Murphy	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Varn
Welsh	Zieman		

Nays, 2:

Connolly	McKean
----------	--------

Absent or not voting, 2:

Judge	Vilsack
-------	---------

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

Senator Horn asked and received unanimous consent that **House File 635** be **immediately messaged** to the House.

House File 580

On motion of Senator Riordan, House File 580, a bill for an act concerning wild game feeds by nonprofit organizations, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Bartz asked and received unanimous consent that action on **House File 580** be **deferred**.

BUSINESS PENDING

House File 388

The Senate resumed consideration of House File 388, a bill for an act relating to establishing statewide implementation of 911 telephone services and providing for the funding of such services, amendment S-3647 by Senators Connolly and Welsh to page 1 of the bill and amendment S-3648 by Senator Welsh to page 1 of the bill, previously deferred.

Senator Rittmer asked and received unanimous consent that action on amendment S-3648; amendment S-3647 and **House File 388** be **deferred**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 16, 1993, passed the following bill in which the concurrence of the House was asked:

Senate File 180, a bill for an act relating to thrift certificates and their exemption from certain filing and registration requirements.

ALSO: That the House has on April 27, 1993, passed the following bills in which the concurrence of the House was asked:

Senate File 293, a bill for an act relating to the presence of victim counselors in proceedings pertaining to the offense.

Senate File 296, a bill for an act relating to criminal proceedings and amounts available for victim reparation.

ALSO: That the House has on April 27, 1993, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 163, a bill for an act relating to abolition of certain civil service commissions, use of electronic voice recording devices at civil service meetings, and relating to qualifications and requirements for appointment, promotion, or employment in positions governed by civil service (S—3658).

Senate File 278, a bill for an act to exclude agricultural commodity promotional boards, which are subject to a producer referendum, from the requirements of the chapter relating to conflicts of interest of public officers and employees and from other requirements applicable to state agencies (S—3657).

ALSO: That the House has on April 27, 1993, concurred in the Senate amendment to the House amendment, and passed the following bills in which the concurrence of the House was asked:

Senate File 206, a bill for an act relating to educational finances, activities, and procedures and providing an effective date.

Senate File 370, a bill for an act relating to setting minimum fines for certain criminal convictions, increasing the civil penalty assessed for certain motor vehicle license revocations, collecting delinquent fines, penalties, costs, and restitution, and allowing community service in lieu of a fine.

ALSO: That the House has on April 27, 1993, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 32, a concurrent resolution to designate Spencer, Iowa, the Flag City of Iowa, during its Flagfest '93 celebration from June 11, 1993, to June 13, 1993.

This resolution was read first time and **passed on file**.

ALSO: That the House has on April 27, 1993, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 193, a bill for an act relating to increasing the scheduled fine for traffic violations in a road construction zone.

House File 214, a bill for an act establishing a loess hills development and conservation authority, specify its membership, powers, and duties, and providing for other properly related matters.

House File 409, a bill for an act relating to multipurpose vehicle registration fees for disabled persons.

House File 451, a bill for an act relating to certain reports required to be reported by, or to, sheriffs and other law enforcement agencies.

ALSO: That the House has on April 27, 1993, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 83, a bill for an act relating to the discharge of dangerous weapons from a motor vehicle at a dwelling, motor vehicle, or one or more persons and providing penalties and providing an effective date (S—3656 to H—4205).

ALSO: That the House has on April 27, 1993, passed the following bill in which the concurrence of the Senate is asked:

House File 474, a bill for an act authorizing a city or county to impose an economic development property tax levy or income surtax.

This bill was read first time and **passed on file**.

INTRODUCTION OF BILL

Senate File 421, by Horn and Rife, a bill for an act relating to school administration, accreditation, finance, transportation, and providing effective and applicability dates.

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

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 34

AGRICULTURE: Priebe, Chair; McLaren and Riordan

Senate File 417

COMMUNICATIONS AND INFORMATION POLICY: Varn, Chair; Kersten and Welsh

House File 581

HUMAN RESOURCES: Kramer, Chair; Rittmer and Varn

House File 670

APPROPRIATIONS: Murphy, Chair; Bisignano, Lind, McLaren and Varn

COMMITTEE REPORT

HUMAN RESOURCES

Final Bill Action: HOUSE FILE 319, a bill for an act relating to the development and delivery of a summary of the procedures and rights involved in a civil commitment proceeding to a person who applies for the involuntary commitment of another.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Szymoniak, Lloyd-Jones, Tinsman, Bennett, Buhr, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 3: Bartz, Judge and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

S. F.	420	Agriculture
S. F.	421	Education
H. F.	662	Ways and Means
H. J. R.	28	State Government
H. C. R.	32	State Government

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S-3622 to House File 388 was adopted by the Senate on April 27, 1993.

JIM KERSTEN

AMENDMENTS FILED

S-3649	H.F.	632	Eugene Fraise
S-3650	S.F.	157	Bill Fink
S-3651	H.F.	639	Jean Lloyd-Jones
S-3652	S.F.	196	Tony Bisignano William D. Palmer Florence Buhr
S-3653	S.F.	196	Tony Bisignano
S-3654	H.F.	644	Jim Kersten
S-3655	S.F.	419	Michael Gronstal Derryl McLaren
S-3656	H.F.	83	House amendment
S-3657	S.F.	278	House amendment
S-3658	S.F.	163	House amendment
S-3659	S.F.	142	William W. Dieleman
S-3660	H.F.	576	Michael E. Gronstal
S-3661	S.F.	419	Michael E. Gronstal
S-3662	H.F.	400	Richard Varn
S-3663	H.F.	400	Richard Varn Linn Fuhrman
S-3664	S.F.	139	Ray Taylor
S-3665	H.F.	580	Merlin E. Bartz Jim Riordan Linn Fuhrman Bill Fink

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 6:28 p.m., until 9:00 a.m., Wednesday, April 28, 1993.

JOURNAL OF THE SENATE

ONE HUNDRED EIGHTH CALENDAR DAY
SIXTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 28, 1993

The Senate met in regular session at 9:13 a.m., President Boswell presiding.

Prayer was offered by the Reverend Maurice Lind, pastor of the Faith Lutheran Church, Mt. Pleasant, Iowa.

The Journal of the Tuesday, April 27, 1993, was approved.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Judge until she arrives on request of Senator Horn.

HOUSE AMENDMENT CONSIDERED

Senate File 278

Senator Giannetto called up for consideration Senate File 278, a bill for an act to exclude agricultural commodity promotional boards, which are subject to a producer referendum, from the requirements of the chapter relating to conflicts of interest of public officers and employees and from other requirements applicable to state agencies, amended by the House, and moved that the Senate concur in House amendment S-3657 filed April 27, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 278) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Judge

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

UNFINISHED BUSINESS (Deferred April 8, 1993)

Senate File 157

The Senate resumed consideration of Senate File 157, a bill for an act relating to the use of mobile radio transmitters while taking game or fur-bearing animals, and subjecting violators to a scheduled fine, deferred April 8, 1993.

Senator Fink offered amendment S—3650 filed by him on April 27, 1993, to strike everything after the enacting clause and to the title page of the bill.

Senator Priebe asked and received unanimous consent that action on amendment S—3650 and Senate File 157 be deferred.

HOUSE AMENDMENTS CONSIDERED

Senate File 63

Senator Szymoniak called up for consideration Senate File 63, a bill for an act relating to the establishment of a long-term care asset preservation program, amended by the House, and moved that the Senate concur in House amendment S—3607 filed April 23, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 63) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Judge

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

Senate File 163

Senator Vilsack called up for consideration Senate File 163, a bill for an act relating to abolition of certain civil service commissions, use of electronic voice recording devices at civil service meetings, and relating to qualifications and requirements for appointment, promotion, or employment in positions governed by civil service, amended by the House, and moved that the Senate concur in House amendment S—3658 filed April 27, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 163) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Judge

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 83

Senator Sturgeon called up for consideration House File 83, a bill for an act relating to the discharge of dangerous weapons from a motor vehicle at a dwelling, motor vehicle, or one or more persons and providing penalties and providing an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3656 to Senate amendment H—4205 filed April 27, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Sturgeon moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 83) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Judge

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

UNFINISHED BUSINESS
(Deferred April 27, 1993)

House File 388

The Senate resumed consideration of House File 388, a bill for an act relating to establishing statewide implementation of 911 telephone services and providing for the funding of such services, amendment S—3647 by Senators Connolly and Welsh to page 1 of the bill and amendment S—3648 by Senator Welsh to page 1 of the bill, deferred April 27, 1993.

Senator Welsh withdrew amendment S—3648.

Senator Connolly asked and received unanimous consent to withdraw amendment S—3647.

Senator Kersten called up the motion to reconsider the vote by which amendment S—3622 to House File 388 was adopted by the Senate on April 27, 1993, filed by him on April 27, 1993, found on page 1393 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—3622 by Senator Gronstal to page 1 of the bill, was taken up for reconsideration.

Senator Gronstal withdrew amendment S—3622.

Senator Bennett filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3646 to House File 388 was adopted by the Senate on April 27, 1993.

The motion prevailed by a voice vote and amendment S—3646 by Senator Bennett to page 1 of the bill was taken up for reconsideration.

Senator Bennett withdrew amendment S—3646.

Senator Gettings moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 388) the vote was:

Ayes, 38:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Hedge	Hester	Horn	Husak
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	Murphy	Palmer	Pate
Riordan	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Tinsman	Varn
Vilsack	Welsh		

Nays, 11:

Gronstal	Jensen	Kersten	McKean
McLaren	Priebe	Rensink	Rife
Rittmer	Taylor	Zieman	

Absent or not voting, 1:

Judge

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

Senator Gettings asked and received unanimous consent that **Senate File 43** be **withdrawn** from further consideration of the Senate.

BUSINESS PENDING

Senate File 157

The Senate resumed consideration of Senate File 157, a bill for an act relating to the use of mobile radio transmitters while taking game or fur-bearing animals, and subjecting violators to a scheduled fine, and amendment S—3650 by Senator Fink to strike everything after the enacting clause and to the title page of the bill, previously deferred.

Senator Fink moved the adoption of amendment S—3650, which motion prevailed by voice vote.

Senator Fink asked and received unanimous consent that **House File 533** be substituted for **Senate File 157** as amended.

House File 533

On motion of Senator Fink, House File 533, a bill for an act allowing mobile transmitters to hunt coyotes and subjecting violators to an existing scheduled fine, was taken up for consideration.

Senator Fink moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 533) the vote was:

Ayes, 43:

Banks	Bart	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Lind	Lloyd-Jones	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Rittmer	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Varn
Vilsack	Welsh	Zieman	

Nays, 6:

Kramer	Maddox	McKean	Riordan
Rosenberg	Tinsman		

Absent or not voting, 1:

Judge

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

Senator Fink asked and received unanimous consent that **Senate File 157** be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS
(Deferred April 27, 1993)

House File 400

The Senate resumed consideration of House File 400, a bill for an act authorizing city utilities to include cable communication or television systems, deferred April 27, 1993.

Senator Varn offered amendment S—3662 filed by him on April 27, 1993, to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3662 be adopted?" (H.F. 400) the vote was:

Ayes, 12:

Buhr	Deluhery	Fuhrman	Gronstal
Lind	Lloyd-Jones	Pate	Riordan
Rosenberg	Sturgeon	Szymoniak	Varn

Nays, 34:

Banks	Bartz	Bennett	Bisignano
Boswell	Connolly	Dieleman	Drake
Fink	Fraise	Gettings	Giannetto
Hedge	Hester	Husak	Jensen
Kersten	Kibbie	Kramer	Maddox
McKean	McLaren	Murphy	Palmer
Priebe	Rensink	Rife	Rittmer
Sorensen	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Absent or not voting, 4:

Borlaug	Horn	Judge	Slife
---------	------	-------	-------

Amendment S—3662 lost.

Senator Varn offered amendment S—3663 filed by Senators Varn and Fuhrman on April 27, 1993, to page 1 of the bill.

Senator Welsh raised the point of order that amendment S—3663 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3663 in order.

Senator Varn moved the adoption of amendment S—3663 and requested a record roll call.

On the question "Shall amendment S—3663 be adopted?" (H.F. 400) the vote was:

Ayes, 19:

Banks	Borlaug	Buhr	Deluhery
Fuhrman	Gronstal	Horn	Kramer
Lind	Lloyd-Jones	Murphy	Pate
Priebe	Riordan	Rittmer	Sturgeon
Szymoniak	Tinsman	Varn	

Nays, 29:

Bartz	Bennett	Bisignano	Boswell
Connolly	Dieleman	Drake	Fink
Fraise	Gettings	Giannetto	Hedge
Hester	Husak	Jensen	Kersten
Kibbie	Maddox	McKean	McLaren
Palmer	Rensink	Rife	Slife
Sorensen	Taylor	Vilsack	Welsh
Zieman			

Absent or not voting, 2:

Judge	Rosenberg
-------	-----------

Amendment S—3663 lost.

Senator Welsh moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 400) the vote was:

Ayes, 38:

Bartz	Bennett	Bisignano	Boswell
Buhr	Connolly	Deluhery	Dieleman
Drake	Fink	Fraise	Gettings
Giannetto	Gronstal	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Priebe	Rensink

Rife
Sturgeon
Welsh

Riordan
Szymoniak
Zieman

Rosenberg
Taylor

Sorensen
Vilsack

Nays, 10:

Banks
Kramer
Tinsman

Borlaug
Lind
Varn

Fuhrman
Pate

Hedge
Slife

Absent or not voting, 2:

Judge

Rittmer

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

HOUSE AMENDMENT CONSIDERED

Senate File 142

Senator Lloyd-Jones called up for consideration Senate File 142, a bill for an act relating to motorcycle rider education and the use of protective headgear when operating or riding motorcycles and motorized bicycles and the sale of such headgear and providing penalties and a repeal provision, amended by the House in House amendment S—3640 filed April 27, 1993.

Senator Dieleman offered amendment S—3659 filed by him on April 27, 1993, to House amendment S—3640 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3659 to House amendment S—3640 be adopted?" (S.F. 142) the vote was:

Ayes, 18:

Banks
Dieleman
Horn
Rife
Taylor

Bartz
Giannetto
Husak
Rittmer
Zieman

Borlaug
Gronstal
Maddox
Slife

Boswell
Hester
Pate
Sturgeon

Nays, 30:

Bennett	Bisignano	Buhr	Connolly
Deluhery	Drake	Fink	Fraise
Fuhrman	Gettings	Hedge	Jensen
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	McKean	McLaren	Palmer
Priebe	Rensink	Riordan	Rosenberg
Sorensen	Szymoniak	Tinsman	Varn
Vilsack	Welsh		

Absent or not voting, 2:

Judge Murphy

Amendment S—3659 lost.

Senator Taylor asked and received unanimous consent that action on House amendment S—3640 and Senate File 142 be deferred.

UNFINISHED BUSINESS CALENDAR

House File 328

On motion of Senator Bisignano, House File 328, a bill for an act requiring a single state insurance registration system for motor carriers, with report of committee on State Government recommending amendment and passage, placed on the Unfinished Business Calendar on April 15, 1993, referred to the committee on Ways and Means on April 19, 1993, with report of committee on Ways and Means recommending passage, was taken up for consideration.

Senator Drake offered amendment S—3455 filed by the committee on State Government on April 8, 1993, to page 1 and the title page of the bill and moved its adoption.

Amendment S—3455 was adopted by a voice vote.

Senator Bisignano offered amendment S—3668 filed by Senators Bisignano and Drake from the floor to page 1 and the title page of the bill and moved its adoption.

Amendment S—3668 was adopted by a voice vote.

Senator Bisignano moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 328) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Priebe

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 83, 388, 400 and 533** be **immediately messaged** to the House and to send an immediate message to the House on **Senate Files 63, 163 and 278**.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senate File 418

On motion of Senator Riordan, Senate File 418, a bill for an

act relating to the annexation of land to cities, was taken up for consideration.

Senator Riordan offered amendment S—3639 filed by Senators Riordan and Sorensen on April 26, 1993, to pages 1, 2, 6 and 9 of the bill and moved its adoption.

Amendment S—3639 was adopted by a voice vote.

Senator Riordan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 418) the vote was:

Ayes, 46:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McLaren
Murphy	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Slife	Sorensen	Sturgeon
Szymoniak	Tinsman	Varn	Vilsack
Welsh	Zieman		

Nays, 4:

Banks	Hedge	McKean	Taylor
-------	-------	--------	--------

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

UNFINISHED BUSINESS CALENDAR

House File 319

On motion of Senator Sturgeon, House File 319, a bill for an act relating to the development and delivery of a summary of the procedures and rights involved in a civil commitment proceeding to a person who applies for the involuntary commitment of another, with report of committee on Human Resources recommending amendment and passage on April 8,

1993, placed on the Unfinished Business Calendar on April 15, 1993, referred to the committee on Human Resources on April 22, 1993, with report of committee recommending passage, was taken up for consideration.

Senator Sturgeon offered amendment S—3441 filed by the committee on Human Resources on April 8, 1993, to page 1 and the title page of the bill and moved its adoption.

Amendment S—3441 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor until he returns on request of Senator Jensen.

BUSINESS PENDING

House File 319

The Senate resumed consideration of House File 319.

Senator Sturgeon offered amendment S—3667 filed by him from the floor to page 1 and the title page of the bill and moved its adoption.

Amendment S—3667 was adopted by a voice vote.

Senator Sturgeon moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 319) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink

Rife	Riordan	Rittmer	Rosenberg
Slife	Sturgeon	Szymoniak	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, 1:

Sorensen

Absent or not voting, 1:

Taylor

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 418** and **House File 319** be immediately messaged to the House.

BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that the following bills be referred from the Unfinished Business Calendar to committee:

S.F.	396	Local Government
H.F.	307	Commerce
H.F.	580	Natural Resources
H.F.	639	Environment and Energy Utilities

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 27, 1993, passed the following bill in which the concurrence of the Senate is asked:

House File 669, a bill for an act requiring that certain moneys shall be credited to and deposited in the general fund of the state and shall be used for the purposes for which the moneys were collected and providing an effective date.

This bill was read first time and **passed on file**.

RECESS

On motion of Senator Horn, the Senate recessed at 12:07 p.m., until 2:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

COMMUNICATIONS AND INFORMATION POLICY

Convened: April 27, 1993, 1:10 p.m.

Members Present: Varn, Chair; Welsh, Vice Chair; Fuhrman, Ranking Member; Deluhery, Fraise, Jensen and Kersten.

Members Absent: none.

Committee Business: Assigned Senate File 417 to a subcommittee to be reported to the senate calendar on April 28, 1993.

Adjourned: 2:25 p.m.

ETHICS

Convened: April 27, 1993, 1:10 p.m.

Members Present: Gettings, Chair; Rosenberg, Vice Chair; Hedge, Ranking Member; Drake, Husak and McKean.

Members Absent: none.

Committee Business: Discussed the House amendment to the Senate amendment to House File 144.

Adjourned: 2:10 p.m.

HUMAN RESOURCES

Convened: April 27, 1993, 11:55 a.m.

Members Present: Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bennett, Buhr, Kramer, Riordan, Rittmer and Sturgeon.

Members Absent: Bartz, Judge and Varn.

Committee Business: Recommended passage of House File 319.

Adjourned: 12:01 p.m.

SUBCOMMITTEE ASSIGNMENTS**Senate File 421**

EDUCATION: Deluhery, Chair; Fink and Slife

House Concurrent Resolution 32

STATE GOVERNMENT: Kibbie, Chair; Drake and Gronstal

House Joint Resolution 28

STATE GOVERNMENT: Fink, Chair; Kibbie and Rittmer

**House File 581
(Reassignment)**

HUMAN RESOURCES: Szymoniak, Chair; Bartz and Kramer

House File 662

WAYS AND MEANS: Murphy, Chair; Deluhery and Drake

COMMITTEE REPORTS**AGRICULTURE**

Final Bill Action: SENATE CONCURRENT RESOLUTION 34, a concurrent resolution relating to the research and development of soybean-based industrial and consumer products.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Priebe, Riordan, Bartz, Banks, Boswell, Fraise, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Palmer, Sorensen and Ziemann. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 472, a bill for an act relating to bonds issued by airport authorities.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Dieleman, Husak, Bennett, Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Riordan, and Szymoniak. Nays, none. Absent or not voting, 4: Fuhrman, Murphy, Palmer and Rosenberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 656, a bill for an act relating to exempting methane gas conversion property from taxation.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Dieleman, Husak, Bennett, Deluhery, Hedge, Hester, Lloyd-Jones, McLaren, Riordan, and Szymoniak. Nays, none. Absent or not voting, 5: Drake, Fuhrman, Murphy, Palmer and Rosenberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 660, a bill for an act relating to income tax return checkoffs for purposes of state individual income tax and establishing an income tax checkoff to support the Iowa state fair foundation and providing for the Act's retroactive applicability.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—3669.

Final Vote: Ayes, 11: Dieleman, Husak, Bennett, Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Riordan, and Szymoniak. Nays, none. Absent or not voting, 4: Fuhrman, Murphy, Palmer and Rosenberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 661, a bill for an act relating to the exemption from the state sales tax for certain prescription drugs and medical devices and providing for the Act's applicability.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Dieleman, Husak, Bennett, Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Riordan, and Szymoniak. Nays, none. Absent or not voting, 4: Fuhrman, Murphy, Palmer and Rosenberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 663, a bill for an act relating to an increase in property tax dollars certified for purposes of the property tax limitation for the fiscal year beginning July 1, 1994.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Dieleman, Husak, Bennett, Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Riordan, and Szymoniak. Nays, none. Absent or not voting, 4: Fuhrman, Murphy, Palmer and Rosenberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 664, a bill for an act relating to providing for special valuation for property tax and sales, service, and use tax exemptions for wind energy conversion property.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Dieleman, Husak, Bennett, Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Riordan, and Szymoniak. Nays, none. Absent or not voting, 4: Fuhrman, Murphy, Palmer and Rosenberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 28, 1993.

Had I been present, I would have voted "aye" on final passage of House File 400.

SHELDON RITTMER

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twelfth grade students from Greene High School, Greene, accompanied by Rodger Hoelscher. Senator Jensen.

Forty-three sixth grade students from Carson-Macedonia Elementary School, Macedonia, accompanied by Jenifer Elliott. Senator McLaren.

Fifty-six eighth grade students from St. Edwards School, Waterloo, accompanied by Donald Sullivan and Caroline Miecznikowski. Senators Slife and Lind.

Twenty-four high school students from Washington High School, Washington, accompanied by Kerrie Willis. Senator Vilsack.

AMENDMENTS FILED

S—3666	S.F.	126	Elaine Szymoniak
S—3667	H.F.	319	Al Sturgeon
S—3668	H.F.	328	Tony Bisignano Richard F. Drake
S—3669	H.F.	660	Ways and Means
S—3670	S.F.	290	House amendment
S—3671	H.F.	382	House amendment

AFTERNOON SESSION

The Senate reconvened at 2:33 p.m., Senator Maddox presiding.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1993, passed the following bill in which the concurrence of the House was asked:

Senate File 371, a bill for an act relating to probate, including certain notice provisions and statutory shares.

ALSO: That the House has on April 28, 1993, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 290, a bill for an act relating to the moratorium on the granting of permits for the construction or operation of infectious waste treatment or disposal facilities (S—3670).

ALSO: That the House has on April 28, 1993, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 394, a bill for an act relating to establishing a debt due for medical assistance resulting from a transfer of assets, and to allowable claims against a conservatorship for the cost of medical care or services provided to a recipient of medical assistance.

ALSO: That the House has on April 28, 1993, amended the Senate amendment, concurred in the Senate amendment as amended and passed the following bill in which the concurrence of the Senate is asked:

House File 382, a bill for an act relating to delinquency charges on, and the conversion of, certain consumer transactions (S—3671 to H—3992).

ALSO: That the House has on April 28, 1993, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 384, a bill for an act relating to tuition reimbursements of postsecondary institutions by school districts under the postsecondary enrollment options Act and membership in organizations relating to duties of a board of directors of a school corporation.

House File 389, a bill for an act relating to administrative dissolutions, nonprofit corporations, and foreign corporations, establishing fees for certain filings, and other related matters.

ALSO: That the House has on April 28, 1993, **refused to concur** in the Senate amendment to the following bills in which the concurrence of the House was asked:

House File 111, a bill for an act updating the Iowa Code references to the federal Internal Revenue Code and providing retroactive applicability and effective dates.

House File 348, a bill for an act relating to the filing of certain birth certificates.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 35, by Sturgeon, a concurrent resolution to honor the memory of Cesar Chavez.

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

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

The Senate stood at ease at 2:42 p.m. until the fall of the gavel.

The Senate resumed session at 3:15 p.m., President Boswell presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent and a quorum present.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that House File 328 be immediately messaged to the House.

BUSINESS PENDING**Senate File 142**

The Senate resumed consideration of Senate File 142, a bill for an act relating to motorcycle rider education and the use of protective headgear when operating or riding motorcycles and motorized bicycles and the sale of such headgear and providing penalties and a repeal provision, and House amendment S—3640, previously deferred.

Senator Horn asked and received unanimous consent that action on House amendment S—3640 and Senate File 142 be deferred.

COMMITTEE REPORT**EDUCATION**

Final Bill Action: SENATE FILE 421, a bill for an act relating to school administration, accreditation, finance, transportation, and providing effective and applicability dates.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Fink, Rensink, Slife, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 3: Lind, Murphy and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**CONSIDERATION OF BILL
(Regular Calendar)**

Senator Horn asked and received unanimous consent to take up for consideration Senate File 421.

Senate File 421

On motion of Senator Deluhery, Senate File 421, a bill for an act relating to school administration, accreditation, finance,

transportation, and providing effective and applicability dates, with report of committee recommending passage, was taken up for consideration.

Senator Deluhery asked and received unanimous consent that **House File 457** be substituted for **Senate File 421**.

House File 457

On motion of Senator Deluhery, House File 457, a bill for an act relating to school administration, accreditation, finance, transportation, and providing effective and applicability dates, was taken up for consideration.

Senator Deluhery moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 457) the vote was:

Ayes, 39:

Bennett	Bisignano	Boswell	Buhr
Connolly	Deluhery	Dieleman	Drake
Fink	Fraise	Fuhrman	Gettings
Giannetto	Gronstal	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lloyd-Jones	Maddox
McKean	McLaren	Palmer	Pate
Priebe	Rensink	Riordan	Rittmer
Rosenberg	Slife	Sturgeon	Szymoniak
Tinsman	Vilsack	Welsh	

Nays, 8:

Banks	Bartz	Borlaug	Hedge
Murphy	Sorensen	Taylor	Zieman

Absent or not voting, 3:

Lind	Rife	Varn
------	------	------

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

Senator Deluhery asked and received unanimous consent that **Senate File 421** be **withdrawn** from further consideration of the Senate.

Senator Horn asked and received unanimous consent that **House File 457** be immediately messaged to the House.

UNFINISHED BUSINESS

(Deferred March 23, 1993)

Senate File 384

The Senate resumed consideration of Senate File 384, a bill for an act relating to adult abuse and establishing criminal penalties, deferred March 23, 1993.

Senator Lind offered amendment S—3418 filed by him on April 6, 1993, to page 1 and the title page of the bill and moved its adoption.

Amendment S—3418 was adopted by a voice vote.

Senator Sturgeon moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 384) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Varn	Vilsack
Welsh	Zieman		

Nays, none.

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senate File 126

On motion of Senator Szymoniak, Senate File 126, a bill for an act relating to the processing exemption for the sales, services, and use taxes, was taken up for consideration.

Senator Palmer offered amendment S—3051 filed by him on February 22, 1993, to page 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3051 be adopted?" (S.F. 126) the vote was:

Ayes, 20:

Bartz	Bisignano	Buhr	Connolly
Deluhery	Fuhrman	Gettings	Giannetto
Gronstal	Jensen	Kersten	Murphy
Palmer	Pate	Rensink	Rife
Rosenberg	Slife	Sorensen	Welsh

Nays, 30:

Banks	Bennett	Borlaug	Boswell
Dieleman	Drake	Fink	Fraise
Hedge	Hester	Horn	Husak
Judge	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Priebe	Riordan	Rittmer	Sturgeon
Szymoniak	Taylor	Tinsman	Varn
Vilsack	Zieman		

Amendment S—3051 lost.

Senator Szymoniak offered amendment S—3666 filed by her from the floor to page 3 and the title page of the bill.

Senator Szymoniak asked and received unanimous consent that action on amendment S—3666 and **Senate File 126** be deferred.

BUSINESS PENDING

Senate File 142

The Senate resumed consideration of Senate File 142, a bill for an act relating to motorcycle rider education and the use of protective headgear when operating or riding motorcycles and motorized bicycles and the sale of such headgear and providing penalties and a repeal provision, and House amendment S—3640, previously deferred.

Senator Dieleman offered amendment S—3674 filed by him from the floor to House amendment S—3640 and moved its adoption.

A non record roll call was requested.

The ayes were 21, nays 29.

Amendment S—3674 lost.

Senator Lloyd-Jones moved that the Senate concur in the House amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 142) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Bennett	Bisignano	Buhr	Connolly
Deluhery	Drake	Fink	Fraise
Hedge	Horn	Kibbie	Kramer
Lloyd-Jones	McKean	Palmer	Priebe
Rensink	Riordan	Rosenberg	Szymoniak
Tinsman	Varn	Vilsack	Welsh

Nays, 25:

Banks	Bartz	Borlaug	Boswell
Dieleman	Fuhrman	Gettings	Giannetto
Gronstal	Hester	Husak	Jensen
Judge	Kersten	Lind	Maddox
McLaren	Pate	Rife	Rittmer
Slife	Sorensen	Sturgeon	Taylor
Zieman			

Absent or not voting, 1:

Murphy

The motion lost and the Senate refused to concur in the House amendment.

The Senate stood at ease at 5:00 p.m. until the fall of the gavel.

The Senate resumed session at 5:20 p.m., President Boswell presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1993, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 117, a bill for an act relating to children who are exposed to illegal drugs by including such children under the definitions of a child in need of assistance and child abuse under certain circumstances and by amending the title and scope and responsibilities of the council on chemically exposed infants to include children (S—3673).

ALSO: That the House has on April 28, 1993, passed the following bill in which the concurrence of the Senate is asked:

House File 675, a bill for an act relating to the regulation of milk and milk products.

This bill was read first time and passed on file.

The Senate stood at ease at 5:22 p.m. until the fall of the gavel.

The Senate resumed session at 5:55 p.m., President Boswell presiding.

The Senate stood at ease at 5:57 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 7:15 p.m., Senator Sorensen presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

President Boswell took the chair at 7:40 p.m.

HOUSE AMENDMENT CONSIDERED

Senate File 117

Senator Szymoniak called up for consideration Senate File 117, a bill for an act relating to children who are exposed to illegal drugs by including such children under the definitions of a child in need of assistance and child abuse under certain circumstances and by amending the title and scope and responsibilities of the council on chemically exposed infants to include children, amended by the House, and moved that the Senate concur in House amendment S—3673 filed April 28, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 117) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Gettings	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Lind
Lloyd-Jones	Maddox	McKean	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Varn	Vilsack	Welsh
Zieman			

Nays, 2:

Fuhrman Giannetto

Absent or not voting, 3:

Kramer McLaren Tinsman

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

UNFINISHED BUSINESS (Deferred April 8, 1993)

Senate File 382

The Senate resumed consideration of Senate File 382, a bill for an act relating to the manufacture, possession, or distribution of controlled substances on or near certain real property and establishing penalties, deferred April 8, 1993.

Senator McKean offered amendment S—3424 filed by him on April 7, 1993, to pages 1 and 2 of the bill.

Senator Giannetto asked and received unanimous consent that action on amendment S—3424 be deferred.

Senator Giannetto offered amendment S—3678 filed by him from the floor to strike everything after the enacting clause of the bill.

Senator McKean asked and received unanimous consent that action on amendment S—3678 and **Senate File 382** be deferred.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1993, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 263, a bill for an act relating to requirements for fingerprint reporting and access by individuals and their attorneys to criminal history data.

ALSO: That the House has on April 28, 1993, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 360, a bill for an act relating to containers used for liquified petroleum gas and providing a penalty (S—3676 to H—4164).

INTRODUCTION OF BILL

Senate File 422, by committee on Appropriations, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations.

Read first time and placed on Appropriations Calendar.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 422 (SSB 328), a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 23: Murphy, Boswell, McLaren, Banks, Bisignano, Borlaug, Buhr, Connolly, Fraise, Gronstal, Horn, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Rensink, Tinsman, Varn and Vilsack. Nays, none. Absent or not voting, 2: Rosenberg and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 422.

Senate File 422

On motion of Senator Murphy, Senate File 422, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations, was taken up for consideration.

Senator Connolly offered amendment S—3677 filed by him from the floor to page 5 of the bill.

Senator Connolly asked and received unanimous consent that action on amendment S—3677 be deferred.

(Action on Senate File 422 was deferred).

The Senate stood at ease at 8:05 p.m. until the fall of the gavel.

The Senate resumed session at 8:18 p.m., President Boswell presiding.

MOTION TO RECONSIDER ADOPTED

Senate File 142

Senator Kersten filed the following motion to reconsider filed by him from the floor to Senate File 142, a bill for an act relating to motorcycle rider education and the use of protective headgear when operating or riding motorcycles and motorized bicycles and the sale of such headgear and providing penalties and a repeal provision and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which the Senate refused to concur in House amendment S—3640 to Senate File 142 on April 28, 1993.

The motion prevailed by a voice vote and House amendment S—3640 was taken up for reconsideration.

Senator Lloyd-Jones offered amendment S—3679 filed by Senators Lloyd-Jones and Drake from the floor to House amendment S—3640 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3679 to House amendment S—3640 be adopted?" (S.F. 142) the vote was:

Ayes, 32:

Bisignano	Borlaug	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gronstal	Hedge
Hester	Horn	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Murphy	Palmer	Pate

Rensink
Szymoniak

Riordan
Tinsman

Rosenberg
Varn

Slife
Welsh

Nays, 18:

Banks
Gettings
McKean
Rittmer
Vilsack

Bartz
Giannetto
McLaren
Sorensen
Zieman

Bennett
Husak
Priebe
Sturgeon

Boswell
Maddox
Rife
Taylor

Amendment S—3679 was adopted.

Senator Lloyd-Jones moved that the Senate concur in House amendment S—3640 as amended, which motion prevailed by a voice vote.

Senator Lloyd-Jones moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 142) the vote was:

Ayes, 28:

Bisignano
Dieleman
Gronstal
Judge
Lloyd-Jones
Rensink
Szymoniak

Buhr
Drake
Hedge
Kersten
Murphy
Riordan
Tinsman

Connolly
Fink
Hester
Kibbie
Palmer
Rosenberg
Varn

Deluhery
Fraise
Horn
Kramer
Pate
Slife
Welsh

Nays, 22:

Banks
Boswell
Husak
McKean
Rittmer
Vilsack

Bartz
Fuhrman
Jensen
McLaren
Sorensen
Zieman

Bennett
Gettings
Lind
Priebe
Sturgeon

Borlaug
Giannetto
Maddox
Rife
Taylor

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

Senator Horn asked and received unanimous consent that Senate File 142 be immediately messaged to the House.

BUSINESS PENDING

Senate File 422

The Senate resumed consideration of Senate File 422, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations, and amendment S—3677 by Senator Connolly to page 5 of the bill, previously deferred.

Senator Connolly offered amendment S—3680 filed by Senators Connolly and McKean from the floor to pages 1 and 5 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3680 be adopted?" (S.F. 422) the vote was:

Ayes, 16:

Banks	Bennett	Borlaug	Buhr
Connolly	Gettings	Giannetto	Hedge
Maddox	McKean	Palmer	Rensink
Sturgeon	Taylor	Tinsman	Zieman

Nays, 34:

Bartz	Bisignano	Boswell	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Gronstal	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
McLaren	Murphy	Pate	Priebe
Rife	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Szymoniak	Varn
Vilsack	Welsh		

Amendment S—3680 lost.

Senator Murphy offered amendment S—3681 filed by him from the floor to pages 1-3 of the bill and moved its adoption.

Amendment S—3681 was adopted by a voice vote.

Senator Connolly withdrew amendment S—3677 to page 5 of the bill, previously deferred.

(Action on Senate File 422 was temporarily deferred).

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1993, passed the following bill in which the concurrence of the Senate is asked:

House File 676, a bill for an act relating to the exemption from property taxation for certain new machinery and computer equipment and providing reimbursement for taxes not levied.

This bill was read first time and **passed on file**.

ALSO: That the House has on April 28, 1993, **insisted on its amendment to Senate File 11**, a bill for an act providing for the establishment of agricultural enterprise zones, restricting nuisance suits, and providing for tax exemptions on facilities within such zones, and that the members of the **Conference Committee** on part of the House are: The Representative from Buena Vista, Mr. Eddie, Chair; the Representative from Emmet, Mr. Greig; the Representative from Mitchell, Mr. Koenigs; the Representative from Osceola, Mr. Vande Hoef; the Representative from Chickasaw, Mr. Weigel.

BUSINESS PENDING

Senate File 422

The Senate resumed consideration of Senate File 422.

Senator Varn offered amendment S—3683 filed by Senators Varn and Murphy from the floor to page 5 of the bill.

Senator Kramer offered amendment S—3684 filed by her from the floor to amendment S—3683 and moved its adoption.

Amendment S—3684 was adopted by a voice vote.

Senator Varn offered amendment S—3685 filed by him from the floor to amendment S—3683 and moved its adoption.

Amendment S—3685 was adopted by a voice vote.

Senator Varn moved the adoption of amendment S—3683 as amended, which motion prevailed by a voice vote.

Senator Murphy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 422) the vote was:

Ayes, 41:

Bartz	Bisignano	Boswell	Buhr
Connolly	Deluhery	Dieleman	Drake
Fink	Fraise	Fuhrman	Gettings
Giannetto	Hedge	Hester	Horn
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McLaren	Murphy	Palmer	Pate
Priebe	Rife	Riordan	Rittmer
Rosenberg	Slife	Sturgeon	Szymoniak
Taylor	Tinsman	Varn	Vilsack
Welsh			

Nays, 9:

Banks	Bennett	Borlaug	Gronstal
Husak	McKean	Rensink	Sorensen
Zieman			

Senator Horn asked and received unanimous consent that **Senate Files 384 and 422 be immediately messaged to the House and to send an immediate message to the House on Senate File 117.**

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 11** on the part of the Senate: Senators Priebe, Chair; Palmer, Husak, Bartz and Banks.

APPENDIX**STUDY BILLS RECEIVED****SSB 327 Ways & Means**

Relating to waste volume reduction and recycling by removing the prohibition against the manufacture, sale, and use of polystyrene packaging products or food service items in the state and by extending the pollution control equipment property tax exemption to property used for composting and to property used for the recycling of metal, scrap metal, tires, scrap tires, shredded tires, waste plastic, wastepaper products, and waste paperboard.

SSB 328 Appropriations

Relating to the compensation and benefits for public officials and employees and making appropriations.

SUBCOMMITTEE ASSIGNMENTS**SSB 327**

WAYS AND MEANS: Husak, Chair; Deluhery and Drake

SSB 328

APPROPRIATIONS: Murphy, Chair; Boswell and McLaren

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 27, 1993.

Had I been present, I would have voted "aye" on final passage of Senate File 196 and House Files 635 and 644.

PATTY JUDGE

PETITIONS

The following petitions opposing legislation reinstating the death penalty were presented and placed on file by:

Senator Jensen from 35 residents of Bremer, Black Hawk and Grundy Counties.

Senator Maddox from five residents of Polk and Boone Counties.

Senator Lloyd-Jones from 103 residents of Johnson County.

Senator Rittmer from five residents of Clinton County.

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 28, 1993, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 48 — Designating the Iowa department of public health as the lead agency for the coordination and regulation of emergency medical services and establishing an emergency medical services fund.

SENATE FILE 254 — Broaden the definition of children requiring special education to include children who retain some sight but who have a medically diagnosed expectation of visual deterioration and to provide for related matters.

SENATE FILE 271 — Relating to entities and subject matter under the regulatory authority of the regulated industries unit of the division of insurance, including residential service contracts, continuing care retirement communities, loan brokers, and membership organizations.

SENATE FILE 288 — Relating to cosmetology including providing an exclusion from the definition of the practice of cosmetology arts and sciences for the purpose of licensure.

SENATE FILE 320 — Relating to the development of a community health management information system.

SENATE FILE 364 — Relating to nonpublic school pupil textbook services.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty-one students from Bedford Elementary School, Bedford, accompanied by Mike Hansen. Senator Boswell.

Seventy high school students from West High School, Davenport. Senators Tinsman and Deluhery.

Forty eleventh and twelfth grade students from Harmony High School, Farmington, accompanied by Amy Morgan. Senator Gettings.

RESOLUTION ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following resolution to committee:

S. C. R. 35 Business & Labor Relations

COMMITTEE REPORTS

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Final Bill Action: SENATE CONCURRENT RESOLUTION 33, a concurrent resolution supporting an upper Mississippi River and Illinois waterway feasibility study.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Riordan, Vilsack, Zieman, Bartz, Bennett, Borlaug, Giannetto, Kibbie, Lloyd-Jones, Maddox and Sorensen. Nays, none. Absent or not voting, 2: Bisignano and Judge.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE CONCURRENT RESOLUTION 8, a concurrent resolution to designate Anamosa, Iowa, the Pumpkin Capital of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, McLaren, Pate and Priebe. Nays, 1: Welsh. Absent or not voting, 1: Sorensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 32, a concurrent resolution to designate Spencer, Iowa, the Flag City of Iowa, during its Flagfest '93 celebration from June 11, 1993, to June 13, 1993.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, McLaren, Pate, Priebe and Welsh. Nays, none. Absent or not voting, 1: Sorensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE JOINT RESOLUTION 28, a joint resolution proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of state license fees received from hunting, fishing, and trapping, and other public or private funds appropriated, allocated, or received by the state for fish and wildlife protection purposes.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Gronstal, Kibbie, Rittmer, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, McLaren, Pate and Welsh. Nays, none. Absent or not voting, 3: Bisignano, Priebe and Sorensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—3672	S.F.	419	Larry Murphy
S—3673	S.F.	117	House amendment
S—3674	S.F.	142	William W. Dieleman
S—3675	S.F.	268	John P. Kibbie
S—3676	H.F.	360	House amendment
S—3677	S.F.	422	Mike Connolly
S—3678	S.F.	382	Randal J. Giannetto
S—3679	S.F.	142	Jean Lloyd-Jones
S—3680	S.F.	422	Mike Connolly
			Andy McKean
S—3681	S.F.	422	Larry Murphy
S—3682	S.F.	382	Ray Taylor
S—3683	S.F.	422	Richard Varn
			Larry Murphy
S—3684	S.F.	422	Mary Kramer
S—3685	S.F.	422	Richard Varn

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 10:15 p.m., until 9:00 a.m., Thursday, April 29, 1993.

JOURNAL OF THE SENATE

ONE HUNDRED NINTH CALENDAR DAY
SIXTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 29, 1993

The Senate met in regular session at 9:12 a.m., Senator Connolly presiding.

Prayer was offered by the Reverend Ron Strack, pastor of the First Assembly of God Church, Des Moines, Iowa.

The Journal of the Wednesday, April 28, 1993, was approved.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Szymoniak until she arrives on request of Senator Horn.

ADOPTION OF RESOLUTIONS (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House Concurrent Resolution 32 and Senate Concurrent Resolution 33.

House Concurrent Resolution 32

On motion of Senator Kibbie, House Concurrent Resolution 32, a concurrent resolution to designate Spencer, Iowa, the Flag City of Iowa, during its Flagfest '93 celebration from June 11, 1993, to June 13, 1993, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie moved the adoption of House Concurrent Resolution 32, which motion prevailed by a voice vote.

Senate Concurrent Resolution 33

On motion of Senator Vilsack, Senate Concurrent Resolution 33, a concurrent resolution supporting an upper Mississippi River and Illinois waterway feasibility study, with report of committee recommending passage, was taken up for consideration.

Senator Vilsack moved the adoption of Senate Concurrent Resolution 33, which motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen until he arrives on request of Senator Hester.

SENATE RECEDES

House File 348

Senator Judge called up for consideration House File 348, a bill for an act relating to the filing of certain birth certificates, and moved that the Senate recede from its amendment.

The motion prevailed by a voice vote and the Senate receded from its amendment.

Senator Judge moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 348) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer

Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Taylor	Tinsman	Varn
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Jensen	Sturgeon	Szymoniak	Welsh
--------	----------	-----------	-------

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 360

Senator Sorensen called up for consideration House File 360, a bill for an act relating to containers used for liquified petroleum gas and providing a penalty, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3676 to Senate amendment H—4164 filed April 28, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Sorensen moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 360) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer

Pate
Riordan
Sorensen
Vilsack

Priebe
Rittmer
Taylor
Zieman

Rensink
Rosenberg
Tinsman

Rife
Slife
Varn

Nays, 1:

Welsh

Absent or not voting, 3:

Jensen

Sturgeon

Szymoniak

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

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House Files 472 and 660.

House File 472

On motion of Senator Lloyd-Jones, House File 472, a bill for an act relating to bonds issued by airport authorities, with report of committee recommending passage, was taken up for consideration.

Senator Lloyd-Jones moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 472) the vote was:

Ayes, 48:

Banks
Borlaug
Deluhery
Fraise
Gronstal
Husak
Kramer
McKean
Pate

Bartz
Boswell
Dieleman
Fuhrman
Hedge
Judge
Lind
McLaren
Priebe

Bennett
Buhr
Drake
Gettings
Hester
Kersten
Lloyd-Jones
Murphy
Rensink

Bisignano
Connolly
Fink
Giannetto
Horn
Kibbie
Maddox
Palmer
Rife

Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Jensen Szymoniak

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

House File 660

On motion of Senator Husak, House File 660, a bill for an act relating to income tax return checkoffs for purposes of state individual income tax and establishing an income tax checkoff to support the Iowa state fair foundation and providing for the Act's retroactive applicability, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Husak offered amendment S—3669 filed by the committee on Ways and Means on April 28, 1993, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—3669 was adopted by a voice vote.

Senator Husak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 660) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen

Sturgeon
Vilsack

Taylor
Zieman

Tinsman

Varn

Nays, 1:

Fuhrman

Absent or not voting, 3:

Jensen

Szymoniak

Welsh

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

President Bosewill took the chair at 10:02 a.m.

CONSIDERATION OF BILL (Appropriations Calendar)

Senate File 419

On motion of Senator Murphy, Senate File 419, a bill for an act requiring that moneys credited to and deposited in the general fund of the state be used for the purposes for which the moneys were collected and providing an effective date, was taken up for consideration.

Senator Gronstal asked and received unanimous consent to withdraw amendment S—3655 filed by Senators Gronstal and McLaren on April 27, 1993, to page 2 of the bill.

The Chair ruled amendment S—3661 filed by Senator Gronstal on April 27, 1993, to amendment S—3655, out of order.

Senator Murphy offered amendment S—3672 filed by him on April 28, 1993, to pages 1, 2 and the title page of the bill and moved its adoption.

Amendment S—3672 was adopted by a voice vote.

Senator Murphy asked and received unanimous consent that House File 669 be substituted for Senate File 419 as amended.

House File 669

On motion of Senator Murphy, House File 669, a bill for an act requiring that certain moneys shall be credited to and deposited in the general fund of the state and shall be used for the purposes for which the moneys were collected and providing an effective date, was taken up for consideration.

Senator Gronstal offered amendment S—3686 filed by Senators Gronstal and McLaren from the floor to pages 3, 4, 7 and 9-12 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3686 be adopted?" (H.F. 669) the vote was:

Ayes, 37:

Banks	Bartz	Bennett	Bisignano
Buhr	Connolly	Deluhery	Dieleman
Drake	Fink	Fuhrman	Giannetto
Gronstal	Hedge	Hester	Judge
Kersten	Kramer	Lind	Lloyd-Jones
Maddox	McLaren	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Varn
Vilsack			

Nays, 13:

Borlaug	Boswell	Fraise	Gettings
Horn	Husak	Jensen	Kibbie
McKean	Murphy	Slife	Welsh
Zieman			

Amendment S—3686 was adopted.

Senator Murphy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 669) the vote was:

Ayes, 49:

Banks	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery

Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, 1:

Bartz

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

Senator Murphy asked and received unanimous consent that **Senate File 419** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL (Ways and Means Calendar)

House File 664

On motion of Senator Husak, House File 664, a bill for an act relating to providing for special valuation for property tax and sales, service, and use tax exemptions for wind energy conversion property, with report of committee recommending passage, was taken up for consideration.

Senator Husak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 664) the vote was:

Ayes, 43:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Fink	Fraise	Gettings
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten

Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	

Nays, 7:

Bisignano	Drake	Fuhrman	Giannetto
Palmer	Sturgeon	Zieman	

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

President pro tempore Palmer took the chair at 10:40 a.m.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that the following bills be immediately messaged to the House: **House Concurrent Resolution 32, Senate Concurrent Resolution 33, and House Files 348, 360, 472, 660, 664 and 669.**

ADOPTION OF RESOLUTIONS (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 34 and House Joint Resolution 28.

Senate Concurrent Resolution 34

On motion of Senator Riordan, Senate Concurrent Resolution 34, a concurrent resolution relating to the research and development of soybean-based industrial and consumer products, with report of committee recommending passage, was taken up for consideration.

Senator Riordan moved the adoption of Senate Concurrent Resolution 34, which motion prevailed by a voice vote.

House Joint Resolution 28

On motion of Senator Fink, House Joint Resolution 28, a joint resolution proposing an amendment to the Constitution of the State

of Iowa to restrict the expenditure of state license fees received from hunting, fishing, and trapping, and other public or private funds appropriated, allocated, or received by the state for fish and wildlife protection purposes, with report of committee recommending passage, was taken up for consideration.

Senator Fink moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

House Joint Resolution 28, a joint resolution proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of state license fees received from hunting, fishing, and trapping, and other public or private funds appropriated, allocated, or received by the state for fish and wildlife protection purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

Article VII of the Constitution of the State of Iowa is amended by adding the following new section:

FISH AND WILDLIFE PROTECTION FUNDS. Sec. 9. All revenue derived from state license fees for hunting, fishing, and trapping, and all state funds appropriated for, and federal or private funds received by the state for, the regulation or advancement of hunting, fishing, or trapping, or the protection, propagation, restoration, management, or harvest of fish or wildlife, shall be used exclusively for the performance and administration of activities related to those purposes.

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

On the question "Shall the resolution pass?" (H.J.R. 28) the vote was:

Yeas, 42:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Gettings	Giannetto	Gronstal
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Vilsack	Zieman		

Nays, 5:

Fuhrman	Hedge	Hester	Kramer
Tinsman			

Absent or not voting, 3:

Slife	Varn	Welsh
-------	------	-------

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

SENATE RECEDES

House File 111

Senate Szymoniak called up for consideration House File 111, a bill for an act updating the Iowa Code references to the federal Internal Revenue Code and providing retroactive applicability and effective dates, amended by the Senate, and moved that the Senate recede from its amendment.

The motion prevailed by a voice vote and the Senate receded from its amendment.

Senator Szymoniak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 111) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly

Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Varn	Vilsack
Welsh	Zieman		

Nays, none.

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

HOUSE AMENDMENT CONSIDERED

Senate File 290

Senator Gronstal called up for consideration Senate File 290, a bill for an act relating to the moratorium on the granting of permits for the construction or operation of infectious waste treatment or disposal facilities, amended by the House, and moved that the Senate concur in House amendment S—3670 filed April 28, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 290) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox

McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Bisignano

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

Senator Riordan took the chair at 11:07 a.m.

UNFINISHED BUSINESS CALENDAR

House File 641

On motion of Senator Priebe, House File 641, a bill for an act relating to the department of agriculture and land stewardship, by providing for the assessment and collection of civil penalties against commercial applicators of pesticides, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Priebe moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 641) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy

Palmer
Rife
Slife
Taylor
Welsh

Pate
Riordan
Sorensen
Tinsman
Zieman

Priebe
Rittmer
Sturgeon
Varn

Rensink
Rosenberg
Szymoniak
Vilsack

Nays, none.

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 382

Senator Palmer called up for consideration House File 382, a bill for an act relating to delinquency charges on, and the conversion of, certain consumer transactions, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3671 to Senate amendment H—3992 filed April 28, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Palmer moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 382) the vote was:

Ayes, 47:

Banks
Borlaug
Deluhery
Fraise
Hedge
Jensen
Kramer
McKean
Pate
Riordan

Bartz
Boswell
Dieleman
Fuhrman
Hester
Judge
Lind
McLaren
Priebe
Rittmer

Bennett
Buhr
Drake
Gettings
Horn
Kersten
Lloyd-Jones
Murphy
Rensink
Rosenberg

Bisignano
Connolly
Fink
Giannetto
Husak
Kibbie
Maddox
Palmer
Rife
Slife

Sorensen
Varn

Szymoniak
Vilsack

Taylor
Zieman

Tinsman

Nays, 3:

Gronstal

Sturgeon

Welsh

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

CONSIDERATION OF BILL (Ways and Means Calendar)

Senate File 413

On motion of Senator Rosenberg, Senate File 413, a bill for an act relating to the collection and disposition of civil and criminal fees and fines, distribution of court revenue, was taken up for consideration.

Senator Rosenberg asked and received unanimous consent that action on **Senate File 413** be **deferred**.

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that the following bills be immediately messaged to the House: **Senate Concurrent Resolution 34**, **House Joint Resolution 28** and **House Files 111, 382 and 641**.

Senator Husak asked and received unanimous consent to send an immediate message to the House on **Senate File 290**.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 496

Senator Deluhery called up for consideration House File 496, a bill for an act relating to area education agency and school district procedures regarding school reorganization, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3604 to Senate amendment H—3991 filed April 23, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Deluhery moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 496) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Priebe

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

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Husak asked and received unanimous consent to take up for consideration House File 661.

House File 661

On motion of Senator Dieleman, House File 661, a bill for an act relating to the exemption from the state sales tax for certain

prescription drugs and medical devices and providing for the Act's applicability, with report of committee recommending passage, was taken up for consideration.

Senator Dieleman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 661) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Varn	Vilsack
Welsh	Zieman		

Nays, none.

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

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **House Files 496 and 661** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1993, adopted the following resolution in which the concurrence of the House was asked:

Senate Joint Resolution 3, a joint resolution supporting the granting of commonwealth status to the territory of Guam.

ALSO: That the House has on April 29, 1993, passed the following bill in which the concurrence of the House was asked:

Senate File 412, a bill for an act relating to a records management fee to be collected by the county recorder.

ALSO: That the House has on April 29, 1993, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 136, a bill for an act relating to the care of dogs and cats transferred by animal care facilities, authorizing fees and providing penalties.

House File 328, a bill for an act requiring a single state insurance registration system for motor carriers.

House File 635, a bill for an act relating to the solicitation and giving of contributions to certain candidates for state office for which a special election is held during the regular legislative session.

ALSO: That the House has on April 29, 1993, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 637, a bill for an act relating to the care of animals including livestock, by prohibiting the neglect of animals, providing for the rescue, maintenance, and disposition of neglected animals, providing penalties, and providing for the repeal of sections (S—3694 to H—4094).

RECESS

On motion of Senator Husak, the Senate recessed at 11:59 a.m., until 2:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APROPRIATIONS

Convened: April 28, 1993, 5:30 p.m.

Members Present: Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Fraise, Gronstal, Horn, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Rensink, Rosenberg, Tinsman, Varn and Vilsack.

Members Absent: Slife (excused).

Committee Business: Assigned bill to subcommittee; approved SSB 328 as a committee bill.

Adjourned: 5:48 p.m.

COMMUNICATIONS AND INFORMATION POLICY

Convened: April 28, 1993, 12:30 p.m.

Members Present: Varn, Chair; Welsh, Vice Chair; Fuhrman, Ranking Member; Deluhery, Fraise, Jensen and Kersten.

Members Absent: none.

Committee Business: Recommended passage of Senate File 417 as amended.

Adjourned: 2:45 p.m.

EDUCATION

Convened: April 28, 1993, 2:58 p.m.

Members Present: Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Fink, Lind, Murphy, Rensink, Slife, Szymoniak, Taylor, Tinsman, Varn and Vilsack.

Members Absent: none.

Committee Business: Recommended passage of Senate File 421; discussed open enrollment.

Adjourned: 3:07 p.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: April 28, 1993, 5:00 p.m.

Members Present: Riordan, Chair; Vilsack, Vice Chair; Zieman, Ranking Member; Bartz, Bennett, Borlaug, Giannetto, Kibbie, Lloyd-Jones, Maddox and Sorensen.

Members Absent: Bisignano and Judge (both excused).

Committee Business: Recommended passage of Senate Concurrent Resolution 33.

Adjourned: 5:06 p.m.

STATE GOVERNMENT

Convened: April 28, 1993, 2:43 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, McLaren, Pate, Priebe and Welsh.

Members Absent: Sorensen.

Committee Business: Recommended passage of Senate Concurrent Resolution 8, House Concurrent Resolution 32 and House Joint Resolution 28.

Adjourned: 2:50 p.m.

WAYS AND MEANS

Convened: April 28, 1993, 8:12 a.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Riordan and Szymoniak.

Members Absent: Fuhrman, Murphy (excused), Palmer and Rosenberg (excused).

Committee Business: Recommended passage of House Files 664, 663, 661, 472 and 656; recommended passage of House File 660 as amended.

Adjourned: 8:34 a.m.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 28, 1993, when the vote was taken on Senate File 117. Had I been present, I would have voted "aye".

MAGGIE TINSMAN

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 422, the following corrections were made:

1. Page 7, line 15, the word and number "Section 100" were changed to the word and number "Section 11".

Amendment S—3681:

1. Page 1, line 10, the word and numbers "25 and 26" were changed to the word and numbers "24 and 25".

JOHN F. DWYER
Secretary of the Senate

COMMITTEE REPORT

COMMUNICATIONS AND INFORMATION POLICY

Final Bill Action: SENATE FILE 417, a bill for an act relating to the Iowa communications network by establishing a board and a council, expanding the definitions of private and public agencies, amending financing provisions, providing for the lease of Part III facilities, providing for certain restrictions on the disposition of the network, providing for a procedure for determining which provider shall provide connections to Part III, establishing an alternative form of rate review for rate-regulated telephone utilities, providing for the right of the state to locate and construct the network on public and private property and providing an immediate effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—3689.

Final Vote: Ayes, 6: Varn, Welsh, Fuhman, Deluhery, Fraise and Kersten. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

PETITION

The following petition was presented and placed on file by:

Senator Hedge from 110 residents of Keokuk, Washington and Linn Counties opposing legislation reinstating the death penalty.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty third grade students from United Community Elementary School, Boone, accompanied by Mary Clark. Senator Sorensen.

Thirty-three fifth grade students from Whittier Elementary School, Oskaloosa, accompanied by Donna De Groot. Senator Hedge.

Fifty fifth grade students from Roosevelt Elementary School, Waterloo, accompanied by Bev Smith, teachers and parents. Senators Lind and Slife.

Seventy seventh grade students from Woodward-Granger Community School, Woodward, accompanied by Mrs. Knolmayer and Mr. Denger. Senator Maddox.

The Chair welcomed the Honorable Cliff Burroughs, former member of the Senate from Butler County, who was present in the Senate chamber.

SUBCOMMITTEE ASSIGNMENT

Senate Concurrent Resolution 35

BUSINESS AND LABOR RELATIONS: Sturgeon, Chair; Gettings and Maddox.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 29th day of April, 1993:

Senate Files 3, 57, 191, 220, 221, 312, 349, 350, 362, 372, 376 and 391.

JOHN F. DWYER
Secretary of the Senate

AMENDMENTS FILED

S-3686	H.F.	669	Michael Gronstal Derryl McLaren
S-3687	H.F.	455	Jim Lind
S-3688	S.F.	413	Ralph Rosenberg John W. Jensen Emil J. Husak
S-3689	S.F.	417	Communications & Info. Policy
S-3690	S.F.	413	Don E. Gettings
S-3691	H.F.	331	Jean Lloyd-Jones
S-3692	S.F.	413	Al Sturgeon
S-3693	H.C.R.	16	Andy McKean
S-3694	H.F.	637	House amendment
S-3695	S.F.	413	Ralph Rosenberg Emil J. Husak John W. Jensen

AFTERNOON SESSION

The Senate reconvened at 2:52 p.m., President Boswell presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

BILL ASSIGNED TO COMMITTEE

President Boswell announced that **House File 676** was assigned to the committee on **Ways and Means**.

UNFINISHED BUSINESS CALENDAR

House File 622

On motion of Senator Gronstal, House File 622, a bill for an act relating to a proposed department of public works study, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Welsh asked and received unanimous consent that action on **House File 622** be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 268

Senator Szymoniak called up for consideration Senate File 268, a bill for an act creating an Iowa invests program and providing related provisions including applicability provisions, and effective dates, amended by the House in House amendment S—3560 filed April 21, 1993.

Senator Kibbie withdrew amendment S—3675 filed by him on April 28, 1993, to page 2 of House amendment S—3560.

Senator Szymoniak moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 268) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Horn

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

BUSINESS PENDING

Senate File 413

The Senate resumed consideration of Senate File 413, a bill for an act relating to the collection and disposition of civil and criminal fees and fines, distribution of court revenue, previously deferred.

Senator Sturgeon withdrew amendment S—3562 filed by him on April 21, 1993, to pages 1 and 2 of the bill.

Senator Sturgeon offered amendment S—3692 filed by him from the floor to page 4 of the bill.

President pro tempore Palmer took the chair at 3:33 p.m.

Senator Sturgeon moved the adoption of amendment S—3692.

A non record roll call was requested.

The ayes were 25, nays 25.

Amendment S—3692 lost.

Senator Rosenberg asked and received unanimous consent to withdraw amendment S—3688 filed by Senators Rosenberg, Jensen and Husak from the floor to pages 4-9 of the bill.

The Chair ruled amendment S—3690 filed by Senators Gettings from the floor to amendment S—3688 out of order.

Senator Rosenberg offered amendment S—3695 filed by Senators Rosenberg, Husak and Jensen from the floor to pages 4-9 of the bill.

Senator Sturgeon offered amendment S—3700 filed by him from the floor to amendment S—3695 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3700 to amendment S—3695 be adopted?" (S.F. 413) the vote was:

Ayes, 22:

Banks	Bartz	Bisignano	Borlaug
Fuhrman	Giannetto	Horn	Judge
Kersten	Maddox	McKean	Palmer
Pate	Rife	Riordan	Rittmer
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Welsh		

Nays, 28:

Bennett	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink

Fraise	Gettings	Gronstal	Hedge
Hester	Husak	Jensen	Kibbie
Kramer	Lind	Lloyd-Jones	McLaren
Murphy	Priebe	Rensink	Rosenberg
Tinsman	Varn	Vilsack	Zieman

Amendment S—3700 lost.

Senator Gettings withdrew amendment S—3701 filed by him from the floor to amendment S—3695.

Senator Gettings asked and received unanimous consent that action on amendment S—3695 and **Senate File 413** be deferred.

President Boswell took the chair at 3:55 p.m.

BUSINESS PENDING

House File 622

The Senate resumed consideration of House File 622, a bill for an act relating to a proposed department of public works study, previously deferred.

Senator Welsh offered amendment S—3702 filed by Senators Welsh, et al., from the floor to strike everything after the enacting clause and the title page of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 11, nays 32.

Amendment S—3702 lost.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 622) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Fink	Fraise	Fuhrman
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen

Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
Murphy	Palmer	Pate	Priebe
Rensink	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Varn	Vilsack
Zieman			

Nays, 5:

Bisignano	Drake	McLaren	Rife
Welsh			

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

BUSINESS PENDING

Senate File 413

The Senate resumed consideration of Senate File 413, a bill for an act relating to the collection and disposition of civil and criminal fees and fines, distribution of court revenue, and amendment S—3695 by Senator Rosenberg, previously deferred.

Senator Gettings offered amendment S—3704 filed by him from the floor to amendment S—3695 and moved its adoption.

Amendment S—3704 was adopted by a voice vote.

Senator Rosenberg moved the adoption of amendment S—3695 as amended, which motion prevailed by voice vote.

The Senate stood at ease at 4:20 p.m. until the fall of the gavel.

The Senate resumed session at 4:25 p.m., President Boswell presiding.

BUSINESS PENDING

Senate File 413

The Senate resumed consideration of Senate File 413.

Senator Fuhrman offered amendment S—3707 filed by Senators Fuhrman and Sturgeon from the floor to page 4 of the bill and moved its adoption.

Amendment S—3707 was adopted by a voice vote.

Senator Bartz raised the point of order that Senate File 413 should be referred to the committee on Appropriations under Senate Rule 38.

Senator Bartz withdrew his point of order.

Senator Rosenberg filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3695 as amended to Senate File 413 was adopted by the Senate on April 29, 1993.

The motion prevailed by a voice vote and amendment S—3695 by Senator Rosenberg was taken up for reconsideration.

Senator Rosenberg offered amendment S—3708 filed by him from the floor to amendment S—3695 and moved its adoption.

Amendment S—3708 was adopted by a voice vote.

Senator Rosenberg moved the adoption of amendment S—3695 as amended.

A record roll call was requested.

On the question “Shall amendment S—3695 as amended be adopted?” (S.F. 413) the vote was:

Ayes, 41:

Bennett	Bisignano	Borlaug	Boswell
Buhr	Connolly	Deluhery	Dieleman
Drake	Fink	Fraise	Gettings
Giannetto	Gronstal	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
McKean	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Rittmer
Rosenberg	Slife	Sorensen	Szymoniak
Taylor	Tinsman	Varn	Vilsack
Welsh			

Nays, 8:

Bartz	Fuhrman	Hedge	Maddox
McLaren	Riordan	Sturgeon	Zieman

Absent or not voting, 1:

Banks

Amendment S—3695 as amended was adopted.

Senator Rosenberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 413) the vote was:

Ayes, 47:

Bennett	Bisignano	Borlaug	Boswell
Buhr	Connolly	Deluhery	Dieleman
Drake	Fink	Fraise	Fuhrman
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Zieman	

Nays, 2:

Bartz	Welsh
-------	-------

Absent or not voting, 1:

Banks

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

The Senate stood at ease at 5:05 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:46 p.m., Senator Lloyd-Jones presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent and a quorum present.

The Senate stood at ease at 7:58 p.m. until the fall of the gavel.

The Senate resumed session at 9:36 p.m., Senator Fink presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

President Boswell took the chair at 9:50 p.m.

UNFINISHED BUSINESS (Deferred March 30, 1993)

Senate File 331

The Senate resumed consideration of Senate File 331, a bill for an act authorizing a city or county to impose an economic development levy consisting of a property tax levy, income surtax, or both, and amendment S—3279 by Senators Bartz and Judge to pages 3 and 5 of the bill, deferred March 30, 1993.

Senator Judge offered amendment S—3705 filed by her from the floor to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S—3705 was adopted by a voice vote.

With the adoption of amendment S—3705, the Chair ruled the following amendments out of order:

S—3279 by Senators Bartz and Judge to pages 3 and 5 of the bill, previously deferred.

S—3318 filed by Senator McKean on March 31, 1993, to pages 2, 4 and 5 of the bill.

Senator Judge asked and received unanimous consent that House File 474 be substituted for Senate File 331 as amended.

House File 474

On motion of Senator Judge, House File 474, a bill for an act authorizing a city or county to impose an economic development property tax levy or income surtax, was taken up for consideration.

Senator Riordan asked and received unanimous consent that action on House File 474 be deferred.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House Files 656 and 663.

House File 656

On motion of Senator Riordan, House File 656, a bill for an act relating to exempting methane gas conversion property from taxation, with report of committee recommending passage, was taken up for consideration.

Senator Riordan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 656) the vote was:

Ayes, 44:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rosenberg	Slife	Sorensen
Szymoniak	Taylor	Varn	Vilsack

Nays, 2:

Tinsman Zieman

Absent or not voting, 4:

Bisignano Rittmer Sturgeon Welsh

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

House File 663

On motion of Senator Deluhery, House File 663, a bill for an act relating to an increase in property tax dollars certified for purposes of the property tax limitation for the fiscal year beginning July 1, 1994, with report of committee recommending passage, was taken up for consideration.

Senator Deluhery moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 663) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rosenberg	Slife	Sorensen
Szymoniak	Taylor	Tinsman	Varn
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Bisignano Rittmer Sturgeon Welsh

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

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following second conference committee on **Senate File 266** on the part of the Senate: Senators Vilsack, Chair; Bisignano, Welsh, Rife and Slife.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 656 and 663** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1993, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 142, a bill for an act relating to motorcycle rider education and the use of protective headgear when operating or riding motorcycles and motorized bicycles and the sale of such headgear and providing penalties and a repeal provision.

ALSO: That the House has on April 29, 1993, passed the following bill in which the concurrence of the Senate is asked:

House File 602, a bill for an act relating to drug testing of certain employees and applicants for employment.

This bill was read first time and **passed on file**.

INTRODUCTION OF BILL

Senate File 423, by committee on Ways and Means, a bill for an act relating to annual fairs held by the Iowa state fair authority and local societies by exempting certain gross receipts from the sales and services tax.

Read first time and **placed on Ways and Means Calendar**.

The Senate stood at ease at 10:20 p.m. until the fall of the gavel.

The Senate resumed session at 11:05 p.m., Senator Riordan presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1993, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 29, a concurrent resolution relating to the common control of the Union Pacific Railroad Company, the Missouri Pacific Railroad Company, the Chicago and Northwestern Holdings Corporation, and the Chicago and Northwestern Transportation Company.

ALSO: That the House has on April 29, 1993, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 410, a bill for an act relating to the sales, services, and use tax exemption for sales of educational, religious, or charitable activities (S—3715).

Senate File 418, a bill for an act relating to the annexation of land to cities (S—3714).

ALSO: That the House has on April 29, 1993, passed the following bill in which the concurrence of the Senate is asked:

House File 671, a bill for an act relating to the definition of income for purposes of the mobile home property tax credit and the homestead tax credit and rent reimbursement and providing effective and applicability dates.

This bill was read first time and passed on file.

IMMEDIATELY MESSAGED

Senator Murphy asked and received unanimous consent that **Senate File 413** and **House File 622** be immediately messaged to the House.

APPENDIX

SPECIAL GUEST

Senator Palmer introduced Ms. Jamie Solinger, Miss Teenage U.S.A., who was accompanied by her father, Jeff Solinger. Jamie is from Altoona, Iowa, and a senior at Southeast Polk High School.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 350, the following correction was made:

1. Page 40, lines 16 and 17, the words and numbers "Sections 101 through 107" were changed to the words and numbers "Sections 39 through 43 and sections 53 and 55".

ALSO: That in enrolling Senate File 371, the following correction was made:

1. Page 3, line 15, the words "paragraph 1." were changed to the words "paragraph 1:"

ALSO: That in enrolling Senate File 206, the following corrections were made:

1. Page 5, line 34, the word and number "Section 201A" were changed to the word and number "Section 202".

2. Page 6, line 4, the word and number "Section 205" were changed to the word and number "Section 206".

JOHN F. DWYER
Secretary of the Senate

CERTIFICATES OF RECOGNITION

The secretary of the senate issued the following certificates of recognition:

Sara Schnobelen, Dallas Center-Grimes and Blythe Burkhart, Johnston — For 1993 Academic All-State Honor Roll. Senator Maddox (4-29-93).

Angela Green, Urbandale — For 1993 Academic All-State Honor Roll and Regional Team Member. Senator Maddox (4-29-93).

Jake Kraehling, Davenport — For achieving the distinguished rank of Eagle Scout. Senator Rife (5-1-93).

Kurt A. Kovarik, Protivin — For achieving the coveted rank of Eagle Scout. Senator Borlaug (5-9-93).

North High School, Davenport — For "First in the Nation in Education" academic honors program. Senator Tinsman (5-13-93).

Julie Wilkerson, West Des Moines — For The Des Moines Register's 1993 Academic All-State Team. Senator Kramer (4-29-93).

Matthew Easter, Des Moines — For The Des Moines Register's 1993 Academic All-State Team Finalist. Senator Kramer (4-29-93).

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 28, 1993.

Had I been present, I would have voted "aye" on final passage of Senate Files 63, 163 and 278 and House Files 83, 388, 400 and 533.

PATTY JUDGE

PETITION

The following petition was presented and placed on file by:

Senator Bisignano from two hundred sixty-four residents of Polk County opposing legislation reinstating the death penalty.

SUBCOMMITTEE ASSIGNMENT

LSB 2688

APPROPRIATIONS: Murphy, Chair; Boswell and McLaren

COMMITTEE REPORTS

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE CONCURRENT RESOLUTION 35, a concurrent resolution to honor the memory of Cesar Chavez.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Gettings, Fuhrman, Giannetto, Maddox, Slife and Taylor. Nays, none. Absent or not voting, 4: Sturgeon, Buhr, Connolly and Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 423 (formerly Senate File 45), a bill for an act relating to events on property held by the Iowa state fair authority and societies managing local fairs, by exempting gross receipts from the sales and services tax.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dieleman, Husak, Bennett, Deluhery, Drake, Fuhrman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 424 (LSB 2726), a bill for an act establishing employment parameters for drug testing and a study of the privatization of state functions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Dieleman, Husak, Bennett, Deluhery, Fuhrman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 1: Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 424 and they were attached to the committee report.

INTRODUCTION OF BILL

Senate File 424, by committee on Ways and Means, a bill for an act establishing employment parameters for drug testing and a study of the privatization of state functions.

Read first time under rule 28 and placed on Ways and Means Calendar.

AMENDMENTS FILED

S-3696	S.F.	382	Andy McKean
S-3697	H.F.	576	Jim Kersten
S-3698	S.F.	417	Michael Gronstal
S-3699	S.F.	417	Michael Gronstal
S-3700	S.F.	413	Al Sturgeon
S-3701	S.F.	413	Don Gettings
S-3702	H.F.	622	Joe Welsh
			Richard F. Drake
			Mike Connolly
			Berl E. Priebe
			Derryl McLaren
S-3703	H.F.	170	Jim Riordan
S-3704	S.F.	413	Don Gettings
S-3705	S.F.	331	Patty Judge
S-3706	H.F.	474	Merlin E. Bartz
			Patty Judge
S-3707	S.F.	413	Linn Fuhrman
			Al Sturgeon
S-3708	S.F.	413	Ralph Rosenberg
S-3709	H.F.	474	Patty Judge
S-3710	H.F.	474	Andy McKean
S-3711	H.F.	474	Andy McKean
S-3712	S.F.	417	Michael E. Gronstal
S-3713	S.F.	417	Michael E. Gronstal
S-3714	S.F.	418	House amendment
S-3715	S.F.	410	House amendment

ADJOURNMENT

On motion of Senator Murphy, the Senate adjourned at 11:08 p.m., until 9:00 a.m., Friday, April 30, 1993.

JOURNAL OF THE SENATE

ONE HUNDRED TENTH CALENDAR DAY
SIXTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 30, 1993

The Senate met in regular session at 9:46 a.m., Senator Connolly presiding.

Prayer was offered by the Reverend Ruth Ann Russell, pastor of the United Methodist Church, Hudson, Iowa.

The Journal of the Thursday, April 29, 1993, was approved.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1993, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 387, a bill for an act relating to the family resource center demonstration program (S—3716).

INTRODUCTION OF BILL

Senate File 425, by committee on Appropriations, a bill for an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective and applicability date provisions.

Read first time and placed on Appropriations Calendar.

The Senate stood at ease at 9:57 a.m. until the fall of the gavel.

The Senate resumed session at 10:22 a.m., President pro tempore Palmer presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 418

Senator Riordan called up for consideration Senate File 418, a bill for an act relating to the annexation of land to cities, amended by the House, and moved that the Senate concur in House amendment S—3714 filed April 29, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 418) the vote was:

Ayes, 46:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McLaren	Murphy	Palmer	Pate
Priebe	Rensink	Riordan	Rittmer
Rosenberg	Slife	Sorensen	Szymoniak
Taylor	Tinsman	Varn	Vilsack
Welsh	Zieman		

Nays, 2:

Banks	McKean
-------	--------

Absent or not voting, 2:

Rife Sturgeon

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

BILL ASSIGNED TO COMMITTEE

The Chair announced that **House File 671** was assigned to the committee on **Ways and Means**.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 424.

Senate File 424

On motion of Senator Giannetto, Senate File 424, a bill for an act establishing employment parameters for drug testing and study of the privatization of state functions, was taken up for consideration.

Senator Kramer offered amendment S—3719 filed by Senators Kramer and Fuhrman from the floor to page 2 of the bill.

Senator Kramer asked unanimous consent that action on amendment S—3719 be deferred.

Senator Kramer withdrew her request to defer.

Senator Kramer moved the adoption of amendment S—3719 and requested a record roll call.

On the question "Shall amendment S—3719 be adopted?" (S.F. 424) the vote was:

Ayes, 21:

Banks	Bartz	Bennett	Borlaug
Drake	Fuhrman	Giannetto	Hedge
Hester	Jensen	Kersten	Kramer
Maddox	McLaren	Pate	Rensink
Rife	Rittmer	Taylor	Tinsman
Zieman			

Nays, 29:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Gronstal	Horn	Husak
Judge	Kibbie	Lind	Lloyd-Jones
McKean	Murphy	Palmer	Priebe
Riordan	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Varn	Vilsack
Welsh			

Amendment S—3719 lost.

Senator Riordan withdrew amendment S—3721 filed by him from the floor to page 5 and to the title page of the bill.

Senator Giannetto moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 424) the vote was:

Ayes, 37:

Bartz	Bisignano	Boswell	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Judge
Kersten	Kibbie	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rittmer	Rosenberg	Slife	Sorensen
Szymoniak	Varn	Vilsack	Welsh
Zieman			

Nays, 12:

Banks	Bennett	Borlaug	Buhr
Connolly	Gettings	Jensen	Kramer
Rife	Riordan	Sturgeon	Taylor

Absent or not voting, 1:

Tinsman

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 418** be **immediately messaged** to the House.

RECESS

On motion of Senator Horn, the Senate recessed at 11:55 a.m., until 1:15 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: April 29, 1993, 1:50 p.m.

Members Present: Gettings, Chair; Fuhrman, Ranking Member; Giannetto, Maddox, Slife and Taylor.

Members Absent: Sturgeon, Vice Chair; Buhr, Connolly and Murphy (all excused).

Committee Business: Recommended passage of Senate Concurrent Resolution 35.

Adjourned: 1:55 p.m.

WAYS AND MEANS

Convened: April 29, 1993, 2:09 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Fuhrman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak.

Members Absent: none.

Committee Business: Recommended passage of Senate File 45 as amended.

Adjourned: 2:27 p.m.

WAYS AND MEANS

Convened: April 29, 1993, 10:55 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Fuhrman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak.

Members Absent: Drake.

Committee Business: Approved LSB 2726 as a committee bill.

Adjourned: 11:05 p.m.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 424 passed the Senate on April 30, 1993.

WALLY E. HORN

MR. PRESIDENT: I move to reconsider the vote by which Senate File 424 passed the Senate on April 30, 1993.

MARY KRAMER

PRESENTATION OF VISITORS

Forty-five fifth grade students from Martinsdale-St. Marys Elementary, Martinsdale, accompanied by Mark Peterson. Senator Fink.

Fifth grade students from Edison Elementary School, Waterloo, accompanied by Joann M. Ackman. Senator Lind.

Fifty sixth grade students from Boyden-Hull Elementary School, Boyden, accompanied by Marcene Cox and others. Senator Rensink.

Senator Szymoniak presented the following students from the Deaf Services Commission of Iowa Junior Commissioner Program who were visiting the legislature to observe policy-making activities: Angela Earhart, Tina Caloud, Grant Brase, Michael Hankins, Amity Hulett and Kristine Dach.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 425 (LSB 2688), a bill for an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 22: Murphy, Boswell, McLaren, Banks, Borlaug, Buhr, Connolly, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Rensink, Slife, Tinsman, Varn and Vilsack. Nays, none. Absent or not voting, 3: Bisignano, Horn and Rosenberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3716	S.F.	387	House amendment
S-3717	H.F.	331	Jim Kersten
S-3718	S.F.	425	Mike Connolly
S-3719	S.F.	424	Mary Kramer Linn Fuhrman
S-3720	S.F.	425	Larry Murphy
S-3721	S.F.	424	Jim Riordan
S-3722	S.F.	425	Tom Vilsack
S-3723	H.F.	319	House amendment
S-3724	S.F.	425	Emil Husak Larry Murphy
S-3725	H.F.	430	Florence Buhr

AFTERNOON SESSION

The Senate reconvened at 1:40 p.m., President Boswell presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 30, 1993, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 34, a concurrent resolution relating to the research and development of soybean-based industrial and consumer products.

ALSO: That the House has on April 30, 1993, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 34, a concurrent resolution requesting the establishment of an interim committee to study the issue of adoption reform.

This resolution was read first time and **passed on file**.

ALSO: That the House has on April 30, 1993, passed the following bill in which the concurrence of the Senate is asked:

House File 666, a bill for an act relating to the requirement for filing a state individual income tax return and providing a retroactive applicability date provision.

This bill was read first time and **passed on file**.

ALSO: That the House has on April 30, 1993, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 319, a bill for an act relating to the development and delivery of a summary of the procedures and rights involved in a civil commitment proceeding to a person who applies for the involuntary commitment of another (S—3723 to H—4279).

ALSO: That the House has on April 30, 1993, refused to concur in the Senate amendment to the following bills in which the concurrence of the House was asked:

House File 632, a bill for an act placing a moratorium on construction and operation of certain commercial waste incinerators and providing an effective date.

House File 669, a bill for an act requiring that certain moneys shall be credited to and deposited in the general fund of the state and shall be used for the purposes for which the moneys were collected and providing an effective date.

BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

H.C.R.	34	Rules and Administration
H.F.	666	Ways and Means
H.F.	675	Agriculture

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 425.

Senate File 425

On motion of Senator Murphy, Senate File 425, a bill for an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective and applicability date provisions, was taken up for consideration.

Senator Murphy offered amendment S—3720 filed by him from the floor to page 13 of the bill and moved its adoption.

Amendment S—3720 was adopted by a voice vote.

Senator Husak offered amendment S—3724 filed by Senators Husak and Murphy from the floor to page 26 of the bill and moved its adoption.

Amendment S—3724 was adopted by a voice vote.

Senator Connolly offered amendment S—3718 filed by him from the floor to page 17 of the bill.

Senator Riordan asked and received unanimous consent that action on amendment S—3718 be deferred.

Senator Vilsack asked and received unanimous consent that action on amendment S—3722 filed by him from the floor to pages 18-22 of the bill be deferred.

Senator Priebe offered amendment S—3726 filed by him from the floor to pages 28 and 30 of the bill.

Senator Varn asked and received unanimous consent that action on amendment S—3726 be deferred.

Senator Lind offered amendment S—3729 filed by him from the floor to page 28 of the bill.

Senator Gronstal asked and received unanimous consent that action on amendment S—3729 be deferred.

Senator Lloyd-Jones offered amendment S—3732 filed by Senators Lloyd-Jones, et al., from the floor to page 27 of the bill and moved its adoption.

Amendment S—3732 was adopted by a voice vote.

Senator Tinsman offered amendment S—3728 filed by Senators Tinsman and Varn from the floor to pages 29 and 30 of the bill and moved its adoption.

Amendment S—3728 was adopted by a voice vote.

Senator Connolly took the chair at 2:28 p.m.

Senator Kibbie offered amendment S—3733 filed by Senators Kibbie and Rittmer from the floor to pages 1 and 11 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3733 be adopted?" (S.F. 425) the vote was:

Ayes, 26:

Bennett	Bisignano	Borlaug	Boswell
Buhr	Deluhery	Dieleman	Fuhrman
Gettings	Gronstal	Hedge	Jensen
Judge	Kersten	Kibbie	McKean
Palmer	Priebe	Rensink	Riordan
Rittmer	Szymoniak	Tinsman	Varn
Welsh	Zieman		

Nays, 22:

Banks	Connolly	Drake	Fink
Fraise	Giannetto	Hester	Horn
Husak	Lind	Lloyd-Jones	Maddox
McLaren	Murphy	Pate	Rife
Rosenberg	Slife	Sorensen	Sturgeon
Taylor	Vilsack		

Absent or not voting, 2:

Bartz Kramer

Amendment S—3733 was adopted.

Senator Lind offered amendment S—3727 filed by him from the floor to page 11 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3727 be adopted?" (S.F. 425) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Banks	Bartz	Bennett	Borlaug
Drake	Fuhrman	Hedge	Hester
Jensen	Kersten	Lind	Maddox
McKean	McLaren	Pate	Rensink
Rife	Rittmer	Slife	Taylor
Tinsman	Zieman		

Nays, 27:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Priebe	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Varn	Vilsack	Welsh	

Absent or not voting, 1:

Kramer

Amendment S—3727 lost.

Senator Murphy offered amendment S—3736 filed by Senators Murphy, et al., from the floor to page 11 of the bill and moved its adoption.

Amendment S—3736 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer until she returns on request of Senator Tinsman.

BUSINESS PENDING

Senate File 425

The Senate resumed consideration of Senate File 425.

Senator Taylor offered amendment S—3731 filed by Senators Taylor, Dieleman and Jensen from the floor to page 14 of the bill.

Senator Taylor asked and received unanimous consent that action on amendment S—3731 be deferred.

Senator Bisignano offered amendment S—3734 filed by Senators Kramer, et al., from the floor to page 14 of the bill and moved its adoption.

Amendment S—3734 lost by a voice vote.

Senator Varn offered amendment S—3737 filed by Senators Varn, et al., from the floor to page 14 of the bill and moved its adoption.

Amendment S—3737 was adopted by a voice vote.

Senator Riordan offered amendment S—3740 filed by Senators Riordan, Vilsack and Bisignano from the floor to pages 15-18 of the bill and moved its adoption.

Amendment S—3740 was adopted by a voice vote.

Senator Murphy offered amendment S—3730 filed by him from the floor to pages 17 and 18 of the bill and moved its adoption.

Amendment S—3730 was adopted by a voice vote.

Senator Vilsack withdrew amendment S—3722 to page 18 of the bill, previously deferred.

Senator Vilsack offered amendment S—3742 filed by him from the floor to pages 19 and 20 of the bill and moved its adoption.

Amendment S—3742 was adopted by a voice vote.

Senator Priebe asked and received unanimous consent that action on amendment S—3726 continue to be deferred.

Senator Priebe offered amendment S—3741 filed by him from the floor to page 26 of the bill.

Senator Murphy asked and received unanimous consent that action on amendment S—3741 be deferred.

Senator Lind moved the adoption of amendment S—3729 to page 28 of the bill, previously deferred which motion prevailed by voice vote.

Senator Vilsack offered amendment S—3735 filed by Senators Vilsack, Murphy and Rensink from the floor to page 27 of the bill and moved its adoption.

Amendment S—3735 was adopted by a voice vote.

Senator Riordan offered amendment S—3743 filed by him from the floor to pages 7 and 8 of the bill and moved its adoption.

Amendment S—3743 lost by a voice vote.

Senator Murphy asked and received unanimous consent to withdraw amendment S—3718 by Senator Connolly, to page 17 of the bill, previously deferred.

Senator Priebe withdrew amendment S—3726 to pages 28 and 30 of the bill, previously deferred.

Senator Taylor offered amendment S—3745 filed by Senators Taylor, Dieleman and Jensen from the floor to page 14 of the bill.

President Boswell took the chair at 3:48 p.m.

Senator Taylor moved the adoption of amendment S—3745 and requested a record roll call.

On the question "Shall amendment S—3745 be adopted?" (S.F. 425) the vote was:

Ayes, 19:

Bennett	Dieleman	Fink	Gettings
Giannetto	Hester	Horn	Jensen
Judge	Kersten	Kibbie	Kramer
Lloyd-Jones	Rife	Riordan	Sturgeon
Taylor	Vilsack	Zieman	

Nays, 31:

Banks	Bartz	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Drake	Fraise	Fuhrman	Gronstal
Hedge	Husak	Lind	Maddox
McKean	McLaren	Murphy	Palmer
'ate	Priebe	Rensink	Rittmer
osenberg	Slife	Sorensen	Szymoniak
Tinsman	Varn	Welsh	

Amendment S—3745 lost.

Senator Taylor asked and received unanimous consent to withdraw amendment S—3744 filed by Senators Taylor, Dieleman and Jensen from the floor to page 14 of the bill and amendment S—3731 by Senators Taylor, Dieleman and Jensen to page 14 of the bill, previously deferred.

Senator Priebe withdrew amendment S—3741 to page 26 of the bill, previously deferred.

Senator Lind filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3734 to Senate File 425 failed to be adopted by the Senate on April 30, 1993.

A non record roll call was requested.

The ayes were 26, nays 22.

The motion prevailed and amendment S—3734 by Senators Kramer, et al., to page 14 of the bill was taken up for reconsideration.

Senator Kramer asked and received unanimous consent to withdraw amendment S—3734.

Senator Murphy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 425) the vote was:

Ayes, 28:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Gronstal	Hester
Horn	Husak	Judge	Kibbie
Lloyd-Jones	Murphy	Palmer	Priebe
Riordan	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Varn	Vilsack

Nays, 22:

Banks	Bartz	Bennett	Borlaug
Drake	Fuhrman	Hedge	Jensen
Kersten	Kramer	Lind	Maddox
McKean	McLaren	Pate	Rensink
Rife	Rittmer	Taylor	Tinsman
Welsh	Zieman		

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

Senator Horn asked and received unanimous consent that **Senate File 425** be immediately messaged to the House.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 30, 1993, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 205, a bill for an act relating to open enrollment procedures and reports (S—3738).

Senate File 389, a bill for an act relating to the transformation of Iowa's public education system by the year 2000, access by students to computers, and creation of a legislative education transformation review committee, and providing for related matters (S—3739).

HOUSE AMENDMENTS CONSIDERED

Senate File 389

Senator Varn called up for consideration Senate File 389, a bill for an act relating to the transformation of Iowa's public education system by the year 2000, access by students to computers, and creation of a legislative education transformation review committee, and providing for related matters, amended by the House, and moved that the Senate concur in House amendment S—3739 filed April 30, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 389) the vote was:

Ayes, 47:

Bart	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Drake	Fink	Fraise	Fuhrman
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McLaren
Murphy	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Varn
Vilsack	Welsh	Zieman	

Nays, 3:

Banks	Dieleman	McKean
-------	----------	--------

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

Senate File 205

Senator Connolly called up for consideration Senate File 205, a bill for an act relating to open enrollment procedures and reports, amended by the House, and moved that the Senate concur in House amendment S—3738 filed April 30, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 205) the vote was:

Ayes, 41:

Bennett	Bisignano	Boswell	Buhr
Connolly	Deluhery	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	McLaren

Murphy	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Slife	Sorensen	Sturgeon
Szymoniak	Tinsman	Varn	Vilsack
Welsh			

Nays, 8:

Banks	Bartz	Borlaug	Husak
Maddox	McKean	Taylor	Zieman

Voting present, 1:

Dieleman

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent to send an immediate message to the House on **Senate Files 205 and 389**.

HOUSE AMENDMENT CONSIDERED

Senate File 410

Senator Deluhery called up for consideration Senate File 410, a bill for an act relating to the sales, services, and use tax exemption for sales of educational, religious, or charitable activities, amended by the House, and moved that the Senate concur in House amendment S—3715 filed April 29, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 410) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, 1:

Sorensen

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

Senator Horn asked and received unanimous consent to send an immediate message to the House on **Senate File 410**.

The Senate stood at ease at 4:42 p.m. until the fall of the gavel.

The Senate resumed session at 5:55 p.m., Senator Sorensen presiding.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 12, by committee on Rules and Administration, a senate resolution relating to daily operations of the Senate.

Read first time and placed on calendar.

Senate Concurrent Resolution 36, by Rosenberg and Riordan, a concurrent resolution relating to the North American Free Trade Agreement.

Read first time and passed on file.

COMMITTEE REPORTS**RULES AND ADMINISTRATION**

Final Bill Action: SENATE RESOLUTION 12, a resolution relating to daily operations of the Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer, Lind and Palmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 37, a concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer, Lind and Palmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**ADOPTION OF RESOLUTION
(Regular Calendar)**

Senator Horn asked and received unanimous consent to take up for consideration Senate Resolution 12.

Senate Resolution 12

On motion of Senator Boswell, Senate Resolution 12, a Senate resolution relating to daily operations of the Senate, was taken up for consideration.

Senator Boswell moved the adoption of Senate Resolution 12, which motion prevailed by a voice vote.

**CONSIDERATION OF BILL
(Ways and Means Calendar)**

Senate File 423

On motion of Senator Husak, Senate File 423, a bill for an act relating to annual fairs held by the Iowa state fair authority and local societies by exempting certain gross receipts from the sales and services tax, was taken up for consideration.

Senator Husak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 423) the vote was:

Ayes, 38:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Deluhery
Dieleman	Fraise	Gettings	Hedge
Hester	Horn	Husak	Jensen
Judge	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Slife	Sorensen
Szymoniak	Taylor	Varn	Vilsack
Welsh	Zieman		

Nays, 8:

Connolly	Fuhrman	Giannetto	Gronstal
Murphy	Palmer	Rosenberg	Tinsman

Absent or not voting, 4:

Drake	Fink	Kersten	Sturgeon
-------	------	---------	----------

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

President Boswell took the chair at 6:16 p.m.

MOTION TO RECONSIDER ADOPTED

Senator Welsh called up the motion to reconsider House File 419 filed by him on April 19, 1993, found on page 1228 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 419) the vote was:

Ayes, 44:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fraise	Fuhrman
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kibbie	Kramer	Lind
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 6:

Drake	Fink	Kersten	Lloyd-Jones
Murphy	Sturgeon		

The motion prevailed.

Senator Welsh moved to reconsider the vote by which House File 419 went to its last reading, which motion prevailed by a voice vote.

House File 419

On motion of Senator Welsh, House File 419, a bill for an act relating to the recovery by the department of public safety of costs associated with the cleanup of a clandestine laboratory site, was taken up for reconsideration.

Senator Welsh offered amendment S—3565 filed by him on April 21, 1993, to page 1 of the bill and moved its adoption.

Amendment S—3565 was adopted by a voice vote.

Senator Welsh moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 419) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly

Deluhery	Dieleman	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Szymoniak	Taylor	Tinsman	Varn
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Drake	Kersten	Sturgeon
-------	---------	----------

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

CONSIDERATION OF BILL (Ways and Means Calendar)

Senate File 417

On motion of Senator Husak, Senate File 417, a bill for an act relating to the Iowa communications network by establishing a board and a council, expanding the definitions of private and public agencies, amending financing provisions, providing for the lease of Part III facilities, providing for certain restrictions on the disposition of the network, providing for a procedure for determining which provider shall provide connections to Part III, establishing an alternative form of rate review for rate-regulated telephone utilities, providing for the right of the state to locate and construct the network on public and private property and providing an immediate effective date, with report of committee on Communications and Information Policy recommending amendment and passage, was taken up for consideration.

Senator Varn offered amendment S—3689 filed by the committee on Communications and Information Policy on April 29, 1993, to pages 2-5, 8-14, 16, 20 and 21 of the bill.

Senator Varn asked and received unanimous consent that action on amendment S—3689 and **Senate File 417** be deferred.

SENATE RECEDES

House File 632

Senator Gronstal called up for consideration House File 632, a bill for an act placing a moratorium on construction and operation of certain commercial waste incinerators and providing an effective date, amended by the Senate, and moved that the Senate recedes from its amendment.

The motion prevailed by a voice vote and the Senate receded from its amendment.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 632) the vote was:

Ayes, 43:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Fink	Fraise	Fuhrman
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Pate	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Zieman	

Nays, 5:

Bisignano	Murphy	Palmer	Priebe
Welsh			

Absent or not voting, 2:

Drake	Vilsack
-------	---------

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

UNFINISHED BUSINESS CALENDAR

House File 331

On motion of Senator Rosenberg, House File 331, a bill for an act authorizing compliance with federal air quality regulations and creating penalties, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Rosenberg asked and received unanimous consent to withdraw amendment S—3471 filed by the committee on Environment and Energy Utilities on April 8, 1993, to pages 1-3, 5 and the title page of the bill.

Senator Kersten withdrew amendment S—3717 filed by him from the floor to page 1 of the bill.

Senator Welsh offered amendment S—3746 filed by Senators Welsh, et al., from the floor to pages 3 and 4 of the bill and moved its adoption.

Amendment S—3746 was adopted by a voice vote.

Senator Lloyd-Jones offered amendment S—3691 filed by her on April 29, 1993, to page 5 and the title page of the bill and moved its adoption.

Amendment S—3691 was adopted by a voice vote.

President pro tempore Palmer took the chair at 7:10 p.m.

Senator Rosenberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 331) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten

Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Varn	Vilsack
Welsh	Zieman		

Nays, none.

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

HOUSE AMENDMENT CONSIDERED

Senate File 387

Senator Connolly called up for consideration Senate File 387, a bill for an act relating to the family resource center demonstration program, amended by the House, and moved that the Senate concur in House amendment S—3716 filed April 30, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 387) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor

Tinsman
Zieman

Varn

Vilsack

Welsh

Nays, none.

Absent or not voting, 1:

Rife

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

UNFINISHED BUSINESS CALENDAR

House File 576

On motion of Senator Gronstal, House File 576, a bill for an act relating to the procedures of and requirements enforced by the campaign finance disclosure commission; changing filing and other procedural requirements placed on candidates and political committees; changing the procedures for the hearing of complaints before the commission; and providing for administrative penalties and judicial review, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Gronstal offered amendment S—3608 filed by him on April 23, 1993, to pages 1, 3-5, 7, 13 and 15 of the bill and called for a division: page 2, lines 9-11 as division S—3608A; page 1, lines 3-50 and page 2, lines 1-8 and 12-15 as division S—3608B.

Senator Gronstal withdrew division S—3608A.

Senator Gronstal moved the adoption of division S—3608B, which motion prevailed by voice vote.

Senator Lind offered amendment S—3645 filed by him on April 27, 1993, to page 7 of the bill and moved its adoption.

Amendment S—3645 lost by a voice vote.

Senator Gronstal offered amendment S—3660 filed by him on April 27, 1993, to pages 7-14 and the title page of the bill and moved its adoption.

Amendment S—3660 was adopted by a voice vote.

President Boswell took the chair at 7:37 p.m.

Senator Kersten offered amendment S—3697 filed by him on April 29, 1993, to page 7 of the bill and moved its adoption.

Amendment S—3697 lost by a voice vote.

Senator Lind offered amendment S—3644 filed by him on April 27, 1993, to page 15 of the bill and moved its adoption.

Amendment S—3644 lost by a voice vote.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 576) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Varn	Vilsack
Welsh	Zieman		

Nays, none.

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

ADOPTION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 35.

Senate Concurrent Resolution 35

On motion of Senator Sturgeon, Senate Concurrent Resolution 35, a concurrent resolution to honor the memory of Cesar Chavez, with report of committee recommending passage, was taken up for consideration.

Senator Sturgeon moved the adoption of Senate Concurrent Resolution 35, which motion prevailed by a voice vote.

SENATE RECEDES

House File 669

Senator Murphy called up for consideration, House File 669, a bill for an act requiring that certain moneys shall be credited to and deposited in the general fund of the state and shall be used for the purposes for which the moneys were collected and providing an effective date, amended by the Senate, and moved that the Senate recede from its amendment.

A record roll call was requested.

On the question "Shall the motion to recede be adopted?" (H.F. 669) the vote was:

Ayes, 26:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Hedge	Horn
Husak	Judge	Kibbie	Lloyd-Jones
McKean	Murphy	Palmer	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Welsh		

Nays, 24:

Banks	Bartz	Bennett	Borlaug
Drake	Fuhrman	Gronstal	Hester
Jensen	Kersten	Kramer	Lind
Maddox	McLaren	Pate	Priebe
Rensink	Rife	Rittmer	Slife
Tinsman	Varn	Vilsack	Zieman

The motion prevailed and the Senate receded from its amendment.

Senator Murphy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 669) the vote was:

Ayes, 26:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Hedge	Horn
Husak	Judge	Kibbie	Lloyd-Jones
McKean	Murphy	Palmer	Priebe
Rosenberg	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 24:

Banks	Bartz	Bennett	Borlaug
Drake	Fuhrman	Gronstal	Hester
Jensen	Kersten	Kramer	Lind
Maddox	McLaren	Pate	Rensink
Rife	Riordan	Rittmer	Slife
Taylor	Tinsman	Vilsack	Zieman

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

Senator Horn asked and received unanimous consent that **House File 669** be immediately messaged to the House.

ADOPTION OF RESOLUTION (Regular Calendar)

Senate Concurrent Resolution 8

On motion of Senator McKean, Senate Concurrent Resolution 8, a concurrent resolution to designate Anamosa, Iowa, the Pumpkin Capital of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator McKean moved the adoption of Senate Concurrent Resolution 8, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 632, Senate File 423 and Senate Concurrent Resolution 8** be immediately messaged to the House and to send an immediate message on **Senate File 387**.

The Senate stood at ease at 8:11 p.m. until the fall of the gavel.

The Senate resumed session at 9:17 p.m., President Boswell presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1993, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 422, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations (S—3749).

ALSO: That the House has on April 29, 1993, appointed a second conference committee on **Senate File 266**, a bill for an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of licensing and regulation, department of alcoholic beverages, department of banking, department of credit unions, department of insurance, department of utilities, and the racing and gaming commission and providing effective dates, and the members are: The Representative from Delaware, Mr. Hanson, Chair; the Representative from Cedar, Mr. Boddicker; the Representative from Jackson, Mr. Dickinson; the Representative from Polk, Mr. McCoy; the Representative from Hardin, Mr. McNeal.

INTRODUCTION OF BILL

Senate File 426, by committee on Ways and Means, a bill for an act relating to the exemption from property taxation for certain new machinery and computer equipment used to produce certain products from recycling property.

Read first time and placed on Ways and Means Calendar.

HOUSE AMENDMENT CONSIDERED

Senate File 422

Senator Murphy called up for consideration Senate File 422, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations, amended by the House in House amendment S—3749 filed April 30, 1993.

The Senate stood at ease at 9:26 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 9:58 p.m., President Boswell presiding.

BUSINESS PENDING

Senate File 422

The Senate resumed consideration of Senate File 422.

Senator Murphy moved that the Senate concur in the House amendment.

A non record roll call was requested.

The ayes were 22, nays 27.

The motion lost and the Senate refused to concur in the House amendment.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that House

Files 331, 419 and 576 and Senate Concurrent Resolution 35 be immediately messaged to the House.

COMMITTEE REPORTS

WAYS AND MEANS

Final Bill Action: HOUSE FILE 666, a bill for an act relating to the requirement for filing a state individual income tax return and providing a retroactive applicability date provision.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Dieleman, Husak, Fuhrman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 3: Bennett, Deluhery and Drake,

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 671, a bill for an act relating to the definition of income for purposes of the mobile home property tax credit and the homestead tax credit and rent reimbursement and providing effective and applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Dieleman, Husak, Bennett, Drake, Fuhrman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 1: Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 426 (LSB 1466), a bill for an act relating to the exemption from property taxation for certain new machinery and computer equipment used to produce certain products from recycling property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dieleman, Husak, Deluhery, Drake, Fuhrman, Hedge, Hester, Lloyd-Jones, Murphy, Palmer, Riordan, Rosenberg and Szymoniak. Nays, 1: Bennett. Absent or not voting, 1: McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 426 and they were attached to the committee report.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senate File 426

On motion of Senator Riordan, Senate File 426, a bill for an act relating to the exemption from property taxation for certain new machinery and computer equipment used to produce certain products from recycling property, was taken up for consideration.

Senator Hedge offered amendment S—3748 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—3748 was adopted by a voice vote.

Senator Fuhrman offered amendment S—3751 filed by Senators Fuhrman and Vilsack from the floor to page 3 of the bill and moved its adoption.

Amendment S—3751 was adopted by a voice vote.

Senator Bennett asked and received unanimous consent that action on **Senate File 426** be deferred.

The Senate stood at ease at 10:40 p.m. until the fall of the gavel.

The Senate resumed session at 10:58 p.m., President Boswell presiding.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 37, by committee on Rules and Administration, a senate concurrent resolution to provide for adjournment sine die.

Read first time and placed on calendar.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 30, 1993, adopted the following resolutions in which the concurrence of the Senate is asked:

House Concurrent Resolution 4, a concurrent resolution paying tribute to the memory of Paul W. Grossheim.

This resolution was read first time and **passed on file**.

House Concurrent Resolution 27, a concurrent resolution recognizing the Iowa Quality Coalition and declaring support for the establishment of an Iowa Quality Award to eligible organizations engaged in business, industry, labor, education, government, and service delivery.

This resolution was read first time and **passed on file**.

RESOLUTION ASSIGNED TO COMMITTEE

Senator Horn asked and received unanimous consent that **House Concurrent Resolution 27** be assigned to the committee on **Small Business, Economic Development and Tourism**.

APPENDIX

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 30th day of April, 1993:

Senate Files 63, 80, 117, 140, 174, 180, 206, 245, 268, 278, 287, 290, 293, 296, 326, 370, 371, 394, 398 and 409.

JOHN F. DWYER
Secretary of the Senate

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 268, the following corrections were made:

1. Page 1, line 28, the word "concensus" was changed to the word "consensus".
2. Page 9, line 27, the word and number "section 5" were changed to the word and number "section 3".
3. Page 9, line 29, the word and number "section 5" were changed to the word and number "section 3".
4. Page 9, line 30, the word and number "section 5" were changed to the word and number "section 3".
5. Page 10, line 12, the word and number "section 5" were changed to the word and number "section 3".
6. Page 10, line 14, the word and number "section 5" were changed to the word and number "section 3".
7. Page 10, line 17, the words and numbers "Sections 5 through 7" were changed to the words and numbers "Sections 3 through 5".
8. Page 11, line 10, the word and number "section 12" were changed to the word and number "section 9".
9. Page 24, line 1, the words and numbers "Sections 18 and 19" were changed to the words and numbers "Sections 14 and 15".

10. Page 24, line 2, the word and number "Section 18" were changed to the word and number "Section 14".

11. Page 24, line 3, the word and number "Section 19" were changed to the word and number "Section 15".

ALSO: That in engrossing Senate File 425, the following corrections were made:

1. Page 12, line 18, the word and numbers "3 through 7" were changed to the word and numbers "4 through 8".

2. Page 13, line 3, the word and number "Section 80" were changed to the word and number "Section 3".

3. Page 13, line 6, the words and numbers "Sections 3 through 7" were changed to the words and numbers "Sections 4 through 8".

4. Page 13, line 8, the words and numbers "Sections 3, 4, 6, and 7" were changed to the words and numbers "Sections 4, 5, 7, and 8".

5. Page 13, line 11, the words and numbers "Sections 13 and 14" were changed to the words and numbers "Sections 14 and 15".

6. Page 18, line 32, the word and number "Section 25" were changed to the word and number "Section 28".

7. Page 37, lines 34 and 35, the words and numbers "Sections 48, 49, 50, 55, 56, 100 and 200" were changed to the words and numbers "Sections 61, 62, 66, 73, 74, 75 and 76".

JOHN F. DWYER
Secretary of the Senate

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 7

RULES AND ADMINISTRATION: Husak, Chair; Horn and Rife

House Concurrent Resolution 34

RULES AND ADMINISTRATION: Husak, Chair; Horn and Rife

House File 666

WAYS AND MEANS: Szymoniak, Chair; Dieleman and Hedge

House File 671

WAYS AND MEANS: Lloyd-Jones, Chair; Bennett and Szymoniak

House File 675

AGRICULTURE: Zieman, Chair; McLaren and Riordan

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate chamber:

Twenty-five fifth grade students from Lakeview Elementary School, Centerville, accompanied by Linda Stephens and Melissa Wehrle. Senator Judge.

Senator Riordan welcomed eleven members of the Hebei Banking Delegation and their interpreter from Iowa's sister state, Hebei, China. The delegation was visiting Iowa to learn about banking practices and bank management. Senator Riordan presented the members with Iowa pins.

CERTIFICATE OF RECOGNITION

The secretary of the senate issued the following certificates of recognition:

Terry L. Arnold, Oskaloosa — For being named "1993 Outstanding Young Iowan" by the Iowa Jaycees. Senator Hedge (4-30-93).

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3483 to House File 652 was adopted by the Senate on April 23, 1993.

MICHAEL E. GRONSTAL

MR. PRESIDENT: I move to reconsider the vote by which the Senate refused to concur in House amendment S—3749 to Senate File 422 on April 30, 1993.

MICHAEL E. GRONSTAL

MR. PRESIDENT: I move to reconsider the vote by which the Senate refused to concur in House amendment S—3749 to Senate File 422 on April 30, 1993.

JIM LIND

COMMITTEE REPORT

AGRICULTURE

Final Bill Action: HOUSE FILE 675, a bill for an act relating to the regulation of milk and milk products.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Priebe, Riordan, Bartz, Banks, Boswell, Fraise, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Palmer, Sorensen and Ziemann. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3726	S. F.	425	Berl E. Priebe
S-3727	S. F.	425	Jim Lind
S-3728	S. F.	425	Maggie Tinsman Richard Varn
S-3729	S. F.	425	Jim Lind
S-3730	S. F.	425	Larry Murphy
S-3731	S. F.	425	Ray Taylor William W. Dieleman John W. Jensen
S-3732	S. F.	425	Jean Lloyd-Jones Richard Varn Harry Slife Jim Lind Ralph Rosenberg
S-3733	S. F.	425	John Kibbie Sheldon Rittmer
S-3734	S. F.	425	Mary Kramer Florence Buhr Elaine Szymoniak Tony Bisignano Leonard Boswell William W. Palmer
S-3735	S. F.	425	Tom Vilsack Larry Murphy

S—3736	S. F.	425	Wilmer Rensink Larry Murphy Mike Connolly Jim Lind John Kibbie
S—3737	S. F.	425	Richard Varn Leonard Boswell Larry Murphy Tom Vilsack Derryl McLaren
S—3738	S. F.	205	House amendment
S—3739	S. F.	389	House amendment
S—3740	S. F.	425	Jim Riordan Tom Vilack Tony Bisignano
S—3741	S. F.	425	Berl E. Priebe
S—3742	S. F.	425	Tom Vilsack
S—3743	S. F.	425	Jim Riordan
S—3744	S. F.	425	Ray Taylor William W. Dieleman John Jensen
S—3745	S. F.	425	Ray Taylor William W. Dieleman John Jensen
S—3746	H. F.	331	Joe Welsh Harry Slife Tony Bisignano John Kibbie
S—3747	H. F.	430	Richard Varn Larry Murphy
S—3748	S. F.	426	H. Kay Hedge
S—3749	S. F.	422	House amendment
S—3750	H. F.	652	Michael E. Gronstal
S—3751	S. F.	426	Linn Fuhrman Tom Vilsack
S—3752	H. F.	361	Florence Buhr
S—3753	S. F.	426	Wayne Bennett Sheldon Rittmer

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 11:03 p.m., until 8:30 a.m., Saturday, May 1, 1993.

JOURNAL OF THE SENATE

ONE HUNDRED ELEVENTH CALENDAR DAY
SIXTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Saturday, May 1, 1993

The Senate met in regular session at 9:07 a.m., President Boswell presiding.

Prayer was offered by the Honorable Eugene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

The Journal of the Friday, April 30, 1993, was approved.

BILLS ASSIGNED TO COMMITTEE

President Boswell announced that the following bills were assigned to committee:

S. C. R.	36	Small Business, Economic Development and Tourism
H. F.	602	Business and Labor Relations
H. C. R.	4	Rules and Administration

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

The Senate stood at ease at 9:22 a.m. until the fall of the gavel.

The Senate resumed session at 9:54 a.m., President Boswell presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Sturgeon until he arrives on request of Senator Riordan and Senator Priebe until he arrives on request of Senator Gronstal.

MOTION TO RECONSIDER ADOPTED

Senator Gronstal called up the motion to reconsider House File 652 filed by him on April 23, 1993, found on page 1337 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 652) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Priebe Sturgeon

The motion prevailed.

Senator Gronstal moved to reconsider the vote by which House File 652 went to its last reading, which motion prevailed by a voice vote.

House File 652

On motion of Senator Gronstal, House File 652, a bill for an act relating to the office of secretary of state, the conduct of elections and voter registration in the state, and relating to corrective and technical changes to Iowa's election laws, providing an effective date, and providing penalties, was taken up for reconsideration.

Senator Gronstal called up the motion to reconsider the vote by which amendment S—3483 to House File 652 was adopted by the Senate on April 23, 1993, filed by him on April 30, 1993, found on page 1514 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—3483 by Senators Sorensen and Fraise to page 7 of the bill, was taken up for reconsideration.

Senator Gronstal offered amendment S—3750 filed by him on April 30, 1993, to amendment S—3483 and moved its adoption.

Amendment S—3750 was adopted by a voice vote.

Senator Gronstal moved the adoption of amendment S—3483 as amended, which motion prevailed by voice vote.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 652) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boşwell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sturgeon

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

**CONSIDERATION OF BILL
(Regular Calendar)**

Senator Horn asked and received unanimous consent to take up for consideration House File 675.

House File 675

On motion of Senator Ziemann, House File 675, a bill for an act relating to the regulation of milk and milk products, with report of committee recommending passage, was taken up for consideration.

Senator Ziemann moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 675) the vote was:

Ayes, 40:

Bennett	Bisignano	Boswell	Buhr
Connolly	Deluhery	Dieleman	Drake
Fink	Fraise	Giannetto	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kramer	Lind
Lloyd-Jones	Maddox	McKean	Murphy
Palmer	Pate	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Ziemann

Nays, 10:

Banks	Bartz	Borlaug	Fuhrman
Gettings	Gronstal	Kibbie	McLaren
Priebe	Welsh		

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

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**

House File 319

Senator Sturgeon called up for consideration House File 319, a bill for an act relating to the development and delivery of a summary of the procedures and rights involved in a civil commitment proceeding to a person who applies for the involuntary commitment of another, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3723 to Senate amendment H—4279 filed April 30, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Sturgeon moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 319) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, 1:

Sorensen

Absent or not voting, 1:

Kibbie

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 319, 652 and 675** be immediately messaged to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 666.

House File 666

On motion of Senator Szymoniak, House File 666, a bill for an act relating to the requirement for filing a state individual income tax return and providing a retroactive applicability date provision, with report of committee recommending passage, was taken up for consideration.

Senator Kersten withdrew amendment S—3755 filed by him from the floor to pages 1, 2 and the title page of the bill.

Senator Szymoniak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 666) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Rensink	Riordan	Rittmer
Rosenberg	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Varn
Vilsack	Welsh	Zieman	

Nays, 1:

Fuhrman

Absent or not voting, 2:

Priebe

Rife

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

The Senate stood at ease at 10:38 a.m. until the fall of the gavel.

The Senate resumed session at 11:08 a.m., President Boswell presiding.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 666** be **immediately messaged** to the House.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and were thanked by Senators Horn and Rife for their service to the Senate.

A Certification of Recognition for serving with honor and distinction as a Senate Page during the 1993 Regular Session of the Seventy-fifth General Assembly and a Page group picture were presented to each of the following Pages:

Brian Annis, William Barnett, Laura Beadle, Jeremy Farlow, Maggie Hade, Heather Jack, Mike Jenkins, Tiffany Karney, Brent Larson, Theresa Lynch, Susan McKim, Karla Mickey, Okalena Miler, Noelle Ray, Ben Stanford, Todd Versteegh and Melissa Wirtjes.

The Senate rose and expressed its appreciation to the Pages.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Borlaug until he arrives on request of Senator Rife.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 266)

A conference committee report signed by the following Senate and House members was filed May 1, 1993, on Senate File 266, a bill for an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of licensing and regulation, department of alcoholic beverages, department of banking, department of credit unions, department of insurance, department of utilities, and the racing and gaming commission and providing effective dates:

On the Part of the Senate:

TOM VILSACK, Chair
TONY BISIGNANO
JOE WELSH
JACK RIFE
HARRY SLIFE

On the Part of the House:

DONALD HANSON, Chair
DAN BODDICKER
CLARK McNEAL

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 266

Senator Vilsack called up the conference committee report on Senate File 266, a bill for an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of licensing and regulation, department of alcoholic beverages,

department of banking, department of credit unions, department of insurance, department of utilities, and the racing and gaming commission and providing effective dates, filed on May 1, 1993, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Vilsack moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 266) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, 1:

Lind

Absent or not voting, 1:

Borlaug

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

Senator Horn asked and received unanimous consent that **Senate File 266** be **immediately messaged** to the House.

RECESS

On motion of Senator Horn, the Senate recessed at 11:40 a.m., until 1:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 30, 1993, 4:50 p.m.

Members Present: Horn, Chair; Boswell, Vice Chair; Rife, Ranking Member; Gettings, Gronstal, Husak, Kramer, Lind and Palmer.

Members Absent: none.

Committee Business: Approved committee resolutions to provide for adjournment sine die and the daily operations of the Senate; assigned resolutions to subcommittees.

Adjourned: 4:55 p.m.

WAYS AND MEANS

Convened: April 30, 1993, 5:04 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Fuhrman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak.

Members Absent: none.

Committee Business: Recommended passage of House Files 671 and 666; amended and approved LSB 1466 as a committee bill.

Adjourned: 5:41 p.m.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing the Senate Amendment to House File 576, the following correction was made:

1. Page 2, line 18, the word and numbers "4 and 5" were changed to the word and numbers "4 through 6".

JOHN F. DWYER
Secretary of the Senate

SUBCOMMITTEE ASSIGNMENT

LSB 2730

APPROPRIATIONS: Murphy, Chair; Boswell and McLaren

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 30, 1993, when the final vote was taken on Senate File 424.

Had I been present, I would have voted "aye" on the bill.

MAGGIE TINSMAN

COMMITTEE REPORTS

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Final Bill Action: SENATE CONCURRENT RESOLUTION 36, a concurrent resolution relating to the North American Free Trade Agreement.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Riordan, Vilsack, Zieman, Bartz, Bisignano, Borlaug, Giannetto, Judge, Maddox and Sorensen. Nays, 1: Bennett. Absent or not voting, 2: Kibbie and Lloyd-Jones.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 27, a concurrent resolution recognizing the Iowa Quality Coalition and declaring support for the establishment of an Iowa Quality Award to eligible organizations engaged in business, industry, labor, education, and government, and service delivery.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Riordan, Vilsack, Zieman, Bartz, Bennett, Bisignano, Giannetto, Maddox and Sorensen. Nays, none. Absent or not voting, 4: Borlaug, Judge, Kibbie and Lloyd-Jones.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—3754	S. F.	426	William W. Dieleman
S—3755	H. F.	666	Jim Kersten
S—3756	S. F.	426	William W. Dieleman
S—3757	H. F.	361	Jean Lloyd-Jones Elaine Szymoniak

AFTERNOON SESSION

The Senate reconvened at 1:35 p.m., President Boswell presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 11)

A conference committee report signed by the following Senate and House members was filed May 1, 1993, on Senate File 11, a bill for an act providing for the establishment of agricultural enterprise zones, restricting nuisance suits, and providing for tax exemptions on facilities within such zones:

On the Part of the Senate:

BERL E. PRIEBE, Chair
BRAD BANKS
MERLIN E. BARTZ
EMIL J. HUSAK
WILLIAM D. PALMER

On the Part of the House:

RUSSELL EDDIE, Chair
JOHN GREIG
DEO KOENIGS
RICHARD VANDE HOEF
KEITH WEIGEL

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 11

Senator Priebe called up the conference committee report on Senate File 11, a bill for an act providing for the establishment of agricultural enterprise zones, restricting nuisance suits, and providing for tax exemptions on facilities within such zones, filed on May 1, 1993, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Priebe moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 11) the vote was:

Ayes, 41:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Deluhery
Dieleman	Drake	Fraise	Fuhrman
Gettings	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Maddox
McKean	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Slife	Sorensen	Szymoniak
Taylor	Tinsman	Varn	Vilsack
Zieman			

Nays, 7:

Connolly	Fink	Giannetto	Gronstal
Lloyd-Jones	Rosenberg	Sturgeon	

Absent or not voting, 2:

McLaren	Welsh
---------	-------

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

Senator Horn asked and received unanimous consent that Senate File 11 be immediately messaged to the House.

UNFINISHED BUSINESS

(Deferred April 30, 1993)

Senate File 417

The Senate resumed consideration of Senate File 417, a bill for an act relating to the Iowa communications network by establishing a board and a council, expanding the definitions of private and public agencies, amending financing provisions, providing for the lease of Part III facilities, providing for certain restrictions on the disposition of the network, providing for a

procedure for determining which provider shall provide connections to Part III, establishing an alternative form of rate review for rate-regulated telephone utilities, providing for the right of the state to locate and construct the network on public and private property and providing an immediate effective date, and amendment S—3689 by the committee on Communications and Information Policy to pages 2-5, 8-14, 16, 20 and 21 of the bill, deferred April 30, 1993.

Senator Varn offered amendment S—3758 filed by Senators Varn, et al., from the floor to amendment S—3689.

Senator Horn asked and received unanimous consent that action on amendment S—3758 to amendment S—3689, amendment S—3689 and **Senate File 417** be deferred.

Senator Horn asked and received unanimous consent that **Senate File 417** be referred to the committee on State Government and returned to the Senate Calendar by 6:00 p.m., May 1, 1993, and then be referred to the committee on Education and returned to the Senate Calendar by 6:30 p.m., May 1, 1993.

The Senate stood at ease at 4:43 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:00 p.m., President Boswell presiding.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1993, adopted the following resolutions in which the concurrence of the House was asked:

Senate Concurrent Resolution 8, a concurrent resolution to designate Anamosa, Iowa, the Pumpkin Capital of Iowa.

Senate Concurrent Resolution 33, a concurrent resolution supporting an upper Mississippi River and Illinois waterway feasibility study.

ALSO: That the House has on May 1, 1993, passed the following bill in which the concurrence of the House was asked:

Senate File 165, a bill for an act relating to the duties of the county recorder and auditor.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 38, by Husak, a concurrent resolution requesting the Legislative Council to establish an interim study committee to evaluate the Iowa comprehensive petroleum underground storage tank program.

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

INTRODUCTION OF BILL

Senate File 427, by committee on Appropriations, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations.

Read first time and **placed on Appropriations Calendar**.

BILL ASSIGNED TO COMMITTEE

President Boswell announced that **Senate Concurrent Resolution 38** was assigned to the committee on **Rules and Administration**.

BILL RETURNED TO CALENDAR

(Senate File 417)

Pursuant to Senate Rule 13 and unanimous consent received by Senator Horn on May 1, 1993, **Senate File 417** was returned to the Senate Calendar from the committee on State Government at 6:00 p.m., Saturday, May 1, 1993, without committee recommendation for passage.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 48 present, 2 absent and a quorum present.

HOUSE AMENDMENT RECONSIDERED
(Deferred April 30, 1993)

Senate File 422

The Senate resumed consideration of Senate File 422, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations, deferred on April 30, 1993.

Senator Gronstal called up the motion to reconsider the vote by which the Senate refused to concur in House amendment S—3749 to Senate File 422 on April 30, 1993, filed by him on April 30, 1993, found on page 1514 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and House amendment S—3749 was taken up for reconsideration.

Senator Murphy moved that the Senate concur in House amendment S—3749.

A record roll call was requested.

On the question “Shall the motion to concur be adopted?” (S.F. 422) the vote was:

Ayes, 26:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fuhrman
Giannetto	Gronstal	Hester	Horn
Judge	Lloyd-Jones	McLaren	Murphy
Palmer	Rife	Riordan	Rosenberg
Slife	Sorensen	Sturgeon	Szymoniak
Tinsman	Welsh		

Nays, 23:

Banks	Bartz	Bennett	Borlaug
Fink	Fraise	Gettings	Hedge
Husak	Jensen	Kersten	Kibbie
Kramer	Lind	Maddox	McKean
Pate	Priebe	Rensink	Rittmer
Taylor	Vilsack	Zieman	

Absent or not voting, 1:

Varn

The motion prevailed and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 422) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 31:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Giannetto	Gronstal	Hester
Horn	Judge	Kibbie	Lloyd-Jones
McLaren	Murphy	Palmer	Priebe
Rife	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Sturgeon	Szymoniak
Tinsman	Vilsack	Welsh	

Nays, 18:

Banks	Bartz	Bennett	Borlaug
Fink	Gettings	Hedge	Husak
Jensen	Kersten	Kramer	Lind
Maddox	McKean	Pate	Rensink
Taylor	Zieman		

Absent or not voting, 1:

Varn

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

Senator Horn asked and received unanimous consent that Senate File 422 be immediately messaged to the House.

The motion to reconsider the vote by which the Senate refused to concur in House amendment S—3749 to Senate File 422 on April 30, 1993, filed by Senator Lind on April 30, 1993, and found on page 1514 of the Senate Journal, was out of order.

ADOPTION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House Concurrent Resolution 27.

House Concurrent Resolution 27

On motion of Senator Riordan, House Concurrent Resolution 27, a concurrent resolution recognizing the Iowa Quality Coalition and declaring support for the establishment of an Iowa Quality Award to eligible organizations engaged in business, industry, labor, education, and government, and service delivery, with report of committee recommending passage, was taken up for consideration.

Senator Riordan moved the adoption of House Concurrent Resolution 27, which motion prevailed by a voice vote.

Senator Horn asked and received unanimous consent that **House Concurrent Resolution 27** be immediately messaged to the House.

The Senate stood at ease at 7:53 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:09 p.m., President Boswell presiding.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1993, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 342, a bill for an act relating to domestic abuse, expanding the definition of domestic abuse, and providing penalties (S—3768).

Senate File 425, a bill for an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective and applicability date provisions (S—3766).

ALSO: That the House has on May 1, 1993, adopted the conference committee report and passed **Senate File 11**, a bill for an act providing for the establishment of agricultural enterprise zones, restricting nuisance suits, and providing for tax exemptions on facilities within such zones.

ALSO: That the House has on May 1, 1993, adopted the conference committee report and passed **Senate File 266**, a bill for an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of licensing and regulation, department of alcoholic beverages, department of banking, department of credit unions, department of insurance, department of utilities, and the racing and gaming commission and providing effective dates.

ALSO: That the House has on May 1, 1993, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 331, a bill for an act authorizing compliance with federal air quality regulations and creating penalties.

House File 419, a bill for an act relating to the recovery by the department of public safety of costs associated with the cleanup of a clandestine laboratory site.

House File 576, a bill for an act relating to the procedures of and requirements enforced by the campaign finance disclosure commission; changing filing and other procedural requirements placed on candidates and political committees; changing the procedures for the hearing of complaints before the commission; and providing for administrative penalties and judicial review.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 49 present, 1 absent and a quorum present.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Husak asked and received unanimous consent to take up for consideration House File 671.

House File 671

On motion of Senator Lloyd-Jones, House File 671, a bill for an act relating to the definition of income for purposes of the mobile home property tax credit and the homestead tax credit and rent reimbursement and providing effective and applicability dates, with report of committee recommending passage, was taken up for consideration.

Senator Lloyd-Jones moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 671) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Kibbie

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

UNFINISHED BUSINESS
(Deferred April 28, 1993)

Senate File 126

The Senate resumed consideration of Senate File 126, a bill for an act relating to the processing exemption for the sales, services, and use taxes, and amendment S—3666 by Senator Szymoniak to page 3 and the title page of the bill, deferred April 28, 1993.

Senator Szymoniak withdrew amendment S—3666.

Senator Szymoniak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 126) the vote was:

Ayes, 37:

Banks	Bartz	Bennett	Borlaug
Boswell	Dieleman	Drake	Fink
Fraise	Gettings	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	McKean	McLaren	Murphy
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Varn
Zieman			

Nays, 13:

Bisignano	Buhr	Connolly	Deluhery
Fuhrman	Giannetto	Gronstal	Maddox
Palmer	Rosenberg	Tinsman	Vilsack
Welsh			

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

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1993, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 644, a bill for an act extending upgrade dates and insurance premiums and requiring a noncompliance surcharge for underground storage tanks (S—3770 to H—4258).

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 644

Senator Gronstal called up for consideration House File 644, a bill for an act extending upgrade dates and insurance premiums and requiring a noncompliance surcharge for underground storage tanks, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3770 to Senate amendment H—4258 filed May 1, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Gronstal moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 644) the vote was:

Ayes, 39:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Fink	Fraise	Fuhrman
Gettings	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lloyd-Jones
Maddox	Murphy	Palmer	Pate
Priebe	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Szymoniak	Tinsman
Varn	Vilsack	Welsh	

Nays, 9:

Banks	Drake	Lind	McKean
McLaren	Rensink	Rife	Taylor
Zieman			

Absent or not voting, 2:

Giannetto Sturgeon

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

UNFINISHED BUSINESS CALENDAR

House File 418

On motion of Senator Rosenberg, House File 418, a bill for an act relating to the testing of a person for the human immunodeficiency virus following conviction for certain offenses, making relief provisions applicable for violation of confidentiality, and providing a penalty, with report of committee without recommendation, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Taylor withdrew amendment S—3621 filed by him on April 23, 1993, to pages 6, 7 and the title page of the bill.

Senator Taylor offered amendment S—3636 filed by him on April 26, 1993, to pages 6, 7 and the title page of the bill.

Senator Rosenberg raised the point of order that amendment S—3636 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3636 out of order.

Senator Rosenberg asked and received unanimous consent that action on **House File 418** be **deferred**.

UNFINISHED BUSINESS
(Deferred April 30, 1993)

Senate File 426

The Senate resumed consideration of Senate File 426, a bill for an act relating to the exemption from property taxation for certain new machinery and computer equipment used to produce certain products from recycling property, deferred April 30, 1993.

Senator Bennett offered amendment S—3753 filed by Senators Bennett and Rittmer on April 30, 1993, to pages 1, 2 and the title page of the bill.

Senator Vilsack offered amendment S—3769 filed by him from the floor to amendment S—3753.

Senator Lind raised the point of order that amendment S—3769 was out of order according to Senate Rule 12.

The Chair ruled the point well taken and amendment S—3769 not germane and out of order.

The Senate stood at ease at 11:50 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:13 a.m., President Boswell presiding.

INTRODUCTION OF BILL

Senate File 428, by Horn and Rife, a bill for an act relating to telecommunications services by amending provisions related to the state communications network and establishing authority for alternative forms of regulation for rate-regulated public utilities and making an appropriation.

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

BILL ASSIGNED TO COMMITTEE

President Boswell announced that **Senate File 428** was assigned to the committee to **Communications and Information Policy**.

BUSINESS PENDING

Senate File 426

The Senate resumed consideration of Senate File 426, a bill

for an act relating to the exemption from property taxation for certain new machinery and computer equipment used to produce certain products from recycling property, and amendment S—3753 by Senators Bennett and Rittmer, to page 1 and the title page of the bill.

Senator Bennett moved the adoption of amendment S—3753.

A record roll call was requested.

On the question "Shall amendment S—3753 be adopted?" (S.F. 426) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Banks	Bartz	Bennett	Borlaug
Deluhery	Drake	Fuhrman	Giannetto
Hedge	Hester	Jensen	Kersten
Kramer	Lind	Maddox	McKean
McLaren	Pate	Rensink	Rife
Rittmer	Slife	Taylor	Tinsman
Zieman			

Nays, 23:

Boswell	Buhr	Connolly	Dieleman
Fink	Fraise	Gettings	Gronstal
Horn	Husak	Judge	Kibbie
Lloyd-Jones	Murphy	Palmer	Priebe
Riordan	Rosenberg	Sorensen	Sturgeon
Szymoniak	Varn	Vilsack	

Absent or not voting, 2:

Bisignano	Welsh
-----------	-------

Amendment S—3753 was adopted.

Senator Horn asked and received unanimous consent that action on Senate File 426 be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 425

Senator Murphy called up for consideration Senate File 425, a bill for an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective and applicability date provisions, amended by the House in House amendment S—3766 filed May 1, 1993.

Senator Murphy offered amendment S—3775 filed by him from the floor to House amendment S—3766.

Senator McLaren called for a division of amendment S—3775 to House amendment S—3766: page 1, lines 26 and 27 as division S—3775A and page 1, lines 4-25 and 28-50 and page 2 as division S—3775B.

Senator Murphy moved the adoption of division S—3775A to House amendment S—3766.

A record roll call was requested.

On the question "Shall division S—3775A to House amendment S—3766 be adopted?" (S.F. 425) the vote was:

Ayes, 27:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Priebe	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Varn	Vilsack	Welsh	

Nays, 23:

Banks	Bartz	Bennett	Borlaug
Drake	Fuhrman	Hedge	Hester
Jensen	Kersten	Kramer	Lind
Maddox	McKean	McLaren	Pate
Rensink	Rife	Rittmer	Slife
Taylor	Tinsman	Zieman	

Division S—3775A was adopted.

Senator Bartz called for a further division of amendment S—3775 to House amendment S—3766: page 1, lines 4 and 6-50 and page 2 as division S—3775B and page 1, line 5 as division S—3775C.

Senator Murphy moved the adoption of division S—3775B to House amendment S—3766, which motion prevailed by voice vote.

Senator Murphy moved the adoption of division S—3775C to House amendment S—3766.

A record roll call was requested.

On the question “Shall division S—3775C to House amendment S—3766 be adopted?” (S.F. 425) the vote was:

Ayes, 27:

Banks	Bisignano	Boswell	Buhr
Connolly	Deluhery	Dieleman	Fink
Fraise	Gettings	Giannetto	Gronstal
Horn	Husak	Judge	Kibbie
Lloyd-Jones	Murphy	Palmer	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Varn	Vilsack	Welsh	

Nays, 23:

Bartz	Bennett	Borlaug	Drake
Fuhrman	Hedge	Hester	Jensen
Kersten	Kramer	Lind	Maddox
McKean	McLaren	Pate	Priebe
Rensink	Rife	Rittmer	Slife
Taylor	Tinsman	Zieman	

Division S—3775C was adopted.

Senator Welsh withdrew amendment S—3771 filed by him on May 1, 1993, to House amendment S—3766.

Senator Szymoniak offered amendment S—3772 filed by Senators Szymoniak, et al., on May 1, 1993, to House amendment S—3766 and moved its adoption.

Amendment S—3772 was adopted by a voice vote.

Senator Murphy asked and received unanimous consent that action on House amendment S—3766 as amended and **Senate File 425** be deferred.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 644 and 671 and Senate File 126** be **immediately messaged** to the House.

The Senate stood at ease at 1:08 a.m. until the fall of the gavel.

The Senate resumed session at 1:20 a.m., President Boswell presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

BUSINESS PENDING

Senate File 425

The Senate resumed consideration of Senate File 425, a bill for an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective and applicability date provisions, and House amendment S—3766 as amended, previously deferred.

Senator Murphy offered amendment S—3779 filed by him from the floor to House amendment S—3766 and moved its adoption.

Amendment S—3779 was adopted by a voice vote.

Senator Murphy moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Murphy moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 425) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Priebe	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Varn	Vilsack	Welsh	

Nays, 22:

Banks	Bartz	Bennett	Borlaug
Fuhrman	Hedge	Hester	Jensen
Kersten	Kramer	Lind	Maddox
McKean	McLaren	Pate	Rensink
Rife	Rittmer	Slife	Taylor
Tinsman	Zieman		

Absent or not voting, 1:

Drake

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

Senator Horn asked and received unanimous consent that Senate File 425 be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 342

Senator Sturgeon called up for consideration Senate File 342, a bill for an act relating to domestic abuse, expanding the definition of domestic abuse, and providing penalties, amended by the House, and moved that the Senate concur in House amendment S-3768 filed May 1, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 342) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Drake Rosenberg

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

COMMITTEE REPORT

COMMUNICATIONS AND INFORMATION POLICY

Final Bill Action: SENATE FILE 428 (LSB 2733), a bill for an act relating to telecommunications services by amending provisions related to the state communications network and establishing authority for alternative forms of regulation for rate-regulated public utilities and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Varn, Welsh, Fuhman, Deluhery, Fraise, Jensen and Kersten.
Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 428.

Senate File 428

On motion of Senator Varn, Senate File 428, a bill for an act relating to telecommunications services by amending provisions related to the state communications network and establishing authority for alternative forms of regulation for rate-regulated public utilities and making an appropriation, with report of committee recommending passage, was taken up for consideration.

Senator Priebe asked unanimous consent that action on **Senate File 428** be deferred.

Senator Priebe withdrew his request to defer.

Senator Varn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 428) the vote was:

Ayes, 38:

Banks	Bartz	Bennett	Borlaug
Boswell	Deluhery	Dieleman	Fink
Fraise	Fuhrman	Gettings	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McLaren
Murphy	Pate	Rensink	Rife
Rittmer	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Varn
Vilsack	Zieman		

Nays, 11:

Bisignano	Buhr	Connolly	Giannetto
Judge	McKean	Palmer	Priebe
Riordan	Rosenberg	Welsh	

Absent or not voting, 1:

Drake

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate Files 342 and 428** be **immediately messaged** to the House.

MOTION TO RECONSIDER ADOPTED

Senator Horn called up the motion to reconsider Senate File 424 filed by him on April 30, 1993, found on page 1482 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 424) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Drake

The motion prevailed.

Senator Horn moved to reconsider the vote by which Senate File 424 went to its last reading, which motion prevailed by a voice vote.

Senate File 424

On motion of Senator Rosenberg, Senate File 424, a bill for an act establishing employment parameters for drug testing and a study of the privatization of state functions, was taken up for reconsideration.

Senator Giannetto offered amendment S—3776 filed by Senators Gettings and Sturgeon from the floor to pages 2-5 and the title page of the bill and moved its adoption.

Amendment S—3776 was adopted by a voice vote.

Senator Rosenberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 424) the vote was:

Ayes, 37:

Banks	Bartz	Bisignano	Borlaug
Boswell	Deluhery	Dieleman	Fink
Fraise	Fuhrman	Giannetto	Gronstal
Hedge	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Lind
Maddox	McKean	McLaren	Murphy
Pate	Priebe	Rensink	Rife
Rittmer	Slife	Sorensen	Szymoniak
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, 12:

Bennett	Buhr	Connolly	Gettings
Hester	Kramer	Lloyd-Jones	Palmer
Riordan	Rosenberg	Sturgeon	Taylor

Absent or not voting, 1:

Drake

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

The motion to reconsider the vote by which Senate File 424 passed the Senate on April 30, 1993, filed by Senator Kramer on April 30, 1993, and found on page 1482 of the Senate Journal, was out of order.

Senator Horn asked and received unanimous consent that **Senate File 424** be immediately messaged to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1993, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 4, a concurrent resolution paying tribute to the memory of retired Supreme Court Justice Thurgood Marshall.

ALSO: That the House has on May 1, 1993, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 652, a bill for an act relating to the office of secretary of state, the conduct of elections and voter registration in the state, and relating to corrective and technical changes to Iowa's election laws, providing an effective date, and providing penalties.

ALSO: That the House has on May 1, 1993, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 660, a bill for an act relating to income tax return checkoffs for purposes of state individual income tax and establishing an income tax checkoff to support the Iowa state fair foundation and providing for the Act's retroactive applicability (S—3778 to H—4320).

ALSO: That the House has on May 1, 1993, passed the following bill in which the concurrence of the Senate is asked:

House File 672, a bill for an act relating to urban renewal and urban revitalization, and to the division of property tax revenue to fund urban renewal and new jobs training projects, and providing effective and applicability date provisions.

This bill was read first time and **passed on file**.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 660

Senator Husak called up for consideration House File 660, a bill for an act relating to income tax return checkoffs for purposes of state individual income tax and establishing an income tax checkoff to support the Iowa state fair foundation and providing for the Act's retroactive applicability, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3778 to Senate amendment S—4320 filed May 2, 1993.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Husak moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 660) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, 1:

Fuhrman

Absent or not voting, 1:

Drake

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

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 233)

A conference committee report signed by the following Senate and House members was filed May 1, 1993, on Senate File 233, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing an effective date:

On the Part of the Senate:

Larry Murphy
John Kibbie
Joe J. Welsh

On the Part of the House:

Ron J. Corbett
William J. Brand
Horace Daggett
Art Ollie

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 233

Senator Kibbie called up the conference committee report on Senate File 233, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing an effective date, filed on May 2, 1993, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 233) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 29:

Bartz	Bisignano	Boswell	Buhr
Connolly	Deluhéry	Dieleman	Fink
Fraise	Gettings	Giannetto	Gronstal
Horn	Husak	Judge	Kersten
Kibbie	Lloyd-Jones	Murphy	Palmer
Priebe	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Vilsack
Welsh			

Nays, 17:

Banks	Bennett	Borlaug	Fuhrman
Hedge	Hester	Jensen	Lind
Maddox	McKean	Pate	Rensink
Rife	Rittmer	Slife	Tinsman
Zieman			

Absent or not voting, 4:

Drake	Kramer	McLaren	Varn
-------	--------	---------	------

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 660** and **Senate File 233** be immediately messaged to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren for the remainder of the evening on request of Senator Sturgeon.

BUSINESS PENDING

House File 418

The Senate resumed consideration of House File 418, a bill for an act relating to the testing of a person for the human immunodeficiency virus following conviction for certain offenses, making relief provisions applicable for violation of confidentiality, and providing a penalty, previously deferred.

Senator Rosenberg offered amendment S—3773 filed by him on May 1, 1993, to pages 1-7 of the bill and moved its adoption.

Amendment S—3773 was adopted by a voice vote.

Senator Rosenberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 418) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell'	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Szymoniak	Taylor	Tinsman	Varn
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Drake	McLaren	Sturgeon
-------	---------	----------

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

UNFINISHED BUSINESS CALENDAR

House File 361

On motion of Senator Buhr, House File 361, a bill for an act relating to areas under the purview of the Iowa department of public health including those relating to the use of mammography machines, burial transit permits, and the membership of the council on chemically exposed infants by adding representation by the department of corrections, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on April 15, 1993, was taken up for consideration.

Senator Buhr offered amendment S—3456 filed by the committee on State Government on April 8, 1993, to page 1 and the title page of the bill.

Senator Buhr offered amendment S—3780 filed by her from the floor to amendment S—3456 and moved its adoption.

Amendment S—3780 was adopted by a voice vote.

With the adoption of amendment S—3780 to amendment S—3456, the Chair ruled the following amendments to amendment S—3456, out of order:

S—3752 filed by Senator Buhr on April 30, 1993.

S—3757 filed by Senators Lloyd-Jones and Szymoniak on May 1, 1993.

S—3596 filed by Senator Szymoniak on April 22, 1993.

Senator Buhr moved the adoption of amendment S—3456 as amended, which motion prevailed by voice vote.

With the adoption of amendment S—3456 as amended, the Chair ruled the following amendments out of order:

S—3506 filed by Senator Rosenberg on April 15, 1993, to page 1 and the title page of the bill.

S—3517 filed by Senator Lloyd-Jones on April 19, 1993, to page 1 and the title page of the bill.

S—3536 filed by Senators Priebe and Lind on April 20, 1993, to page 1 and the title page of the bill.

S—3597 filed by Senator Gronstal on April 22, 1993, to page 1 of the bill.

Senator Buhr moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 361) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Drake McLaren

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 418** be **immediately messaged** to the House.

MOTION TO RECONSIDER ADOPTED

Senator Murphy called up the motion to reconsider House File

430 filed by him on April 2, 1993, found on page 991 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 430) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Drake McLaren

The motion prevailed.

Senator Murphy moved to reconsider the vote by which House File 430 went to its last reading, which motion prevailed by a voice vote.

House File 430

On motion of Senator Murphy, House File 430, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, providing for the payment of abandoned property, allocating use tax revenue for GAAP deficit reductions, making appropriations for certain tax credits, and providing for other properly related matters and providing an effective date, was taken up for reconsideration.

Senator Murphy filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S-3314 to House File 430 was adopted by the Senate on April 2, 1993.

The motion prevailed by a voice vote and amendment S—3314 by the committee on Appropriations to strike everything after the enacting clause of the bill and to the title page of the bill, was taken up for reconsideration.

Senator Kibbie filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which division S—3369A to House File 430 was adopted by the Senate on April 2, 1993.

The motion prevailed by a voice vote and division S—3369A to amendment S—3314 was taken up for reconsideration.

Senator Kibbie asked and received unanimous consent to withdraw division S—3369A to amendment S—3314.

Senator Buhr offered amendment S—3725 filed by her on April 30, 1993, to amendment S—3314 and moved its adoption.

Amendment S—3725 was adopted by a voice vote.

Senator Judge offered amendment S—3781 filed by Senators Judge, Murphy and Varn from the floor to amendment S—3314 and moved its adoption.

Amendment S—3781 was adopted by a voice vote.

Senator Gronstal withdrew amendment S—3568 filed by him on April 21, 1993, to amendment S—3314.

Senator Gronstal withdrew amendment S—3372 filed by him on April 2, 1993, to amendment S—3314.

Senator Varn withdrew amendment S—3406 filed by him on April 5, 1993, to amendment S—3314.

Senator Varn withdrew amendment S—3747 filed by Senators Varn and Murphy on April 30, 1993, to amendment S—3314.

Senator Bisignano withdrew amendment S—3601 filed by him on April 23, 1993, to amendment S—3314.

Senator Murphy moved the adoption of amendment S—3314 as amended, which motion prevailed by a voice vote.

Senator Varn withdrew amendment S—3381 filed by him on April 2, 1993, to page 17 of the bill.

Senator Judge moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 430) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Drake McLaren

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

Senator Buhr withdrew the following motion to reconsider filed by her from the floor:

MR. PRESIDENT: I move to reconsider the vote by which House File 361 passed the Senate on May 2, 1993.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 1993, adopted the conference committee report and passed Senate File 233, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing an effective date.

ALSO: That the House has on May 2, 1993, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 425, a bill for an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective and applicability date provisions.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 430 and 361** be **immediately messaged** to the House.

ADOPTION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration **Senate Concurrent Resolution 37**.

Senate Concurrent Resolution 37

On motion of Senator Horn, **Senate Concurrent Resolution 37**, a resolution to provide for adjournment sine die, was taken up for consideration.

Senator Horn offered amendment S—3777 filed by him from the floor to page 1 of the resolution and moved its adoption.

Amendment S—3777 was adopted by a voice vote.

Senator Horn moved the adoption of **Senate Concurrent Resolution 37** as amended, which motion prevailed by a voice vote.

Senator Horn asked and received unanimous consent that **Senate Concurrent Resolution 37** as amended be **immediately messaged** to the House.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

COMMUNICATIONS AND INFORMATION POLICY

Convened: May 2, 1993, 1:10 a.m.

Members Present: Varn, Chair; Welsh, Vice Chair; Fuhrman, Ranking Member; Deluhery, Fraise, Jensen and Kersten.

Members Absent: none.

Committee Business: Recommended passage of Senate File 428.

Adjourned: 1:16 a.m.

EDUCATION

Convened: May 1, 1993, 6:13 p.m.

Members Present: Connolly, Chair; Deluhery, Fink, Rensink, Slife, Szymoniak, Taylor, Tinsman, Varn and Vilsack.

Members Absent: Kibbie, Vice Chair; Kramer, Ranking Member; Dieleman, Lind, Murphy and Slife (all excused).

Committee Business: Recommended passage of Senate File 417.

Adjourned: 6:25 p.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Convened: May 1, 1993, 9:25 a.m.

Members Present: Riordan, Chair; Vilsack, Vice Chair; Zieman, Ranking Member; Bartz, Bennett, Bisignano, Giannetto, Maddox and Sorensen.

Members Absent: Borlaug, Judge, Kibbie and Lloyd-Jones (all excused).

Committee Business: Resolved into a committee of the whole and adopted Senate Concurrent Resolution 26 and House Concurrent Resolution 27.

Adjourned: 9:35 a.m.

STATE GOVERNMENT

Convened: May 1, 1993, 5:37 p.m.

Members Present: Gronstal, Chair; Rittmer, Ranking Member; Bisignano, Buhr, Dieleman, Drake, Fink, McLaren, Pate, Priebe, Sorensen and Welsh.

Members Absent: Kibbie, Vice Chair; Giannetto, Kramer, Lind and McKean (all excused).

Committee Business: Discussed Senate File 417.

Adjourned: 5:56 p.m.

COMMITTEE REPORTS**APPROPRIATIONS**

Final Bill Action: SENATE FILE 427 (LSB 2730), a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 23: Murphy, Boswell, McLaren, Banks, Bisignano, Buhr, Connolly, Fraise, Gronstal, Horn, Husak, Judge, Kersten, Kibbie, Lind, Palmer, Pate, Rensink, Rosenberg, Slife, Tinsman, Varn and Vilsack. Nays, none. Absent or not voting, 2: Borlaug and Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: SENATE FILE 417, a bill for an act relating to the Iowa communications network by establishing a board and a council, expanding the definitions of private and public agencies, amending financing provisions, providing for the lease of Part III facilities, providing for certain restrictions on the disposition of the network, providing for a procedure for determining which provider shall provide connections to Part III, establishing an alternative form of rate review for rate-regulated telephone utilities, providing for the right of the state to locate and construct the network on public and private property and providing an immediate effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Connolly, Deluhery, Fink, Rensink, Szymoniak, Taylor, Tinsman, Varn and Vilsack. Nays, none. Absent or not voting, 6: Kibbie, Kramer, Dieleman, Lind and Murphy and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED
(May 1, 1993)

S-3758	S. F.	417	Richard Varn Emil J. Husak Jim Kersten William W. Dieleman Derryl McLaren Jim Lind Joe J. Welsh
S-3759	S. F.	426	William W. Dieleman
S-3760	S. F.	426	Sheldon Rittmer
S-3761	S. F.	417	Michael E. Gronstal
S-3762	S. F.	417	Michael E. Gronstal
S-3763	S. F.	417	Michael E. Gronstal
S-3764	S. F.	417	Michael E. Gronstal
S-3765	S. F.	427	Larry Murphy
S-3766	S. F.	425	House amendment
S-3767	S. F.	426	Sheldon Rittmer
S-3768	S. F.	342	House amendment
S-3769	S. F.	426	Tom Vilsack
S-3770	H. F.	644	House amendment
S-3771	S. F.	425	Joe Welsh
S-3772	S. F.	425	Elaine Szymoniak Mary Kramer O. Gene Maddox Jim Riordan Derryl McLaren Florence Buhr
S-3773	H. F.	418	Ralph Rosenberg
S-3774	S. F.	426	Tom Vilsack

AMENDMENTS FILED
(May 2, 1993)

S-3775	S. F.	425	Larry Murphy
--------	-------	-----	--------------

S—3776	S. F.	424	Don Gettings Al Sturgeon
S—3777	S. C. R.	37	Wally E. Horn
S—3778	H. F.	660	House amendment
S—3779	S. F.	425	Larry Murphy
S—3780	H. F.	361	Florence Buhr
S—3781	H. F.	430	Patty Judge Larry Murphy Richard J. Varn

The Senate stood at ease until the fall of the gavel at 3:39 a.m.

The Senate resumed session, President Boswell presiding.

FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to Senate Rule 24, the following motions to reconsider which remained on the Senate calendar upon the adjournment of the 1993 Regular Session of the Seventy-fifth General Assembly, will be considered to have failed:

SENATE FILE 226, a bill for an act relating to school administration, accreditation, finance, transportation, and official newspaper publication (Senate passed March 22, 1993). Motion filed by Senator Palmer on March 22, 1993.

SENATE FILE 253, a bill for an act to establish a midwestern higher education compact (Failed Senate March 30, 1993). Motion filed by Senator Connolly on March 31, 1993.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 26, 1993, passed the following bill in which the concurrence of the Senate is asked:

House File 597, a bill for an act relating to publishing public notice of storm water discharge.

This bill was read first time and **passed on file**.

ALSO: That the House has on May 2, 1993, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 37, a senate concurrent resolution to provide for adjournment sine die.

ALSO: That the House has on May 2, 1993, passed the following bill in which the concurrence of the House was asked:

Senate File 405, a bill for an act extending the pollution control equipment property tax exemption to property used for the recycling of waste plastic, wastepaper products, and waste paperboard.

ALSO: That the House has on May 2, 1993, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 361, a bill for an act relating to areas under the purview of the Iowa department of public health related to substitute medical decision-making boards, home care aide drivers' licensure, the use of mammography machines, burial transit permits, substance abuse treatment programs, and the membership of the council on chemically exposed infants by adding representation by the department of corrections.

House File 418, a bill for an act relating to the testing of a person for the human immunodeficiency virus following conviction for certain offenses, making relief provisions applicable for violation of confidentiality, and providing a penalty.

House File 430, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, providing for the payment of abandoned property, allocating use tax revenue for GAAP deficit reductions, making appropriations for certain tax credits, and providing for other properly related matters and providing an effective date.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 233, the following corrections were made:

1. Page 17, line 5, the word and number "section 7" were changed to the word and number "section 8".
2. Page 21, line 11, the word and number "section 7" were changed to the word and number "section 8".
3. Page 28, line 19, the words and numbers "sections 2 and 4" were changed to the words and numbers "sections 2 and 5".
4. Page 28, line 24, the words and numbers "sections 2 and 4" were changed to the words and numbers "sections 2 and 5".
5. Page 28, line 35, the words and numbers "Sections 10, 12, 24, and 31" were changed to the words and numbers "Sections 11, 13, 26, and 33".

ALSO: That in enrolling Senate File 266, the following corrections were made:

1. Page 7, line 35, the words "STATE FOSTER CARE REVIEW BOARD." were changed to the words "STATE FOSTER CARE REVIEW BOARD".
2. Page 19, line 33, the word and number "Section 18" were changed to the word and number "Section 13".
3. Page 19, line 35, the words and numbers "Sections 101 and 102, and sections 31 and 32" were changed to the words and numbers "Sections 15 and 16, and sections 23 and 24".
4. Section 26 should have been deleted.

ALSO: That in enrolling Senate File 387, the following correction was made:

1. Page 2, line 34, the word and number "paragraph 1." were changed to the word and number "paragraph 1."

ALSO: That in enrolling Senate File 422, the following corrections were made:

1. Page 1, line 18, the word and number "section 4" were changed to the word and number "section 9".
2. Page 2, line 20, the word and number "section 101" were changed to the word and number "section 6".
3. Page 2, line 29, the word and number "section 101" were changed to the word and number "section 6".

4. Page 2, line 32, the word and number "section 101" were changed to the word and number "section 6".

5. Page 2, line 35, the word and number "section 101" were changed to the word and number "section 6".

6. Page 3, line 14, the word and number "section 100" were changed to the word and number "section 5".

7. Page 6, line 4, the words and numbers "Sections 101 and 102" were changed to the words and numbers "sections 6 and 7".

8. Page 6, lines 8 and 9, the words and numbers "sections 101 and 102" were changed to the words and numbers "sections 6 and 7".

9. Page 7, line 20, the words and numbers "sections 5 and 6" were changed to the words and numbers "sections 10 and 11".

10. Page 9, line 7, the word and number "section 4" were changed to the word and number "section 9".

11. Page 12, line 29, the word and number "Section 11" were changed to the word and number "Section 16".

ALSO: That in enrolling Senate File 425, the following corrections were made:

1. Page 13, lines 10 and 11; the words and numbers "sections 4 through 8" were changed to the words and numbers "sections 4 through 6 and 8 and 9".

2. Page 14, line 13, the words and numbers "Sections 4 through 8" were changed to the words and numbers "Sections 4 through 6 and 8 and 9".

3. Page 14, line 15, the words and numbers "Sections 4, 5, 8, and 9".

4. Page 14, line 18, the words and numbers "Sections 14 and 15" were changed to the words and numbers "Sections 15 and 16".

5. Page 16, line 5, the figure "3" was deleted.

6. Page 19, line 16, the paragraph was numbered "5".

7. Page 20, line 19, the word and number "Section 28" were changed to the word and number "Section 30".

8. Page 20, line 25, the words "the following paragraph:" were changed to the words "the following new paragraph:".

9. Page 29, line 29, the words "work place" were changed to the word "workplace".

10. Page 41, line 6, the word and number "Section 100" were changed to the word and number "Section 83".

11. Page 41, lines 10 and 11, the word and numbers "Sections 61, 62, 66, 73, 74, 75, and 76" were changed to the words and numbers "Sections 65, 66, 69, 77, 78, 79, and 80".

JOHN F. DWYER
Secretary of the Senate

COMMUNICATIONS

The following communications have been received and placed on file in the office of the Secretary of the Senate from:

IOWA PUBLIC LIBRARY STATISTICS

The 1991-92 edition of the Iowa Public Library Statistics.

DEPARTMENT OF ELDER AFFAIRS

Annual Report of the Long Term Care Coordinating Unit, pursuant to Chapter 249D.58, Code of Iowa.

Annual Report of the department, pursuant to Chapter 17, Code of Iowa.

IOWA RAILWAY FINANCE AUTHORITY

Annual Report, pursuant to Chapter 327I.8 (6), Code of Iowa.

DEPARTMENTS OF ELDER AFFAIRS & PUBLIC HEALTH

Nutrition screening survey, pursuant to Chapter 1237.4(4)(9), 1992 Acts of the 74th General Assembly.

DEPARTMENT OF PUBLIC HEALTH

A report on Iowa Health Family Program, pursuant to Chapter 1001.415(4), 1992 Acts, Second Extraordinary Session of the 74th General Assembly.

DEPARTMENT OF ELDER AFFAIRS

Annual Report of the Long-Term Care Resident's Advocate/Ombudsman Program, pursuant to Chapter 249D.42, Code of Iowa.

DEPARTMENT OF EDUCATION

A report of the review of functions required of school districts in order to receive state or local funds, pursuant to Chapter 256.11(10).

IOWA CIVIL RIGHTS COMMISSION

Annual Report for fiscal year 1992, pursuant to Chapter 17, Code of Iowa.

DEPARTMENT OF COMMERCE
Alcoholic Beverages Division

A study addressing the extent of liquor "leakage" in Iowa and the fiscal effect of lowering the state liquor markup.

DEPARTMENT OF COMMERCE

Annual Report of the Alcoholic Beverages Division, pursuant to Chapter 123, Code of Iowa.

ADVISORY COUNCIL ON HEAD INJURY

Annual Report and State Plan, pursuant to Chapter 135.22A(6)(f), Code of Iowa.

CITIZENS' AIDE/OMBUDSMAN

Annual Report for calendar year 1992, pursuant to Chapter 2C.18, Code of Iowa.

COLLEGE AID COMMISSION

Higher Education Strategic Planning Council's first Strategic Plan for Iowa Higher Education, pursuant to Chapter 272D.2, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Annual Report for 1992.

DEPARTMENT OF EDUCATION

Child Development Coordinating Council Reports to the General Assembly, pursuant to Chapter 1130.4(8), 1988 Acts of the 72nd General Assembly.

Report and plan (A Plan Addressing a Zero Dropout Rate by the Year 2000), pursuant to Chapter 256.9(44), Code of Iowa.

DEPARTMENT OF PERSONNEL

Annual Report for fiscal year 1992, pursuant to Chapter 7E.3(4), 1993 Code of Iowa.

DEPARTMENT OF EMPLOYMENT SERVICES

Sixth Annual Report, pursuant to Chapters 86.9, 91.4, and 96.10, Code of Iowa.

Job Service Division

1993 Annual Status Report on the Unemployment Compensation Trust Fund, pursuant to Chapter 96.35, Code of Iowa.

DEPARTMENT OF GENERAL SERVICES

Annual Report of 1992, pursuant to Chapter 7E.3(4), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

A report concerning implementation of the Medicaid Home and Community Based Waiver for persons with mental retardation, pursuant to Chapter 1043.5 1992 Acts of the 74th General Assembly.

A report on "School-Age Child Care Pilot Program", pursuant to Chapter 1241.7(9), 1992 Acts of the 74th General Assembly.

DEPARTMENT OF PUBLIC HEALTH

Annual Report of the Home Care Aide Section of Community Services Bureau of the Family & Community Health Division, pursuant to Chapter 135.11(18), Code of Iowa.

DEPARTMENT OF REVENUE AND FINANCE**Lottery Division**

Audit Report as of December 31, 1992, pursuant to Chapter 99E.20(3), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

FY 1992 highway construction program, pursuant to Chapter 307.12(14), Code of Iowa.

A report on the first annual recalculation of construction and maintenance needs, pursuant to Chapter 1100.2-4, 1992 Acts of the 74th General Assembly. This report replaces the January 28 report.

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

Substance Abuse Report, pursuant to Chapter 125.7(3), Code of Iowa.

IOWA'S CENTER FOR AGRICULTURAL SAFETY AND HEALTH

1992 Annual Report of I-CASH, pursuant to Chapter 262.78(6), Code of Iowa.

IOWA ENERGY CENTER

Annual Report, pursuant to Chapter 1252, 1990 Acts of the 73rd General Assembly.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 2nd day of May, 1993:

Senate Files 11, 142, 163, 165, 205, 233, 266, 342, 380, 387, 389, 405, 410, 412, 418, 422 and 425.

JOHN F. DWYER
Secretary of the Senate

**RESOLUTION ENROLLED, SIGNED AND SENT
TO SECRETARY OF STATE**

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution has been enrolled, signed by the President of the Senate and the Speaker of the House, and submitted to the Secretary of State's office this 2nd day of May, 1993:

Senate Joint Resolution 3.

JOHN F. DWYER
Secretary of the Senate

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS**

Convened: April 29, 1993, 8:05 p.m.

Members Present: Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Fraise, Gronstal, Horn, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Rensink, Rosenberg, Slife, Tinsman, Varn and Vilsack.

Members Absent: none.

Committee Business: Assigned bill to a subcommittee and amended LSB 2688 and ordered redrafted for final approval as a committee bill.

Recessed: Until April 30, 1993.

Reconvened: April 30, 1993, 9:03 a.m.

Members Present: Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Fraise, Gronstal, Horn, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Rensink, Rosenberg, Slife, Tinsman, Varn and Vilsack.

Members Absent: none.

Committee Business: Approved LSB 2688 as redrafted as a committee bill.

Recessed: Until May 1, 1993.

Reconvened: May 1, 1993, 11:05 a.m.

Members Present: Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Fraise, Gronstal, Horn, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Rensink, Rosenberg, Slife, Tinsman, Varn and Vilsack.

Members Absent: none.

Committee Business: Assigned bill to subcommittee and approved LSB 270 as a committee bill.

Recessed and put committee on call.

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Horn moved that a committee be appointed to notify the governor that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 37.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Rife and Taylor.

COMMITTEE TO NOTIFY THE HOUSE

Senator Horn moved that a committee be appointed to notify the House that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 37.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Palmer and Tinsman.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to adjourn sine die.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Palmer reported that the committee appointed to notify the House that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee was discharged.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Rife reported that the committee appointed to notify the governor that the Senate was ready to adjourn sine die had performed its duty.

The report and a message from the governor were received and the committee discharged.

FINAL ADJOURNMENT

By virtue of Senator Concurrent Resolution 37, duly adopted, the day of May 2, 1993, having arrived, President Boswell declared the 1993 Regular Session of the Seventy-fifth General Assembly adjourned sine die.

MESSAGE FROM THE GOVERNOR

May 26, 1993

The Honorable Leonard L. Boswell
President of the Senate
State Capitol Building
LOCAL

Dear Mr. President:

As the General Assembly marks the sine die, I have nearly completed actions on the bills that were passed. I commend the members on an unheralded accomplishment - this general assembly demonstrated some restraint and passed only 185 new bills. That is nearly 100 fewer than the recent average. More important, for the first time in recent years, the General Assembly passed a straightforward and balanced budget. Budget restraint must be a fundamental responsibility for lawmakers.

The general assembly acted on my top priority, economic development by passing bills to help create more quality jobs and restoring funding for the Community Economic Betterment Account and national and tourism marketing. I will be encouraging the next session to approve the machinery and equipment bill to improve our competitive position for creating jobs. Most of the few new dollars available were put into education, though the increases were not as much as I proposed. Creating quality jobs and continuing to improve education in Iowa will be my top priorities for the second year of this general assembly.

The general assembly worked to develop bipartisan cooperation. That cooperation was key to passage of our landmark welfare reform that encourages self sufficiency, child welfare reform that will work with families instead of putting kids in institutions, new tools to recover more child support and our livestock initiatives to help family farmers compete.

While cooperation worked to pass some issues, partisanship blocked others. The biggest disappointment was the failure to pass tough public safety measures, especially legislation to be sure drunk drivers get their licenses suspended, a limited death penalty, and a reasonable drug testing bill. Those issues are important to Iowans and they will not go away.

I look forward to working with you next year to improve Iowa's climate for quality jobs, enhance our quality of life and balancing our budget.

Sincerely,
TERRY E. BRANSTAD
Governor

**SUPPLEMENT
TO THE
SENATE JOURNAL**

**Seventy-fifth General Assembly
1993 Regular Session**

**SENATE BILLS APPROVED, ITEM VETOED,
OR VETOED SUBSEQUENT TO ADJOURNMENT**

The following is a record of action on Senate bills by the Governor and transmitted to the Secretary of State after the close of the 1993 Regular Session:

- S.F. 3 — Relating to the establishment and regulation of elder group homes. Approved May 3.
- S.F. 11 — Relating to agricultural areas. Approved May 20.
- S.F. 57 — Relating to the collection and administration of property taxes, special assessments, and various rates, charges, and rentals and providing an effective date. Approved May 3.
- S.F. 63 — Relating to the establishment of a long-term care asset preservation program. Approved May 4.
- S.F. 80 — Relating to the provision of emergency medical services by a physician assistant, and providing for exemption from liability in certain situations. Approved May 6.
- S.F. 117 — Relating to children who are exposed to illegal drugs by including such children under the definitions of a child in need of assistance and child abuse under certain circumstances and by amending the title and scope and responsibilities of the council on chemically exposed infants to include children. Approved May 4.
- S.F. 140 — To allow an electric generation and transmission cooperative to establish classes of memberships. Approved May 4.
- S.F. 142 — Relating to motorcycle rider education and the use of protective headgear when operating or riding motorcycles and motorized bicycles and the sale of such headgear, providing for motorcycle helmet plates, and additional registration fees, motorcycle awareness programming, and providing penalties and a repeal provision and providing an effective date. Vetoed May 28. See Governor's Veto Message.
- S.F. 163 — Relating to abolition of certain civil service commissions, use of electronic voice recording devices at civil service meetings, and relating to qualifications and requirements for appointment, promotion, or employment in positions governed by civil service. Approved May 20.
- S.F. 165 — Relating to the duties of the county recorder and auditor. Approved May 20.

- S.F. 174 — Concerning accessibility standards for persons with disabilities and making penalties applicable. Approved May 4.
- S.F. 180 — Relating to thrift certificates and their exemption from certain filing and registration requirements. Approved May 4.
- S.F. 191 — Relating to the levy of taxes for school libraries in certain school districts. Approved May 3.
- S.F. 205 — Relating to open enrollment procedures and reports. Approved May 20.
- S.F. 206 — Relating to educational finances, activities, and procedures and providing effective and applicability date provisions. Approved May 5.
- S.F. 220 — Relating to deaf and hard-of-hearing persons by changing definitions and the ability to charge certain interpreter fees as costs in a legal action. Approved May 3.
- S.F. 221 — Relating to department of human services' statutory provisions involving child abuse information, dependent adult abuse, child day care, and juvenile shelter care. Approved May 3.
- S.F. 233 — Relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing an effective date. Approved May 27.
- S.F. 245 — Relating to the recording of certain instruments in the office of county recorder. Approved May 11.
- S.F. 266 — Making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of licensing and regulation, department of alcoholic beverages, department of banking, department of credit unions, department of insurance, department of utilities, and the racing and gaming commission and providing effective dates. Item Vetoed and approved May 19. See Governor's Item Veto Messages.
- S.F. 268 — Creating an Iowa invests program and providing related provisions including applicability provisions, and effective dates. Approved May 4.

- S.F. 278 — To exclude agricultural commodity promotional boards, which are subject to a producer referendum, from the requirements applicable to state agencies. Approved May 5.
- S.F. 287 — Relating to hospital privileges provided certain professionals including certified health service providers in psychology. Approved May 6.
- S.F. 290 — Relating to the moratorium on the granting of permits for the construction or operation of infectious waste treatment or disposal facilities and providing for exemptions. Approved May 5.
- S.F. 293 — Relating to the presence of victim counselors in proceedings pertaining to the offense. Approved May 28.
- S.F. 296 — Relating to criminal proceedings and amounts available for victim reparation. Approved May 5.
- S.F. 312 — Relating to the formation of the friends of capitol hill nonprofit corporation. Approved May 3.
- S.F. 326 — Relating to parent involvement policies in district and area education agency phase III plans, and to participation in family support programs. Approved May 5.
- S.F. 342 — Relating to domestic abuse, expanding the definition of domestic abuse, adding non-contact provisions to pretrial release conditions, and providing penalties. Approved May 25.
- S.F. 349 — Relating to child support and providing effective and retroactive applicability dates. Approved May 3.
- S.F. 350 — Relating to child support and providing for civil penalties and an effective date. Approved May 3.
- S.F. 362 — Relating to small group rating practices and the availability of health insurance coverage. Approved May 3.
- S.F. 370 — Relating to setting minimum fines for certain criminal convictions, increasing the civil penalty assessed for certain motor vehicle license revocations, collecting delinquent fines, penalties, costs, and restitution, and allowing community service in lieu of a fine. Approved May 11.
- S.F. 371 — Relating to probate, including certain notice provisions and statutory shares. Approved May 11.
- S.F. 372 — Relating to the structured fines pilot program, establishing a civil penalty and surcharge, providing for the distribution of fines, and providing an effective date. Approved May 3.

- S.F. 376 — Relating to community college athletic programs, community college approval and accreditation standards, repealing provisions for certain studies related to community colleges, and providing for other related matters. Approved May 3.
- S.F. 380 — Relating to providing greater accessibility to health care and health care insurance coverages and establishing projects. Approved May 25.
- S.F. 387 — Relating to the family resource center demonstration program. Approved May 20.
- S.F. 389 — Relating to access by students to computers and establishing an educational technology consortium. Approved May 27.
- S.F. 391 — Relating to the appointment and employment of advocates for persons subject to involuntary hospitalization for mental illness. Approved May 3.
- S.F. 394 — Relating to establishing a debt due for medical assistance resulting from a transfer of assets, and to allowable claims against a conservatorship for the cost of medical care of services provided to a recipient of medical assistance. Approved May 5.
- S.F. 398 — Relating to the rights of mobile homes, personal property, and real property owners and claimants in actions for abandonment and under a lease agreement. Approved May 21.
- S.F. 405 — Extending the pollution control equipment property tax exemption to property used for the recycling of waste plastic, wastepaper products, and waste paperboard. Approved May 25.
- S.F. 409 — Naming an I-80 bridge "Schwengel Bridge". Approved May 14.
- S.F. 410 — Relating to the sales tax on certain entry fees and the sales, services, and use tax exemption for sales of educational, religious, or charitable activities. Approved May 19.
- S.F. 412 — Relating to a records management fee to be collected by the county recorder. Approved May 20.
- S.F. 418 — Relating to the annexation of land to cities. Approved May 20.
- S.F. 422 — Relating to the compensation and benefits for public officials and employees and making appropriations. Approved May 21.
- S.F. 425 — Relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective and applicability date provisions. Item vetoed and approved May 28. See Governor's Item Veto Messages.

GOVERNOR'S ITEM VETO MESSAGES

May 19, 1993

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 266, an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of licensing and regulation, department of alcoholic beverages, department of banking, department of credit unions, department of insurance, department of utilities, and the racing and gaming commission and providing effective dates.

Senate File 266 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

Among other things, Senate File 266 amends the state's laws relating to indigent defense. It better defines the term "indigency" and, in doing so, makes it clear that only those who are "truly" indigent, will be provided legal counsel at public expense. Persons who can pay some, but not all, of their legal costs, will have counsel provided to assist them, however, they will be required to contribute to the payment of those costs. The state public defender is given authority in rules to develop the criteria for determining indigency and the procedures for recovering the costs of representation from persons who can pay. These changes in the law are consistent with the recommendations I made to the legislature and will be extremely helpful in containing the costs of indigent defense. I am, however, disappointed that the legislature deliberately underfunded the program by \$1 million and chose not to eliminate the statutory provision that allows a nonindigent person to have legal counsel provided simply by refusing to hire his or her own attorney.

I am also disappointed that the legislature did not fund the position in the Racing and Gaming Commission to monitor Indian gaming in Iowa. While the gaming which occurs on Indian land is not subject to the state's laws which regulate gambling, it must comply with the terms and conditions of the compacts which have been negotiated with the tribes. All three Iowa tribes have agreed in their compacts to be bound by the same limits and controls that apply to other non-Indian gambling in the state. Remedies are available to the state in the compacts if the tribes fail to comply and it is only through the compacts that the state can "regulate" the gaming that occurs on Indian land. Unlike many other states, we have been successful in negotiating compacts which recognize the sovereign rights of Iowa tribes but which, to the extent possible under federal law, place

their non-Indian competitors on a level playing field. While some in the legislature believe we should not be concerned about what happens at Indian casinos, I believe the state has a responsibility to its citizens to assure that gaming on Indian land, like other gambling in the state, is operated honestly and with financial integrity to deter crime and corrupting influences. Even in the absence of funding for this position, I am committed to monitoring compliance with the compacts and will dedicate the resources necessary to do so.

I am unable to approve the designated position of Section 3, unnumbered and unlettered paragraph 1. This language would remove the discretion of the director of the Department of Employment Services in filling vacant positions within the agency. Personnel decisions within the department are the prerogative of the executive branch. The director of the department must have the authority to adjust personnel to respond to needs within the agency.

I am unable to approve the item designated as Section 5, subsection 1, in its entirety. This provision would require the Department of Employment Services to maintain all Job Services offices in operation as of July 1, 1993. The department's flexibility to provide services where they are most needed and in the most cost effective manner should not be restrained.

I am unable to approve the item designated as section 5, subsection 2, in its entirety. This provision specifies the number, location and schedule of hearings for contested workers' compensation cases which the Industrial Services Division in the Department of Employment Services would be required to conduct through January 20, 1994. The division must retain flexibility in conducting workers' compensation hearings in order to respond to the needs of employers and injured workers.

I am unable to approve the item designated as section 18, in its entirety. This provision would make the Auditor of the state the administrative head of the Division of Savings and Loans within the Department of Commerce. The State Auditor is authorized by law to audit the expenses of all state departments and agencies, including the Division of Savings and Loans. This provision would create a conflict for the persons elected to serve as the State's Auditor by requiring them to audit the agency they are responsible for administering.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 266 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 28, 1993

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 425, an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective and applicability date provisions.

Senate File 425 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Sections 3 and 21, in their entirety. These provisions would result in a \$22 million property tax increase on homeowners in 1995.

I am unable to approve the designated portion of Section 8, the designated portion of Section 9, and the designated portions of Section 22. These provisions would fund a new program with a standing appropriation of \$13.5 million effective in fiscal year 1995. This is a substantial funding commitment for future fiscal years. Such commitments must be avoided if the state is to continue on the path towards fiscal responsibility.

I am unable to approve the item designated as Section 86, in its entirety. This provision would require the Legislative Council to authorize a study committee on privatization. The Council already has statutory authority to establish study committees, therefore this language is unnecessary.

I am unable to approve the item designated as Section 87, in its entirety. This provision would direct agencies to consult with employees and to consider alternatives prior to privatizing state functions. These activities already occur as standard practice, therefore this language is unnecessary.

Finally, I want to express disappointment about the way in which the General Assembly funded critical capital needs in this bill. Section 30 makes a series of appropriations for capitals contingent on lottery funds exceeding a specified level. In reality, only the first item on the list is likely to receive funding. This practice by the legislature only raises false hopes that some capital needs will be met.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 425 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

GOVERNOR'S VETO MESSAGE

May 28, 1993

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
LOCAL

Dear Madam Secretary:

Senate File 142, an act relating to motorcycle rider education and the use of protective headgear when operating or riding motorcycles and motorized bicycles and the sale of such headgear, providing for motorcycle helmet plates, and additional registration fees, motorcycle awareness programming, and providing penalties and a repeal provision and providing as effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

The Intermodal Surface Transportation Efficiency Act of 1991 requires all states to adopt a mandatory helmet law for motorcycle riders by October 1, 1994. States which do not adopt a mandatory helmet law are required to shift 1.5 percent of federal funds appropriated for road construction to Highway Safety Education programs in FY 1994 and 3 percent in succeeding years.

Senate File 142 is not a mandatory helmet law and, therefore, does not satisfy the federal requirement. Additionally, the bill would create an administrative burden for the Department of Transportation and would be very difficult for law enforcement agencies to enforce.

Further, Senate File 142 provides no guarantee that money shifted from the construction portion of the Road Use Tax Fund would be restored with the increased fees.

For the above reasons, I hereby respectfully disapprove Senate File 142.

Sincerely,
TERRY E. BRANSTAD
Governor

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

President Boswell, in accordance with Section 272B.2, 1993 Code of Iowa, announced on May 10, 1993, the appointment of Senator Ray Taylor to the Education Commission of the States to fill the unexpired portion of a term ending June 30, 1995. Senator Taylor replaces Senator Maggie Tinsman.

CERTIFICATES OF RECOGNITION

The secretary of the senate issued the following certificates of recognition:

Karl Nolin, Dickens — For receiving the Regional Small Business Man of the Year Award for the Fifth Congressional District, northwest Iowa. Senator Kibbie (5-5-93).

Harold Carson, Independence — For public service upon retirement. Senator Murphy (5-6-93).

Chris Agnitsch, Midland High School; Daniel Ray Albaugh, Olin-Oxford Junction High School; Wayne A. Chittick, Bennett Community School; Heather Griesbach, Clarence-Lowden High School; Becky J. Hinrichs, Anamosa High School; Jason Holst, Durant High School and E. Ryan Steen, Lincoln Community School — For being selected by the University of Iowa for the "Best of Class" promotion on KWWL-TV honoring the outstanding high school seniors in eastern Iowa for the year 1993. Senator Rife (5-7-93).

North Scott High School, Edlridge — For receiving a FINE (First in the Nation in Education) award for its "High School Attendance Policy" program for 1992-93. Senator Rife (5-7-93).

Alan Shepard Elementary School, Long Grove — For receiving a FINE (First in the Nation in Education) award for its "Heritage Comes Alive" program for 1992-93. Senator Rife (5-7-93).

Charles A. Wright, Tipton — For recognition of seventy years of membership and dedication to American Legion Post 0104. Senator Rife (5-12-93).

Tony Thorn, Lake Park — For achieving the coveted rank of Eagle Scout. Senator Kibbie (5-16-93).

Scott Wilson, Manchester — For attaining the coveted rank of Eagle Scout. Senator Murphy (5-16-93).

Greg Merry, Davenport — For attaining the coveted rank of Eagle Scout. Senator Rife (6-4-93).

St. Paul's Elementary School, Worthington — For recognition of St. Paul's Centennial Celebration. Senator Welsh (7-17-93).

IN MEMORIAM

Senate

Briles, James E.	March 31, 1926 - July 11, 1992
Buren, John L.	June 10, 1913 - May 4, 1991
Edelen, Walter E.	September 9, 1911 - November 18, 1991
Guernsey, Hugh Gail	August 10, 1892 - August 18, 1992
Kelly, E. Kevin	January 22, 1943 - August 5, 1992
Miller, Alvin V.	February 2, 1921 - February 9, 1993
Mooty, William L.	May 23, 1906 - June 16, 1992
Ollenburg, Herbert L.	June 26, 1911 - November 26, 1987
Potgeter, James A.	October 19, 1930 - July 14, 1992

JAMES E. BRILES

James E. Briles was born March 31, 1926, in Prescott, Iowa, and moved to Corning, Iowa in 1949. He passed away July 11, 1992, at the age of 66 years.

Mr. Briles is survived by his wife, Marilyn; three daughters, Dory Briles of Des Moines, Mary Briles of Corning and Colleen Schieffer of Caladonia, Minnesota; five sons, Ed of Buhl, Idaho, Jim of Terra Ceia, Florida, Tom of Kansas City, Missouri, Rick Jessen of Corning and Gary Jessen of Corning; a brother, Harvey of Creston; and nine grandchildren.

Mr. Briles attended and graduated from Prescott public school. He was involved in real estate for more than 30 years and was an auctioneer for 33 years.

Mr. Briles served in the Iowa House of Representatives for eight years and was elected to the Senate in 1965. Senator Briles held the Senate seat until his retirement in 1984. Other former senators remember Senator Briles as an expert in county government and agricultural legislation. He was so familiar with his bills, that when other senators were mistaken about details, Senator Briles would turn to the assembly and say, "Read the bill, Senator. Read the bill!!"

Senator Briles was a decorated Army veteran of World War II and was a member of the American Legion and the Veterans of Foreign Wars. He was also a member of the Corning United Methodist Church.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIFTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable James E. Briles, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

LEONARD L. BOSWELL, Chair
JAMES R. RIORDAN
DERRYL McLAREN

Committee

JOHN L. BUREN

John L. Buren was born June 10, 1913, at Leland, Iowa. He passed away May 4, 1991, at the age of 77 years.

Mr. Buren attended Leland public schools and attended Columbia, now Loras, College in Dubuque for two years. He married Thora M. Berg of Scarville in 1933 and they were the parents of a daughter, Kathleen Ann Buren Bries of Denver, Colorado and a son, John Paul Buren of Mason City, Iowa, and grandparents to five grandchildren.

Senator Buren was elected to the Iowa Senate in November, 1964, and served a four year term representing Winnebago and Hancock counties in the Sixty-First and Sixty-Second General Assemblies.

Mr. Buren was in the grocery business in Leland for eighteen years; the auto and machinery business in Lake Mills for three years dealing in Kaiser, Frazer, International Harvester, Oliver and Massey Harris; five years as a Ford Dealer in Forest City and six years employed at Forest City Eymann Implement Company. He was a farm owner with two years in the hog and cattle business as well as two years in the insurance business. He served two years in the U.S. Navy in World War II.

Mr. Buren served in a variety of public capacities including Democratic County Chairman for six years, six years on the Leland school board, six years on the Leland City Council, and five years on the Winnebago County Conservation Board. He helped organize the Iowans for Tax Relief and was on the state board of directors for the group. Other interests included Ducks Unlimited and Pheasants Forever organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIFTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable John L. Buren, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

BERL E. PRIEBE, Chair
RAY TAYLOR
MERLIN BARTZ

Committee

WALTER E. EDELEN

Walter E. Edelen was born September 9, 1911, on a farm in Poweshiek County, Iowa. He passed away November 18, 1991, at the age of 80 years.

Mr. Edelen graduated from Brooklyn, Iowa High School. He married Mildred Rinnan in January, 1935. They were the parents of three children, Barbara Zrostlik of Clear Lake, Patricia Judge of Dubuque, and Charles Edelen of Shore View, Minnesota, and have seven grandchildren and five great-grand-children.

Senator Edelen was elected to the Iowa Senate in November, 1958, and served to 1960 representing Hancock and Cerry Gordo counties in the Fifty-Eighth General Assembly.

Mr. Edelen was a former manager of Atlantic and Pacific Tea Stores in Iowa and Nebraska and operator of food stores in Garner and Luverne, Iowa from 1939 - 1958. He also owned and operated a farm in Cerro Gordo county. Mr. Edelen served as chairman of the Iowa Liquor Commission from 1963 to 1969.

Mr. Edelen served as a member of the Presbyterian Church, Rotary Club, Masonic Lodge, Fire Department, City Council as well as other civic groups.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIFTH GENERAL ASSEMBLY OF IOWA: That in the passing of the honorable Walter E. Edelen, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution, expresses its appreciation of his service to his community, state and nation and tenders its sympathy and kindest regards to members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

BERL E. PRIEBE, Chair
RAY TAYLOR
MERLIN BARTZ

Committee

HUGH GAIL GUERNSEY

Hugh G. Guernsey was born August 10, 1892, in Appanoose County, Iowa and resided there for over 80 years. He passed away August 18, 1992 at the age of 100 years.

Mr. Guernsey attended the rural schools of Appanoose County and the high school at Centerville, Iowa. He graduated from the college of liberal arts at State University of Iowa in 1916 and from the college of law in 1920.

Mr. Guernsey was married in 1926 to Marguerite Naumann of Davenport, Iowa. They were the parents of two daughters, Kathryn Darrah of Plano, Iowa and Marguerite Traxler of Van Meter, Iowa and had four grandchildren, Virginia Graham, Mary E. Furring, and David Traxler, all of Des Moines, and Debra K. Traxler of Van Meter. Five great-grandchildren also survive Mr. Guernsey.

Mr. Guernsey served as a Second Lieutenant with the A.E.F. in France during World War I. He was elected to the office of Appanoose County Treasurer from 1932 until 1936 and continued to practice law in Centerville for over 50 years.

Senator Guernsey was elected to the Iowa State Senate in 1936 and served for two years in the 47th and 48th General Assemblies.

Mr. Guernsey was a member of the Bar Association, the Masonic Lodge, the American Legion, and the Presbyterian Church.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIFTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Hugh Gail Guernsey, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

PATTY JUDGE, CHAIR
DON GETTINGS
H. KAY HEDGE

Committee

E. KEVIN KELLY

E. Kevin Kelly was born January 22, 1943, at Sioux City, Iowa, and was a lifelong resident of that community. He died August 5, 1992, at the age of 49.

Mr. Kelly attended Sioux City Central High School where he graduated in 1961. He attended Gonzaga University where he received his B.S., and South Dakota University Law School where he received his J.D. in 1968. He is survived by two daughters, Timory Lynn Kelly of Hot Springs, North Carolina, Tracy Ann Kelly of Sioux City; his mother, Dorothy Kelly of Sioux City; four brothers and three sisters.

Mr. Kelly served in the Iowa House of Representatives from 1971 to 1972 and in the Iowa Senate from 1973 to 1978, serving in the 64th, 65th, 66th and 67th and 67thX General Assemblies. Recently he was an attorney in private practice and a lobbyist.

Mr. Kelly was a member of the American, Iowa and Woodbury County Bar Associations; was active in Ducks Unlimited, Iowa Chapter of Nature Conservancy, the board of directors of Ballet Des Moines and the Master Swim Program, with which he was a former gold medalist in national and international competitions.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIFTH GENERAL ASSEMBLY OF IOWA: That in the passing of the honorable E. Kevin Kelly, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution, expresses its appreciation of his service to his community, state and nation and tenders its sympathy and kindest regards to members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

AL STURGEON, Chair
BRAD BANKS
WAYNE D. BENNETT

Committee

ALVIN V. MILLER

Alvin V. Miller was born February 2, 1921 on the family farm at Clear Lake and passed away on February 9, 1993 at the age of 72. His parents were Claude O. and Cora M. Miller. He married Frances Sorenson on March 26, 1943. They were parents to three children, Marlene Desing of Nenah, Wisconsin, Marcia Kuehler of Spencer, Danny of Manly, and grandparents to eight grandchildren. He was a loving husband, father and grandfather.

Mr. Miller graduated from Clear Lake High School in 1939 and was actively engaged in farming from 1940 to 1964. In 1965 he became involved with the insurance and investment agency previously operated by his father. Ventura Farm Service was a business interest he also pursued. He served as a director of the Cerro Gordo Mutual Insurance Association and was a member of Farm Bureau, Lions Club, Independent Order of Odd Fellows and Danish Brotherhood Society Organization of America.

Senator Miller's political career began with his election as a Union Township Assessor. In 1972 he was elected to the House of Representatives and served in the 65th and 66th General Assemblies. He was elected to the Iowa Senate in 1977 and served in the 67th through 74th General Assemblies. He was retained as chairman of the Local Government committee for many years because of his expertise in that area. Senator Miller retired in 1993 after serving twenty years in the State of Iowa Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIFTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Alvin V. Miller, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

JOHN P. KIBBIE, Chair
BERL E. PRIEBE
MERLIN BARTZ

Committee

WILLIAM L. MOOTY

William L. Mooty was born May 23, 1906, Washington Township, Grundy County, and was a lifelong resident of the community. He passed away June 16, 1992 at the age of 86 years.

Mr. Mooty attended Reinbeck public schools. He attended the University of Iowa where he received a B.A. degree in 1928, and L.L.B. degree, and was admitted to the Iowa Bar Association in 1930. He married Jean Lehman in 1946 and they were the parents of two daughters, Marcia Mooty and Helen Boyer, both of Reinbeck, Iowa. There is one granddaughter.

Mr. Mooty was elected to the Iowa House of Representatives in November, 1950, and served for eight years in the 37th, 38th, 45th and 45th Extra General Assemblies. Mr. Mooty served as speaker of the Iowa House of Representatives for three years. Mooty, a Republican, served as Lieutenant Governor from 1960-1964, in the 54th, 55th, 56th, and 57th General Assemblies. He worked on a reapportionment plan after the 1960 census.

Mr. Mooty was elected to the Grundy Center City Council, and then was Grundy County attorney from 1932 to 1936. He also served on the board of directors of the Grundy National Bank. He served as an elder in the First Presbyterian Church, Grundy Center, American Legion, Rotary, Mason, and Odd Fellow.

During World War II, Mr. Mooty worked briefly for the Federal Bureau of Investigation. He was commissioned by the Army Air Corps in 1942 and was discharged in 1946 as a major.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIFTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable William L. Mooty, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

JOHN JENSEN, Chair
RANDAL J. GIANNETTO
HARRY SLIFE

Committee

HERBERT L. OLLENBURG

Herbert L. Ollenburg was born June 26, 1911 on a farm northeast of Garner, Iowa, and was a lifelong resident of that community. He passed away November 26, 1987 at his winter home in Mesa, Arizona at the age of 76 years.

Mr. Ollenburg graduated from Garner High School and from Rutger's Stonier Graduate School of Banking, 1944. He was president of Hancock County National Bank for 33 years, serving in that capacity from 1944 until 1977 when he stepped down. He had been chairman of the board for the last ten years.

On July 2, 1933, he married Ruth M. Boehnke. They were the parents of twins; a daughter, Sylvia Swale and a son Spencer.

Senator Ollenburg served as an Iowa Senator from 1969 to 1972 in the 63rd and 64th General Assemblies.

Mr. Ollenburg was a member of St. Paul's Lutheran Church. He served on the Garner-Hayfield School Board for twelve years. He was secretary and chairman of Group III of the Iowa Banker's Association in 1963 and served on the American Banker's Association Executive Council. He was one of the founders of Concord Manor Care Center and was a fund raiser for Prairie View Apartments and the Garner Golf and Country Club.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIFTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Herbert L. Ollenburg, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

RAY TAYLOR, Chair
BERL PRIEBE
MERLIN BARTZ

Committee

JAMES A. POTGETER

James A. Potgeter was born October 19, 1930 in Steamboat Rock, Iowa and was a lifelong resident of that community. He passed away July 14, 1992 at the age of 61 years.

Mr. Potgeter graduated from Steamboat Rock High School in 1948, attended Reed College in Portland, Oregon and graduated from the University of Iowa in 1956. He did post graduate study at London School of Economics and Political Science, London, England. Served three years with the U.S. Air Force in Japan during the Korean War.

Mr. Potgeter married Joyce Hippen on December 26, 1958 in Conrad, Iowa. They were the parents of a daughter, Jami Potgieter of Steamboat Rock.

Senator Potgeter served as an Iowa Senator from 1968 to 1972 in the 62nd, 63rd and 64th General Assemblies.

For the 20 years preceding his death, he had worked full time at the Wellsburg Elevator Company at Wellsburg.

He was a member of the Republican party, American Legion, Iowa Grain and Feed Association, and the Presbyterian Church at Steamboat Rock.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIFTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable James A. Potgeter, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

RAY TAYLOR, CHAIR
JOHN W. JENSEN
RANDAL J. GIANNETTO

Committee



AMENDMENTS FILED

**During The
Seventy-fifth General Assembly
1993 Regular Session**

S-3001

- 1 Amend Senate Resolution 1 as follows:
- 2 1. Page 37, by inserting after line 19 the
- 3 following:
- 4 "Rule ____
- 5 Smoking
- 6 Smoking shall not be permitted in the senate
- 7 chamber or any other area of the capitol which is
- 8 under the control of the senate."

MIKE CONNOLLY

S-3002

- 1 Amend Senate Resolution 1 as follows:
- 2 1. Page 37, by inserting after line 19 the
- 3 following:
- 4 "Rule ____
- 5 Smoking
- 6 Smoking shall not be permitted in the senate
- 7 chamber or any other area of the capitol which is
- 8 under the control of the senate, except that members
- 9 of the senate may smoke in room 206, located behind
- 10 the senate chamber."

MIKE CONNOLLY

S-3003

- 1 Amend Senate File 11 as follows:
- 2 1. Page 4, by striking lines 8 and 9 and
- 3 inserting the following:
- 4 " ____ . "Livestock facility" means a building or
- 5 structure, an addition to an existing building or
- 6 structure, or the renovation of an existing building
- 7 or structure, which is".

MERLIN BARTZ
DERRYL MCLAREN
BERL E. PRIEBE
JAMES R. RIORDAN

S-3004

- 1 Amend Senate Concurrent Resolution 2 as follows:
- 2 1. Page 20, by inserting after line 26 the
- 3 following:
- 4 "BE IT FURTHER RESOLVED, That all officers,
- 5 employees, and members of the general assembly shall

6 be paid their annual compensation or salary on a
7 biweekly pay period schedule so that no amount is paid
8 for any pay period which exceeds the annual
9 compensation or salary transposed into a rate
10 applicable to the pay period by dividing the annual
11 compensation or salary by the number of pay periods in
12 the applicable fiscal year."

JIM LIND

S-3005

1 Amend Senate File 11 as follows:
2 1. Page 1, line 7, by striking the word "not".
3 2. Page 1, line 17, by inserting after the word
4 "city" the following: " land within an area over
5 which a city has exercised or has taken legislative
6 action to exercise its authority to review subdivision
7 plats as provided in section 354.9, in an area in
8 which a city has begun planning for annexation of
9 land."
10 3. Page 1, line 23, by inserting after the word
11 "exercised" the following: "or has taken legislative
12 action to exercise".
13 4. Page 1, line 24, by inserting after the figure
14 "414.23," the following: "or review subdivision plats
15 as provided in section 354.9, in an area in which a
16 city has begun planning for annexation of land."
17 5. Page 2, by striking lines 25 through 27 and
18 inserting the following: "ordinance, to all property
19 owners and residents within one mile of the proposed
20 zone. When amending the".
21 6. Page 3, line 24, by striking the word
22 "fifteen" and inserting the following: "five".

WILLIAM W. DIELEMAN

S-3006

1 Amend Senate File 11 as follows:
2 1. Page 2, line 12, by inserting after the word
3 "county" the following: "who reside within the
4 proposed boundaries".
5 2. Page 2, line 16, by inserting after the word
6 "may" the following: "establish an agricultural
7 enterprise zone."
8 3. Page 2, line 18, by striking the words "a

9 zone" and inserting the following: "the agricultural
10 enterprise zone".

RALPH ROSENBERG

S-3007

1 Amend Senate File 11 as follows:
2 1. Page 1, by striking lines 14 through 24 and
3 inserting the following:
4 " — The county must adopt a zoning ordinance
5 under this chapter in order to establish an
6 agricultural enterprise zone. All the land located
7 within the county is eligible to be included in the
8 agricultural enterprise zone, except for land within
9 the corporate limits of a city or land within a state
10 park or state preserve."
11 2. By renumbering as necessary.

RALPH ROSENBERG

S-3008

1 Amend Senate File 11 as follows:
2 1. Page 1, line 17, by inserting after the word
3 "city" the following: ", land within an area over
4 which a city has exercised or has taken legislative
5 action to exercise its authority to review subdivision
6 plats as provided in section 354.9, in an area in
7 which a city has begun planning for annexation of
8 land,".
9 2. Page 1, line 23, by inserting after the word
10 "exercised" the following: "or has taken legislative
11 action to exercise".
12 3. Page 1, line 24, by inserting after the figure
13 "414.23," the following: "or review subdivision plats
14 as provided in section 354.9, in an area in which a
15 city has begun planning for annexation of land,".
16 4. Page 1, by striking lines 32 through 34 and
17 inserting the following:
18 "b. A city, residential subdivision, or other
19 population center.
20 c. A location at which a significant number of
21 people".
22 5. Page 2, by striking lines 25 through 27 and
23 inserting the following: "ordinance, to all property
24 owners and residents within one mile of the proposed
25 zone. When amending the".
26 6. Page 2, line 29, by striking the words "the
27 owners of".

- 28 7. Page 2, by striking lines 30 through 32 and
 29 inserting the following: "all property owners and
 30 residents within one mile of the proposed amended
 31 zone."
 32 8. Page 3, line 24, by striking the word
 33 "fifteen" and inserting the following: "ten".

COMMITTEE ON WAYS AND MEANS
 WILLIAM W. DIELEMAN, Chairperson

S-3009

- 1 Amend the amendment, S-3008, to Senate File 11 as
 2 follows:
 3 1. Page 1, line 7, by striking the words
 4 "planning for".
 5 2. Page 1, line 15, by striking the words
 6 "planning for".

BERLE E. PRIEBE

S-3010

- 1 Amend Senate File 11 as follows:
 2 1. Page 2, line 3, by striking the words "a
 3 legislative" and inserting the following: "an
 4 adjudicatory".

RALPH ROSENBERG

S-3011

- 1 Amend Senate File 2 as follows:
 2 1. Page 1, by striking lines 1 through 14 and
 3 inserting the following:
 4 "Sec. ____ . Section 626.16, Code 1993, is amended
 5 to read as follows:
 6 626.16 RECEIPT AND RETURN.
 7 Every officer to whose hands an execution may come
 8 shall give a receipt therefor, if required, stating
 9 the hour when the same was received, and shall make
 10 sufficient return thereof, together with the money
 11 collected, on or before the seventieth three hundred
 12 sixty-fifth day from the date of its issuance."
 13 2. Page 1, line 18, by striking the words "~~the~~
 14 ~~seventy-day period in~~" and inserting the following:
 15 "~~the seventy-day~~ three hundred sixty-five day period
 16 in".

TOM VILSACK

S-3012

- 1 Amend Senate File 27 as follows:
2 1. Page 1, line 16, by striking the word "year."
3 and inserting the following: "year, and during the
4 first pay period in the month of December. If payment
5 is elected pursuant to this subparagraph, ninety
6 percent of the annual salary shall be allocated to the
7 pay periods during the first six months of the
8 calendar year, and ten percent of the annual salary
9 shall be allocated to the first pay period in the
10 month of December."
11 2. Title page, line 2, by inserting after the
12 word "positions" the following: "and other members of
13 the general assembly".

SHELDON RITTMER

S-3013 .

- 1 Amend Senate File 27 as follows:
2 1. Page 1, line 11, by striking the word "any"
3 and inserting the following: "any either".
4 2. Page 1, by striking lines 15 and 16 and
5 inserting the following:
6 "b. During each pay period during the first six
7 months of each calendar year."
8 3. Page 1, line 17, by striking the figure "(3)"
9 and inserting the following: "(2)".
10 4. Page 1, line 27, by striking the word "any"
11 and inserting the following: "either".
12 5. Title page, line 2, by inserting after the
13 word "positions" the following: "and other members of
14 the general assembly".

SHELDON RITTMER

S-3014

- 1 Amend House File 22, as passed by the House, as
2 follows:
3 1. Page 1, line 4, by striking the words "one and
4 six-tenths" and inserting the following: "two and
5 three-tenths".

COMMITTEE ON EDUCATION
MIKE CONNOLLY, Chairperson

S-3015

- 1 Amend the Committee amendment, S-3014, to House
- 2 File 22, as passed by the House, as follows:
- 3 1. Page 1, lines 4 and 5, by striking the words
- 4 "two and three-tenths" and inserting the following:
- 5 "three".

MIKE CONNOLLY
JOHN P. KIBBIE

S-3016

- 1 Amend Senate File 18 as follows:
- 2 1. Page 1, by inserting after line 22 the
- 3 following:
- 4 "Sec. 2. This Act takes effect on January 1,
- 5 1994."
- 6 2. Title page, line 2, by inserting after the
- 7 word "fighters" the following: "and providing an
- 8 effective date".

COMMITTEE ON TRANSPORTATION
JEAN LLOYD JONES, Chair

S-3017

- 1 Amend the Committee amendment, S-3014, to House
- 2 File 22, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 5, the
- 4 following:
- 5 "___ . Page 1, by inserting after line 5 the
- 6 following:
- 7 "Sec. ___ . There is appropriated from the general
- 8 fund of the state to the department of management for
- 9 the fiscal year beginning July 1, 1993, and ending
- 10 June 30, 1994, the following amounts, or so much
- 11 thereof as is necessary, to be used for the purposes
- 12 designated:
- 13 1. CASH RESERVE FUND
- 14 For deposit in the cash reserve fund created in
- 15 section 8.56:
- 16 \$ 6,000,000
- 17 2. GAAP FUND
- 18 For deposit in the GAAP deficit reduction account
- 19 established in section 8.57, subsection 2, which shall
- 20 be spent during the fiscal year beginning July 1,
- 21 1993, and ending June 30, 1994, for the items on the
- 22 schedule submitted to the general assembly by the
- 23 governor in accordance with the provisions of sections

24 8.53 and 8.57:

25 \$ 36,600,000

26 Sec. ____ . Section 8.54, subsection 6, Code 1993,

27 is amended to read as follows:

28 6. The scope of the expenditure limitation under
 29 subsection 3 shall not encompass federal funds,
 30 donations, constitutionally dedicated moneys, and
 31 moneys in expenditures from state retirement system
 32 moneys, and does not encompass an appropriation to the
 33 Iowa economic emergency fund created in section 8.55,
 34 an appropriation to the cash reserve fund created in
 35 section 8.56, or an appropriation to eliminate the
 36 GAAP deficit in accordance with section 8.57.

37 Sec. ____ . Section 8.55, subsection 3, Code 1993,

38 is amended to read as follows:

39 3. The moneys in the Iowa economic emergency fund
 40 may be appropriated by the general assembly only in
 41 the fiscal year for which the appropriation is made.
 42 The moneys shall only be appropriated by the general
 43 assembly for emergency expenditures. However, except
 44 as provided in section 8.58, the balance in the Iowa
 45 economic emergency fund may be used in determining the
 46 cash position of the general fund of the state for the
 47 payment of state obligations and for determining the
 48 unreserved balance of the general fund of the state
 49 under GAAP. -

50 Sec. ____ . Section 8.56, subsection 3, Code 1993,

Page 2

1 is amended to read as follows:

2 3. The moneys in the cash reserve fund may be
 3 appropriated by the general assembly in accordance
 4 with subsection 4 only in the fiscal year for which
 5 the appropriation is made. The moneys shall only be
 6 appropriated by the general assembly for nonrecurring
 7 emergency expenditures and shall not be appropriated
 8 for payment of any collective bargaining agreement or
 9 arbitrator's decision negotiated or awarded under
 10 chapter 20. However, except as provided in section
 11 8.58, the balance in the cash reserve fund may be used
 12 in determining the cash position of the general fund
 13 of the state for payment of state obligations and for
 14 determining the unreserved balance of the general fund
 15 of the state under GAAP.

16 Sec. ____ . Section 8.57, subsection 4, Code 1993,

17 is amended to read as follows:

18 4. As used in this section and sections 8.55 and
 19 8.56, "GAAP" means generally accepted accounting
 20 principles as established by the governmental

21 accounting standards board.

22 Sec. ____ . Section 423.24, Code 1993, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 1A. Twenty percent of all revenue
25 derived from the use tax on motor vehicles, trailers,
26 and motor vehicle accessories and equipment as
27 collected pursuant to section 423.7 shall be deposited
28 in the GAAP deficit reduction account established in
29 the department of management pursuant to section 8.57,
30 subsection 2, and shall be used in accordance with the
31 provisions of that section.

32 Sec. ____ . Notwithstanding the restriction on the
33 subject matter of the bill provided in section 257.8,
34 subsection 1, such restriction shall not apply to the
35 bill of the Seventh-fifth General Assembly, 1993
36 Session."

37 ____ . Page 1, line 7, by striking the word "and"
38 and inserting the following: ". Section 1 of this
39 Act".

40 ____ . Title page, line 3, by inserting after the
41 word "program" the following: ", making
42 appropriations, and relating to GAAP deficit
43 reductions,."

JACK RIFE
DERRYL McLAREN
JIM LIND
MARY E. KRAMER
BRAD BANKS
MERLIN BARTZ
WAYNE D. BENNETT
ALLEN BORLAUG
RICHARD F. DRAKE
LINN FUHRMAN
KAY H. HEDGE
JACK W. HESTER
JOHN W. JENSEN
JAMES B. KERSTEN
O. GENE MADDOX
ANDY MCKEAN
PAUL D. PATE
WILMER RENSINK
SHELDON RITTMER
HARRY G. SLIFE
MAGGIE TINSMAN
LYLE E. ZIEMAN

S-3018

- 1 Amend Senate File 24 as follows:
- 2 1. Page 2, line 4, by striking the words "or
3 "small business"".
- 4 2. Page 2, line 5, by striking the word and
5 figure "or 260F.2" and inserting the following: "
6 "small business" means the same as defined in section
7 260F.2, subsection 5, paragraph "b,"".
- 8 3. Page 3, line 7, by striking the words "or
9 "small business"".
- 10 4. Page 3, line 8, by striking the word and
11 figure "or 260F.2" and inserting the following: "
12 "small business" means the same as defined in section
13 260F.2, subsection 5, paragraph "b,"".

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-3019

- 1 Amend Senate File 64 as follows:
- 2 1. Page 1, by inserting before line 1 the
3 following:
- 4 "Section 1. Section 24.27, Code 1993, is amended
5 to read as follows:
- 6 24.27 PROTEST TO BUDGET.
- 7 Not later than March 25 or April 25 if the
8 municipality is a school district, a number of persons
9 in any municipality equal to one-fourth of one percent
10 of those voting for the office of governor, at the
11 last general election in the municipality, but the
12 number shall not be less than ten, and the number need
13 not be more than one hundred persons, who are affected
14 by any proposed budget, expenditure or tax levy, or by
15 any item thereof, may appeal from any decision of the
16 certifying board or the levying board by filing with
17 the county auditor of the county in which the
18 municipal corporation is located, a written protest
19 setting forth their objections to the budget,
20 expenditure or tax levy, or to one or more items
21 thereof, and the grounds for their objections. If a
22 budget is certified after March 15 or April 15 in the
23 case of a school district, all appeal time limits
24 shall be extended to correspond to allowances for a
25 timely filing. Upon the filing of a protest, the
26 county auditor shall immediately prepare a true and
27 complete copy of the written protest, together with
28 the budget, proposed tax levy or expenditure to which
29 objections are made, and shall transmit them forthwith

30 to the state board, and shall also send a copy of the
31 protest to the certifying board or to the levying
32 board, as the case may be.

33 Sec. ____ . Section 76.2, unnumbered paragraph 2,
34 Code 1993, is amended to read as follows:

35 If the resolution is filed prior to April 1 or May
36 1, if the political subdivision is a school district,
37 the annual levy shall begin with the tax levy for
38 collection commencing July 1 of that year. If the
39 resolution is filed after April 1 or May 1, in the
40 case of a school district, the annual levy shall begin
41 with the tax levy for collection in the next
42 succeeding fiscal year. However, the governing
43 authority of a political subdivision may adjust a levy
44 of taxes made under this section for the purpose of
45 adjusting the annual levies and collections for
46 property severed from the political subdivision,
47 subject to the approval of the director of the
48 department of management.

49 Sec. ____ . Section 257.4, subsection 3, Code 1993,
50 is amended to read as follows:

Page 2

1 3. APPLICATION OF TAX. No later than ~~May~~ June 1
2 of each year, the department of management shall
3 notify the county auditor of each county the amount,
4 in dollars and cents per thousand dollars of assessed
5 value, of the additional property tax levy in each
6 school district in the county. A county auditor shall
7 spread the additional property tax levy for each
8 school district in the county over all taxable
9 property in the district."

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

12 "Sec. ____ . Section 275.29, Code 1993, is amended
13 to read as follows:

14 275.29 DIVISION OF ASSETS AND LIABILITIES AFTER 15 REORGANIZATION.

16 Between July 1 and July 20, the board of directors
17 of the newly formed school district shall meet with
18 the boards of all the old districts, or parts of
19 districts, affected by the organization of the new
20 school corporation for the purpose of reaching joint
21 agreement on an equitable division of the assets of
22 the several school corporations or parts of school
23 corporations and an equitable distribution of the
24 liabilities of the affected corporations or parts of
25 corporations. In addition, if outstanding bonds are
26 in existence in any district, the boards shall meet

27 together prior to ~~March~~ April 15 prior to the school
28 year the reorganization is effective to determine the
29 distribution of the bonded indebtedness between the
30 districts so that the newly formed district may
31 certify its budget under the procedures specified in
32 chapter 24. The boards shall consider the mandatory
33 levy required in section 76.2 and shall assure the
34 satisfaction of outstanding obligations of each
35 affected school corporation.

36 Sec. ____ . Section 275.33, subsection 2, Code 1993,
37 is amended to read as follows:

38 2. The collective bargaining agreement of the
39 district with the largest basic enrollment for the
40 year prior to the reorganization, as defined in
41 section 257.6, in the new district shall serve as the
42 base agreement and the employees of the other
43 districts involved in the formation of the new
44 district shall automatically be accreted to the
45 bargaining unit of that collective bargaining
46 agreement for purposes of negotiating the contracts
47 for the following years without further action by the
48 public employment relations board. If only one
49 collective bargaining agreement is in effect among the
50 districts which are party to the reorganization, then

Page 3

1 that agreement shall serve as the base agreement, and
2 the employees of the other districts involved in the
3 formation of the new district shall automatically be
4 accreted to the bargaining unit of that collective
5 bargaining agreement for purposes of negotiating the
6 contracts for the following years without further
7 action by the public employment relations board. The
8 board of the newly formed district, using the base
9 agreement as its existing contract, shall bargain with
10 the combined employees of the existing districts for
11 the school year beginning with the effective date of
12 the reorganization. The bargaining shall be completed
13 by ~~March 15~~ May 31 prior to the school year in which
14 the reorganization becomes effective or within one
15 hundred eighty days after the organization of the new
16 board, whichever is later. If a bargaining agreement
17 was already concluded by the board and employees of
18 the existing district with the contract serving as the
19 base agreement for the school year beginning with the
20 effective date of the reorganization, that agreement
21 shall be void. However, if the base agreement
22 contains multiyear provisions affecting school years
23 subsequent to the effective date of the

24 reorganization, the base agreement shall remain in
25 effect as specified in the agreement.

26 The provisions of the base agreement shall apply to
27 the offering of new contracts, or continuation,
28 modification, or termination of existing contracts as
29 provided in subsection 1 of this section."

30 3. Title page, by striking lines 1 and 2 and
31 inserting the following: "An Act extending deadlines
32 for activities related to school districts as a result
33 of previous legislation and".

MIKE CONNOLLY

S-3020

1. Amend Senate File 4 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 256.11A, subsection 2, Code
5 1993, is amended by striking the subsection.

6 Sec. 2. Section 280.14, Code 1993, is amended to
7 read as follows:

8 280.14 SCHOOL REQUIREMENTS.

9 The board or governing authority of each school or
10 school district subject to the provisions of this
11 chapter shall establish and maintain adequate
12 administration, school staffing, personnel assignment
13 policies, teacher qualifications, certification
14 requirements, facilities, equipment, grounds,
15 graduation requirements, instructional requirements,
16 instructional materials, maintenance procedures and
17 policies on extracurricular activities. In addition
18 the board or governing authority of each school or
19 school district shall provide such principals as it
20 finds necessary to provide effective supervision and
21 administration for each school and its faculty and
22 student body. An individual who is employed or
23 contracted as a superintendent by a school or school
24 district may also serve as an elementary principal in
25 the same school or school district."

COMMITTEE ON EDUCATION
MIKE CONNOLLY, Chairperson

S-3021

1 Amend Senate File 81 as follows:

2 1. Page 1, by striking line 34 and inserting the

3 following: "from state retirement system moneys. The
4 scope of the spending limitation shall encompass an".

BRAD BANKS

HOUSE AMENDMENT TO
SENATE FILE 18

S-3022

1 Amend Senate File 18, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 10, by striking the words "a
4 representative" and inserting the following:
5 "representatives".
6 2. Page 1, line 11, by striking the words
7 "firemen's association" and inserting the following:
8 "fire fighters' associations".
9 3. Page 1, line 14, by striking the words "the
10 representative" and inserting the following:
11 "representatives".
12 4. Page 1, line 15, by striking the words
13 "firemen's association" and inserting the following:
14 "fire fighters' associations".

S-3023

1 Amend Senate File 81 as follows:
2 1. Page 1, by striking lines 18 through 28.
3 2. Page 2, by inserting after line 12 the follow-
4 ing:
5 "Sec. 100. Section 425.17, subsection 2, Code
6 1993, is amended to read as follows:
7 2. "Claimant" means a either of the following:
8 a. A person filing a claim for credit or
9 reimbursement under this division who has attained the
10 age of ~~eighteen~~ sixty-five years on or before December
11 31 of the base year or who is a surviving spouse
12 having attained the age of fifty-five years on or
13 before December 31, 1988, or who is totally disabled
14 and was totally disabled on or before December 31 of
15 the base year, and was domiciled in this state during
16 the entire base year, and is domiciled in this state
17 at the time the claim is filed or at the time of the
18 person's death in the case of a claim filed by the
19 executor or administrator of the claimant's estate
20 and, in the case of a person who is not disabled and
21 has not reached the age of sixty-five, was not claimed
22 as a dependent on any other person's tax return for
23 the base year.

24 b. A person filing a claim for credit or
 25 reimbursement under this division who has attained the
 26 age of eighteen years on or before December 31 of the
 27 base year but has not attained the age or disability
 28 status described in paragraph "a", and was domiciled
 29 in this state during the entire base year, and is
 30 domiciled in this state at the time the claim is filed
 31 or at the time of the person's death in the case of a
 32 claim filed by the executor or administrator of the
 33 claimant's estate, and was not claimed as a dependent
 34 on any other person's tax return for the base year.
 35 "Claimant" under paragraph "a" or "b" includes a
 36 vendee in possession under a contract for deed and may
 37 include one or more joint tenants or tenants in
 38 common. In the case of a claim for rent constituting
 39 property taxes paid, the claimant shall have rented
 40 the property during any part of the base year. If a
 41 homestead is occupied by two or more persons, and more
 42 than one person is able to qualify as a claimant, the
 43 persons may determine among them who will be the
 44 claimant. If they are unable to agree, the matter
 45 shall be referred to the director of revenue and
 46 finance not later than October 31 of each year and the
 47 director's decision is final.
 48 Sec. 101. Section 425.23, subsection 1, Code 1993,
 49 is amended to read as follows:
 50 1. a. The tentative credit or reimbursement for a

Page 2

1 claimant described in section 425.17, subsection 2,
 2 paragraph "a" shall be determined in accordance with
 3 the following schedule:

4	Percent of property taxes
5	due or rent constituting
6	property taxes paid
7	allowed as a credit or
8	reimbursement:
9 \$ 0 -- 5,999.99	100%
10 6,000 -- 6,999.99	85
11 7,000 -- 7,999.99	70
12 8,000 -- 9,999.99	50
13 10,000 -- 11,999.99	35
14 12,000 -- 13,999.99	25

15 b. The tentative credit or reimbursement for a
 16 claimant described in section 425.17, subsection 2,
 17 paragraph "b", shall be determined as follows:
 18 (1) If the amount appropriated under section
 19 425.40 plus any supplemental appropriation made for a
 20 fiscal year for purposes of this lettered paragraph is

21 at least twenty-seven million dollars, the tentative
 22 credit or reimbursement shall be determined in
 23 accordance with the following schedule:

	<u>Percent of property taxes</u>
	<u>due or rent constituting</u>
	<u>property taxes paid</u>
<u>if the household</u>	<u>allowed as a credit or</u>
<u>income is:</u>	<u>reimbursement:</u>
29 \$ 0 -- 5,999.99	100%
30 6,000 -- 6,999.99	85
31 7,000 -- 7,999.99	70
32 8,000 -- 9,999.99	50
33 10,000 -- 11,999.99	35
34 12,000 -- 13,999.99	25

35 (2) If the amount appropriated under section
 36 425.40 plus any supplemental appropriation made for a
 37 fiscal year for purposes of this lettered paragraph is
 38 less than twenty-seven million dollars the tentative
 39 credit or reimbursement shall be determined in
 40 accordance with the following schedule:

	<u>Percent of property taxes</u>
	<u>due or rent constituting</u>
	<u>property taxes paid</u>
<u>If the household</u>	<u>allowed as a credit or</u>
<u>income is:</u>	<u>reimbursement:</u>
46 \$ 0 -- 5,999.99	50%
47 6,000 -- 6,999.99	42
48 7,000 -- 7,999.99	35
49 8,000 -- 9,999.99	25
50 10,000 -- 11,999.99	17

Page 3

1 12,000 -- 13,999.99 12
 2 Sec. 102. Section 425.23, subsection 3, paragraph
 3 a, Code 1993, is amended to read as follows:
 4 a. A person who is eligible to file a claim for
 5 credit for property taxes due and who has a household
 6 income of six thousand dollars or less and who has an
 7 unpaid special assessment levied against the homestead
 8 may file a claim with the county treasurer that the
 9 claimant had a household income of six thousand
 10 dollars or less and that an unpaid special assessment
 11 is presently levied against the homestead. The
 12 department shall provide to the respective treasurers
 13 the forms necessary for the administration of this
 14 subsection. The claim shall be filed not later than
 15 September 30 of each year. Upon the filing of the
 16 claim, interest for late payment shall not accrue
 17 against the amount of the unpaid special assessment

18 due and payable. The claim filed by the claimant
19 constitutes a claim for credit of an amount equal to
20 the actual amount due upon the unpaid special
21 assessment, plus interest, payable during the fiscal
22 year for which the claim is filed against the
23 homestead of the claimant. However, where the
24 claimant is an individual described in section 425.17,
25 subsection 2, paragraph "b", and the tentative credit
26 is determined according to the schedule in section
27 425.23, subsection 1, paragraph "b", subparagraph (2),
28 the claim filed constitutes a claim for credit of an
29 amount equal to one-half of the actual amount due and
30 payable during the fiscal year. The department of
31 revenue and finance shall, upon the filing of the
32 claim with the department by the treasurer, pay that
33 amount of the unpaid special assessment during the
34 current fiscal year to the treasurer. The treasurer
35 shall submit the claims to the director of revenue and
36 finance not later than October 15 of each year. The
37 director of revenue and finance shall certify the
38 amount of reimbursement due each county for unpaid
39 special assessment credits allowed under this
40 subsection. The amount of reimbursement due each
41 county shall be paid by the director of revenue and
42 finance on October 20 of each year, drawn upon
43 warrants payable to the respective treasurer. There
44 is appropriated annually from the general fund of the
45 state to the department of revenue and finance an
46 amount sufficient to carry out the provisions of this
47 subsection. The treasurer shall credit any moneys
48 received from the department against the amount of the
49 unpaid special assessment due and payable on the
50 homestead of the claimant.

Page 4

1 Sec. 103. Section 425.39, Code 1993, is amended to
2 read as follows:
3 **425.39 ELDERLY AND DISABLED FUND CREATED --**
4 **APPROPRIATION.**
5 1. The extraordinary property tax credit and
6 reimbursement fund for the elderly and disabled is
7 created. There is appropriated annually from the
8 general fund of the state to the department of revenue
9 and finance to be credited to the extraordinary
10 property tax credit and reimbursement fund for the
11 elderly and disabled, from funds not otherwise
12 appropriated, an amount sufficient to implement this
13 division pay credits and reimbursements for claimants
14 described in section 425.17, subsection 2, paragraph

15 "a".

16 2. If the amount appropriated under subsection 1,
 17 as limited by section 8.59, plus any supplemental
 18 appropriation made for purposes of this section for a
 19 fiscal year is insufficient to pay all claims in full,
 20 the director shall pay, in full, all claims to be paid
 21 during the fiscal year for reimbursement of rent
 22 constituting property taxes paid or if moneys are
 23 insufficient on a pro rata basis. If the amount of
 24 claims for credit for property taxes due to be paid
 25 during the fiscal year exceed the amount remaining
 26 after payment to renters the director of revenue and
 27 finance shall prorate the payments to the counties for
 28 the property tax credit. In order for the director to
 29 carry out the requirements of this subsection,
 30 notwithstanding any provision to the contrary in
 31 sections 425.16 through 425.40, claims for
 32 reimbursement for rent constituting property taxes
 33 paid filed before May 1 of the fiscal year shall be
 34 eligible to be paid in full during the fiscal year and
 35 those claims filed on or after May 1 of the fiscal
 36 year shall be eligible to be paid during the following
 37 fiscal year and the director is not required to make
 38 payments to counties for the property tax credit
 39 before June 15 of the fiscal year.

40 **Sec. 104. NEW SECTION. 425.40 LOW-INCOME FUND**
 41 **CREATED -- APPROPRIATION.**

42 1. A low-income tax credit and reimbursement fund
 43 is created. There is appropriated annually from the
 44 general fund of the state to the department of revenue
 45 and finance to be credited to the low-income tax
 46 credit and reimbursement fund the sum of thirteen
 47 million five hundred thousand dollars to pay credits
 48 and reimbursements for claimants described in section
 49 425.17, subsection 2, paragraph "b".

50 2. If the amount appropriated under subsection 1

Page 5

1 plus any supplemental appropriation made for purposes
 2 of this section for a fiscal year is insufficient to
 3 pay all claims in full, the director shall pay, in
 4 full, all claims to be paid during the fiscal year for
 5 reimbursement of rent constituting property taxes paid
 6 or if moneys are insufficient on a pro rata basis. If
 7 the amount of claims for credit for property taxes due
 8 to be paid during the fiscal year exceed the amount
 9 remaining after payment to renters the director of
 10 revenue and finance shall prorate the payments to the
 11 counties for the property tax credit. In order for

12 the director to carry out the requirements of this
 13 subsection, notwithstanding any provision to the
 14 contrary in sections 425.16 through 425.40, claims for
 15 reimbursement for rent constituting property taxes
 16 paid filed before May 1 of the fiscal year shall be
 17 eligible to be paid in full during the fiscal year and
 18 those claims filed on or after May 1 of the fiscal
 19 year shall be eligible to be paid during the following
 20 fiscal year and the director is not required to make
 21 payments to counties for the property tax credit
 22 before June 15 of the fiscal year.
 23 Sec. ____ . Sections 100 through 104 of this Act are
 24 effective January 1, 1994, for property tax claims
 25 filed on or after that date. Sections 100, 101, 103,
 26 and 104 of this Act are applicable to rent
 27 reimbursement claims filed on or after January 1,
 28 1995."

WILLIAM W. DIELEMAN
 LARRY MURPHY

S-3024

- 1 Amend amendment, S-3023, to Senate File 81 as
- 2 follows:
- 3 1. Page 5, line 24, by striking the figure "1994"
- 4 and inserting the following: "1993".
- 5 2. Page 5, line 28, by striking the figure "1995"
- 6 and inserting the following: "1994".

MICHAEL GRONSTAL

S-3025

- 1 Amend Senate File 81 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Sec. ____ . There is appropriated from the general
- 5 fund of the state to the department of management for
- 6 the fiscal year beginning July 1, 1993, and ending
- 7 June 30, 1994, the following amounts, or so much
- 8 thereof as is necessary, to be used for the purposes
- 9 designated:
- 10 1. CASH RESERVE FUND
- 11 For deposit in the cash reserve fund created in
- 12 section 8.56:
- 13 \$ 6,000,000
- 14 2. GAAP FUND
- 15 For deposit in the GAAP deficit reduction account
- 16 established in section 8.57, subsection 2, which shall

17 be spent during the fiscal year beginning July 1,
18 1993, and ending June 30, 1994, for the items on the
19 schedule submitted to the general assembly by the
20 governor in accordance with the provisions of sections
21 8.53 and 8.57:

22 \$ 36,600,000

23 Sec. ____ . Section 8.54, subsection 6, Code 1993,

24 is amended to read as follows:

25 6. The scope of the expenditure limitation under
26 subsection 3 shall not encompass federal funds,
27 donations, constitutionally dedicated moneys, and
28 moneys in expenditures from state retirement system
29 moneys, and does not encompass an appropriation to the
30 Iowa economic emergency fund created in section 8.55,
31 an appropriation to the cash reserve fund created in
32 section 8.56, or an appropriation to eliminate the
33 GAAP deficit in accordance with section 8.57.

34 Sec. ____ . Section 8.55, subsection 3, Code 1993,

35 is amended to read as follows:

36 3. The moneys in the Iowa economic emergency fund
37 may be appropriated by the general assembly only in
38 the fiscal year for which the appropriation is made.
39 The moneys shall only be appropriated by the general
40 assembly for emergency expenditures. However, except
41 as provided in section 8.58, the balance in the Iowa
42 economic emergency fund may be used in determining the
43 cash position of the general fund of the state for the
44 payment of state obligations and for determining the
45 unreserved balance of the general fund of the state
46 under GAAP.

47 Sec. ____ . Section 8.56, subsection 3, Code 1993,

48 is amended to read as follows:

49 3. The moneys in the cash reserve fund may be
50 appropriated by the general assembly in accordance

Page 2

1 with subsection 4 only in the fiscal year for which
2 the appropriation is made. The moneys shall only be
3 appropriated by the general assembly for nonrecurring
4 emergency expenditures and shall not be appropriated
5 for payment of any collective bargaining agreement or
6 arbitrator's decision negotiated or awarded under
7 chapter 20. However, except as provided in section
8 8.58, the balance in the cash reserve fund may be used
9 in determining the cash position of the general fund
10 of the state for payment of state obligations and for
11 determining the unreserved balance of the general fund
12 of the state under GAAP.

13 Sec. ____ . Section 8.57, subsection 4, Code 1993,

14 is amended to read as follows:

15 4. As used in this section and sections 8.55 and
16 8.56, "GAAP" means generally accepted accounting
17 principles as established by the governmental
18 accounting standards board.

19 Sec. ____ . Section 423.24, Code 1993, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 1A. Twenty percent of all revenue
22 derived from the use tax on motor vehicles, trailers,
23 and motor vehicle accessories and equipment as
24 collected pursuant to section 423.7 shall be deposited
25 in the GAAP deficit reduction account established in
26 the department of management pursuant to section 8.57,
27 subsection 2, and shall be used in accordance with the
28 provisions of that section."

29 2. By renumbering as necessary.

DERRYL MCLAREN

S-3026

1 Amend the amendment, S-3025, to Senate File 81 as
2 follows:

3 1. By striking page 1, line 4 through page 2,
4 line 28 and inserting the following:

5 "Sec. ____ . There is appropriated from the general
6 fund of the state to the department of management for
7 the fiscal year beginning July 1, 1993, and ending
8 June 30, 1994, the following amounts, or so much
9 thereof as is necessary, to be used for the purposes
10 designated:

11 1. CASH RESERVE FUND.

12 For deposit in the cash reserve fund created in
13 section 8.56:

14 \$ 6,000,000

15 2. GAAP FUND.

16 For deposit in the GAAP deficit reduction account
17 established in section 8.57, subsection 2, which shall
18 be spent during the fiscal year beginning July 1,
19 1993, and ending June 30, 1994, for the items on the
20 schedule submitted to the general assembly by the
21 governor in accordance with the provisions of sections
22 8.53 and 8.57:

23 \$ 36,600,000

24 Sec. ____ . EXTRAORDINARY PROPERTY TAX REPLACEMENT.

25 There is appropriated from the general fund of the
26 state to the department of revenue and finance for the
27 fiscal year beginning July 1, 1993, and ending June
28 30, 1994, the following amount, or so much thereof as
29 is necessary, to be used for the purpose designated:

30 To be credited to the extraordinary property tax
 31 credit and reimbursement fund and used in addition to
 32 the funds appropriated to the fund pursuant to section
 33 425.39 as limited by section 8.59:

34 \$ 13,500,000

35 Sec. ____ . Section 8.54, subsection 6, Code 1993,
 36 is amended to read as follows:

37 6. The scope of the expenditure limitation under
 38 subsection 3 shall not encompass federal funds,
 39 donations, constitutionally dedicated moneys, and
 40 moneys in expenditures from state retirement system
 41 moneys, and does not encompass an appropriation to the
 42 Iowa economic emergency fund created in section 8.55,
 43 an appropriation to the cash reserve fund created in
 44 section 8.56, or an appropriation to eliminate the
 45 GAAP deficit in accordance with section 8.57.

46 Sec. ____ . Section 8.55, subsection 3, Code 1993,
 47 is amended to read as follows:

48 3. The moneys in the Iowa economic emergency fund
 49 may be appropriated by the general assembly only in
 50 the fiscal year for which the appropriation is made.

Page 2

1 The moneys shall only be appropriated by the general
 2 assembly for emergency expenditures. However, except
 3 as provided in section 8.58, the balance in the Iowa
 4 economic emergency fund may be used in determining the
 5 cash position of the general fund of the state for the
 6 payment of state obligations and for determining the
 7 unreserved balance of the general fund of the state
 8 under GAAP.

9 Sec. ____ . Section 8.56, subsection 3, Code 1993,
 10 is amended to read as follows:

11 3. The moneys in the cash reserve fund may be
 12 appropriated by the general assembly in accordance
 13 with subsection 4 only in the fiscal year for which
 14 the appropriation is made. The moneys shall only be
 15 appropriated by the general assembly for nonrecurring
 16 emergency expenditures and shall not be appropriated
 17 for payment of any collective bargaining agreement or
 18 arbitrator's decision negotiated or awarded under
 19 chapter 20. However, except as provided in section
 20 8.58, the balance in the cash reserve fund may be used
 21 in determining the cash position of the general fund
 22 of the state for payment of state obligations and for
 23 determining the unreserved balance of the general fund
 24 of the state under GAAP.

25 Sec. ____ . Section 8.57, subsection 4, Code 1993,
 26 is amended to read as follows:

27 4. As used in this section and sections 8.55 and
 28 8.56, "GAAP" means generally accepted accounting
 29 principles as established by the governmental
 30 accounting standards board.
 31 Sec. ____ . Section 423.24, Code 1993, is amended by
 32 adding the following new subsection:
 33 NEW SUBSECTION. 1A. Twenty percent of all revenue
 34 derived from the use tax on motor vehicles, trailers,
 35 and motor vehicle accessories and equipment as
 36 collected pursuant to section 423.7 shall be deposited
 37 in the GAAP deficit reduction account established in
 38 the department of management pursuant to section 8.57,
 39 subsection 2, and shall be used in accordance with the
 40 provisions of that section."
 41 2. By renumbering as necessary.

DERRYL MCLAREN

S-3027

1 Amend Senate File 88 as follows:
 2 1. By striking page 18, line 34, through page 19,
 3 line 2, and inserting the following: "year of the
 4 biennium. The legislative fiscal bureau shall consult
 5 with the department of management in developing budget
 6 forms and requirements. The".

DERRYL McLAREN

S-3028

1 Amend Senate File 88 as follows:
 2 1. Page 12, line 19, by striking the word "may"
 3 and inserting the following: "shall".
 4 2. Page 12, by striking lines 31 and 32 and
 5 inserting the following:
 6 "The general assembly may enact appropriations
 7 bills".
 8 3. Page 13, by striking lines 30 and 31 and
 9 inserting the following: "The governor shall
 10 transmit".

MERLIN E. BARTZ

S-3029

1 Amend Senate File 88 as follows:
 2 1. By striking page 3, line 8, through page 9,
 3 line 1, and inserting the following:
 4 "MANAGEMENT REVIEW -- TERMINATION OF PROGRAM

5 Sec. ____ . Section 8.6, Code 1993, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 9A. MANAGEMENT REVIEW. To
8 prepare a management review as provided in sections
9 8.63 through 8.73.

10 Sec. ____ . NEW SECTION. 8.63 MANAGEMENT REVIEW OF
11 EXECUTIVE BRANCH PROGRAMS AND FUNCTIONS --
12 AUTHORIZATION AND PURPOSE.

13 1. The director shall biennially prepare a
14 management review schedule with input from the
15 legislative fiscal bureau detailing the periodic
16 functional review of the programs and functions of the
17 executive branch of state government. This periodic
18 review is intended to assure the cost-effective
19 delivery and quality performance of state services, in
20 order to maintain a balanced state budget, a healthy
21 state economy, and the confidence of Iowa citizens in
22 government. The primary purpose of the management
23 review is to determine whether or not there is a
24 continuing, genuine public need for the program or
25 function under review and, if so, to determine whether
26 or not the public need is served. The management
27 review is also intended to assure statutory,
28 administrative, and fiscal efficiency in the executive
29 branch of state government. The management review
30 shall be submitted to the governor and the general
31 assembly in the second year of each legislative
32 biennium.

33 2. The purpose of the management review is to
34 provide a mechanism designed to increase the
35 accountability and efficiency of state government
36 through increased managerial oversight and scrutiny of
37 programs, functions, and performance. The director is
38 granted broad authority to recommend termination,
39 reduction, or reorganization of programs or functions
40 unless the responsible agency implements reforms
41 specified by the director and the general assembly.

42 3. The director shall have the powers and duties
43 to prepare and implement the annual management review
44 as provided in sections 8.64 through 8.73.

45 Sec. ____ . NEW SECTION. 8.64 DEFINITIONS.

46 As used in section 8.63, this section, and sections
47 8.65 through 8.73, unless the context otherwise
48 requires:

49 1. "Management review" means the review of a
50 department's program conducted under the director's

Page 2

1 authority as provided by sections 8.65 through 8.73.

2 2. "Program" means a program or function of an
3 executive branch agency, whether the program is
4 created by statute, administrative rule, or internal
5 procedure.

6 Sec. —. NEW SECTION. 8.65 MANAGEMENT REVIEW
7 RULES.

8 The director shall adopt rules pursuant to chapter
9 17A to implement sections 8.63 and 8.64, this section,
10 and sections 8.66 through 8.73. The rules shall
11 include, but are not limited to, the following:

12 1. A schedule assigning an automatic repeal date
13 to each department's programs as identified by the
14 director, once within a ten-year cycle. A
15 department's programs may be subdivided by the
16 director, and the parts of a program may be subject to
17 automatic repeal in different legislative bienniums,
18 with particular programs or functions exempted, to
19 facilitate the director's review.

20 2. The information required to be submitted by a
21 department in connection with a management review of
22 its organization or programs.

23 3. Additional standards, methodologies, or
24 criteria for review of programs, consistent with the
25 requirements of this chapter.

26 4. A mechanism to implement recommendations
27 contained in a management review report.

28 Sec. —. NEW SECTION. 8.66 DIRECTOR'S
29 MANAGEMENT REVIEW RESPONSIBILITIES AND DUTIES.

30 1. The director shall perform the following
31 duties.

32 a. Conduct a thorough review of all information
33 furnished by each department administering a program
34 under management review.

35 b. Obtain, verify, and review any reports, audits,
36 or actions taken by other departments concerning the
37 program under management review, including, but not
38 limited to, recent reports prepared by:

39 (1) The auditor of state.

40 (2) A legislative interim study or standing
41 committee.

42 (3) The legislative fiscal bureau or legislative
43 service bureau.

44 (4) The treasurer of state.

45 (5) Special governmental task forces or
46 committees.

47 c. Submit the final management review report to
48 the governor and the general assembly, on or before

49 January 1 of the second year of a legislative
50 biennium. The report shall contain at least the

Page 3

1 following elements:

2 (1) Evaluation of each program reviewed.

3 (2) Recommendations regarding each program

4 reviewed, including any conditions for reauthorization

5 suggested by the director.

6 2. A department administering a program subject to

7 management review shall provide all assistance and

8 information reasonably required by the director.

9 Information provided to the director shall also be

10 submitted to the legislative fiscal bureau. The

11 director shall cooperate with the legislative fiscal

12 bureau to facilitate, to the greatest extent possible,

13 requests for information made by the legislative

14 fiscal bureau in connection with a management review.

15 Sec. — . NEW SECTION. 8.67 MANAGEMENT REVIEW

16 EXPENSES.

17 The department of management may adopt rules

18 providing for the payment of management review

19 expenses by the department responsible for

20 administering a program under management review.

21 Sec. — . NEW SECTION. 8.68 CRITERIA FOR REVIEW.

22 The director shall not presume that a genuine

23 public need continues for a program, or that the

24 program is serving the identified public need. The

25 administering department must show, through the

26 criteria for review, that there is a continuing public

27 need, and that the program is serving that public need

28 in an administratively or fiscally effective manner.

29 The criteria shall include but are not limited to all

30 of the following:

31 1. The purpose of the statute, administrative

32 rule, or internal procedure establishing a program,

33 and the manner of operation of the program designed to

34 achieve this purpose.

35 2. The extent to which the purpose for which the

36 program was created remains a continuing public need.

37 3. The extent to which the program has succeeded

38 in serving the public need or furthering the public

39 purpose for which the program was created.

40 4. An independent determination or citizen input,

41 apart from information supplied by the administering

42 department or by persons having a direct interest in

43 the continued existence of the program, that the

44 absence of the program would be detrimental to the

45 public health, safety, or welfare.

46 5. An assessment of the program's administrative
47 and fiscal efficiency, including alternative methods
48 of achieving the stated or implicit objectives of the
49 statute, administrative rule, or internal procedure
50 establishing the program, and a determination whether

Page 4

1 or not these alternative methods would achieve the
2 objectives.

3 6. Determination as to whether the statute,
4 administrative rule, or internal procedure provides a
5 clear mandate to the department administering the
6 program, and that the department has complied with
7 this mandate through its administration of the
8 program.

9 7. Determination as to whether other programs,
10 activities, or departments of state government have
11 the same or similar objectives. If so, a comparison
12 of the costs and effectiveness between programs,
13 activities, or departments and identification of
14 unnecessary duplication with the program under review
15 shall be included.

16 8. Determination as to whether services provided
17 or purposes served by the program are in competition
18 with the private sector or may be better provided by
19 the private sector, either without governmental
20 assistance or under contract to the government.

21 9. Determination as to whether applications and
22 formal public complaints filed with the administering
23 department have been processed effectively and fairly.

24 10. Determination as to whether the program has
25 been operated by the administering department in an
26 open and accountable manner, with public access to
27 records and meetings, and with safeguards against
28 possible conflicts of interest.

29 11. Identification of the potential impact in
30 terms of federal intervention or loss of federal funds
31 if the program is terminated.

32 Sec. —. NEW SECTION. 8.69 MANAGEMENT REVIEW
33 REPORT.

34 1. The management review report shall contain all
35 of the following material for each program reviewed:

36 a. A complete description of the program and its
37 administering department, including the program's
38 objectives and a detailed outline of the management of
39 the program by the administering department.

40 b. A review of all relevant material obtained in
41 the course of the review.

42 c. A determination of whether a continuing public

43 need for the program exists, and whether the program
44 is appropriately serving that public need.

45 d. An evaluation of the program under the review
46 criteria of section 8.68.

47 e. A recommendation concerning the program's
48 reauthorization. If the director recommends
49 reauthorization, the reauthorization shall be
50 submitted to the general assembly as part of the

Page 5

1 governor's legislative package.

2 2. If the general assembly enacts legislation
3 reauthorizing a program, the program shall not be
4 subject to termination pursuant to a rule adopted
5 under section 8.65 for at least ten years. However,
6 the program may be subject to management review in the
7 fifth biennium following the program's
8 reauthorization.

9 3. The final report shall contain the management
10 review schedule for the programs subject to
11 termination on June 30 of the second calendar year
12 following the year in which the report is submitted.
13 The schedule shall be adopted in rule in accordance
14 with section 8.65.

15 4. The director may recommend any or all of the
16 following:

17 a. Continuance of a program.

18 b. Termination of a program or abolishment of the
19 program's administering department.

20 c. The consolidation, merger, or transfer of a
21 program or department unit from one department to
22 another.

23 d. The termination of a program, unless certain
24 conditions are met or modifications made within a
25 specified period of time.

26 e. Budget limitations for a program.

27 f. Changes in fees to assure that the costs of a
28 regulatory program are borne by the regulated industry
29 or group.

30 g. Other managerial changes to assure service
31 delivery in an administratively and fiscally efficient
32 manner.

33 h. Legislation to implement a recommendation,
34 concerning a program, other than termination.

35 i. Legislation relating to an administering
36 department, program, related agency or department, or
37 a program's underlying public need.

38 Sec. ____ . NEW SECTION. 8.70 TERMINATION OF A
39 PROGRAM.

40 1. If the director recommends the termination of a
41 program, and the program is not reestablished by an
42 Act of the general assembly, the program shall be
43 automatically terminated and the relevant portions of
44 its authorizing Act repealed effective June 30
45 following the submission of the director's report,
46 unless reauthorized by an Act of the general assembly.
47 A program which is reauthorized by legislative
48 enactment shall not be subject to automatic
49 termination for at least ten years. However, the
50 program may be subject to management review in the

Page 6

1 fifth biennium following the program's
2 reauthorization.

3 2. If in the course of terminating a program or
4 transferring a program to another agency, its
5 administrative department is terminated, each lesser
6 included board, council, agency, or other subdivision
7 is also automatically terminated at the same time and
8 under the same conditions, unless the lesser included
9 agency is specifically exempted from termination by
10 the director or by affirmative action of the general
11 assembly prior to June 30 immediately following the
12 biennial submission of the final management review
13 report.

14 Sec. ____ . NEW SECTION. 8.71 PROPOSED TRANSITION
15 PLAN.

16 1. If a program is recommended by the director for
17 termination, the administering department shall submit
18 a transition plan for the review of the director. If
19 the department fails to submit an acceptable
20 transition plan, the director shall prepare the
21 transition plan. A transition plan must be approved
22 by the director.

23 2. The director shall adopt rules pursuant to
24 chapter 17A establishing criteria which a transition
25 plan must address. The rules shall include, but are
26 not limited to, all of the following: conclusion of
27 operations, operating funds, transfer of property and
28 records, and repayment of outstanding bonded
29 indebtedness..

30 3. All statutory references to the terminated
31 program shall be invalid upon expiration of that
32 agency's concluding fiscal year, unless specifically
33 retained by affirmative action of the general
34 assembly.

35 Sec. ____ . NEW SECTION. 8.72 CODE EDITOR TO
36 CONFORM CODE TO MANAGEMENT REVIEW RESULTS.

37 If a rule of the director adopted pursuant to
38 sections 8.65 through 8.71 and section 8.73 has the
39 effect of repealing a section of the Code in whole or
40 in part, the Code editor shall conform the Code to
41 reflect the reorganization of state government as
42 implemented by a management review rule. The Code
43 editor shall annually prepare a separate Code editor's
44 bill to reflect changes made pursuant to the
45 management review report of two years preceding.

46 Sec. ____ . NEW SECTION. 8.73 MERIT SYSTEM
47 EMPLOYEES.

48 If the termination of a program pursuant to this
49 chapter results in unemployment for a merit system
50 employee, the employee shall receive first preference

Page 7

1 in all other state employment opportunities which
2 subsequently arise for which the displaced employee is
3 qualified. In addition, the employee shall have right
4 of first refusal of such opportunities until the
5 employee is permanently employed.

6 Sec. ____ . INTENT. It is contemplated by the
7 governor and the general assembly that this Act may in
8 the future entail wide-ranging effects on the
9 operations of state government, including, but not
10 limited to, the organization, structure, and authority
11 of, and appropriations to any and all executive branch
12 programs. However, because maintaining the continuing
13 regulatory, administrative, and fiscal efficiency and
14 effectiveness of all programs is of critical
15 importance, it is the intent of this Act that such
16 effects be deemed to have the full force and effect of
17 law, and take priority over inconsistent provisions of
18 law or practice.

19 Sec. ____ . DEPARTMENT OF MANAGEMENT -- REVIEW. The
20 department of management shall be subject to
21 management review in the first year of the ten-year
22 review cycle."

23 2. By numbering, renumbering, and changing
24 internal references as necessary.

BRAD BANKS

S-3030

1 Amend Senate File 88 as follows:

2 1. By striking page 11, line 32, through page 12,
3 line 15, and inserting the following: "proposed
4 budget for the succeeding fiscal year biennium. The

5 approved budgets shall also be submitted to the
 6 chairpersons of the committees on appropriations. The
 7 committees on appropriations may allocate from the
 8 funds appropriated by this section the funds contained
 9 in the approved budgets, or such other amounts as
 10 specified, pursuant to a concurrent resolution to be
 11 approved by both houses of the general assembly. The
 12 director of revenue and finance shall issue warrants
 13 for salaries, support, maintenance, and miscellaneous
 14 purposes upon requisition by the administrative head
 15 of each statutory legislative agency. If the
 16 legislative council elects to change the approved
 17 budget for a legislative agency prior to July 1, the
 18 legislative council shall transmit the amount of the
 19 budget revision to the department of management prior
 20 to July 1 of the fiscal year, however, if If the
 21 general assembly approved the budget it cannot be
 22 changed except pursuant to a concurrent resolution
 23 approved by the general assembly.

24 Sec. ____ . Section 2.12, Code 1993, is amended by
 25 adding the following new unnumbered paragraph:
 26 NEW UNNUMBERED PARAGRAPH. Appropriations made
 27 pursuant to this section shall be subject to a budget
 28 contained in a concurrent resolution approved by both
 29 houses of the general assembly."

30 2. By renumbering as necessary.

RICHARD F. DRAKE

S-3031

1 Amend Senate File 35 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 1. Section 4.1, Code 1993, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 41. "Excise tax" means a tax
 7 levied on the manufacture, sale, or consumption of
 8 certain commodities, but does not include the personal
 9 net income tax, business tax on corporations, or
 10 retail sales and services tax imposed under chapter
 11 422."
 12 2. By renumbering sections as needed.

WILLIAM W. DIELEMAN

S-3032

1 Amend Senate File 85 as follows:
 2 1. Page 1, line 9, by inserting after the word

3 "township" the following: "district, or other
4 area".

MERLIN E. BARTZ

S-3033

1 Amend Senate File 90 as follows:
2 1. Page 1, line 9, by striking the word
3 "initiated" and inserting the following: "initiated".
4 2. Page 4, line 7, by striking the word "trustee"
5 and inserting the following: "trustee".

RALPH ROSENBERG

S-3034

1 Amend House File 111, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. NEW SECTION. 421.11 LEGISLATIVE
6 INTENT REGARDING EXCISE TAXES.
7 It is the understanding and intent of the Seventy-
8 fourth and Seventy-fifth General Assemblies that the
9 term "excise tax" as used in 1992 Iowa Acts, chapter
10 1249, and Senate Joint Resolution 2, if passed by the
11 Seventy-fifth General Assembly, which propose a
12 constitutional amendment relating to fish and game
13 protection funds, is limited to those excise taxes
14 imposed by the United States government."
15 2. Page 2, line 12, by striking the word "This"
16 and inserting the following: "Except for section 1 of
17 this Act, this".
18 3. By renumbering sections as needed.

WILLIAM W. DIELEMAN

S-3035

1 Amend Senate Concurrent Resolution 10 as follows:
2 1. Page 1, line 22, by inserting after the word
3 "of" the following: "Northern".

HARRY SLIFE

S-3036

1 Amend Senate File 2 as follows:
2 1. Page 1, by striking lines 1 through 14 and

3 inserting the following:

4 "Sec. ____ . Section 626.16, Code 1993, is amended
5 to read as follows:

6 626.16 RECEIPT AND RETURN.

7 Every officer to whose hands an execution may come
8 shall give a receipt therefor, if required, stating
9 the hour when the same was received, and shall make
10 sufficient return thereof, together with the money
11 collected, on or before the ~~seventieth~~ three hundred
12 sixty-fifth day from the date of its issuance."

13 2. Page 1, line 18, by striking the words "~~the~~
14 ~~seventy-day period in~~" and inserting the following:
15 "~~the seventy-day~~ three hundred sixty-five day period
16 in".

COMMITTEE ON JUDICIARY
AL STURGEON, CHAIRPERSON

S-3037

1 Amend Senate Joint Resolution 7 as follows:

2 1. Page 1, line 12, by striking the word
3 "offense" and inserting the following: "offence".

TOM VILSACK

S-3038

1 Amend Senate File 3 as follows:

2 1. Page 1, lines 31 and 32, by striking the words
3 "three or more" and inserting the following: "not
4 more than five".

5 2. Page 2, by striking lines 32 through 34 and
6 inserting the following:

7 "____ . An elder group home shall be owner-occupied
8 or owned by a nonprofit corporation."

9 3. Page 3, by inserting after line 7 the
10 following:

11 "____ . Notwithstanding any other requirements
12 relating to performance of visitations or meetings of
13 a care review committee, a care review committee
14 appointed to an elder group home shall perform no more
15 than four visitations, annually, to review the needs
16 of residents in an elder group home and to perform the
17 duties of the care review committee in relation to the
18 elder group home."

19 4. By renumbering as necessary.

HUMAN RESOURCES COMMITTEE,
ELAINE SZYMONIAK, Chairperson

S-3039

- 1 Amend Senate Concurrent Resolution 10 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "of" the following: "Northern".

COMMITTEE ON EDUCATION
MIKE CONNOLLY, Chairperson

S-3040

- 1 Amend Senate File 119 as follows:
- 2 1. Page 1, by inserting after line 17, the
- 3 following:
- 4 "3. As used in this section, "services and
- 5 support" does not include noneconomic damages such as
- 6 companionship or society."

ANDY MCKEAN
TOM VILSACK

S-3041

- 1 Amend amendment, S-3036, to Senate File 2 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 12 and
- 4 inserting the following:
- 5 "___ . Page 1, by striking lines 8 through 14 and
- 6 inserting the following: "shall promptly deposit any
- 7 amounts collected with the clerk of the district
- 8 court, who shall disburse the amounts, after
- 9 subtracting applicable fees, within ten working days
- 10 of deposit to the person entitled to the amounts. The
- 11 officer shall make return of the execution not later
- 12 than three hundred sixty-five days from the date of
- 13 issuance."

RANDAL GIANNETTO
TOM VILSACK
ANDY MCKEAN
LINN FUHRMAN
RICHARD F. DRAKE

S-3042

- 1 Amend Senate File 55 as follows:
- 2 1. Page 1, by striking lines 4 through 8 and
- 3 inserting the following:
- 4 "During the month of July of each year At a time to
- 5 be determined by the board, the board shall elect from

6 its members a president, vice president, and secretary
7 officers to serve for a term not to exceed one year.
8 The duties of the officers are those usually performed
9 by such officers. The division shall provide staff
10 assistance."

WILLIAM W. DIELEMAN

S-3043

1 Amend Senate Concurrent Resolution 7 as follows:
2 1. Page 1, by striking lines 22 and 23 and
3 inserting the following:
4 "BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
5 THE SENATE CONCURRING, That the General Assembly".
6 2. Page 1, lines 29 and 30, by striking the words
7 "Secretary of the Senate" and inserting the following:
8 "Chief Clerk of the House of Representatives".

PATTY JUDGE

S-3044

1 Amend Senate File 74 as follows:
2 1. Page 3, line 13, by inserting after the word
3 "house" the following: ", after consultation with the
4 majority leader and the minority leader of the house".
5 2. Page 5, by inserting after line 17 the
6 following:
7 "Sec. 3. REPEAL. This Act is repealed June 30,
8 2000."
9 3. Title, by striking line 2 and inserting the
10 following: "trust, providing for retroactive
11 applicability, and providing for a repeal of the Act."

RALPH ROSENBERG

S-3045

1 Amend Senate File 123 as follows:
2 1. Page 1, by inserting after line 20 the
3 following:
4 "Sec. — NEW SECTION. 358.30 ANNEXATION OF
5 LAND BY A CITY.
6 A sanitary district shall be fairly compensated for
7 losses resulting from annexation. The governing body
8 of a city or city utility and the board of trustees of
9 the sanitary district may agree to terms which provide
10 that the facilities owned by the sanitary district and
11 located within the city shall be retained by the

12 sanitary district for the purpose of sanitary service
 13 to customers outside the city. If an agreement is not
 14 reached within ninety days, the issues may be
 15 submitted to arbitration. If submitted, an arbitrator
 16 shall be selected by a committee which includes one
 17 member of the governing body of the city or its
 18 designee, one member of the sanitary district's board
 19 of trustees or its designee, and a disinterested party
 20 selected by the other two members of the committee. A
 21 list of qualified arbitrators may be obtained from the
 22 American arbitration association or another recognized
 23 arbitration organization or association."
 24 2. Title page, line 1, by striking the words
 25 "rural water" and inserting the following: "special
 26 purpose".

MERLIN E. BARTZ

S-3046

1 Amend Senate File 59 as follows:
 2 1. Page 1, lines 27 and 28, by striking the words
 3 "and airport safety officers".
 4 2. Page 1, line 29, by striking the words and
 5 figures "subparagraphs (4) and (5)" and inserting the
 6 following: "subparagraph (4)".

COMMITTEE ON JUDICIARY
 AL STURGEON, Chairperson

S-3047

1 Amend Senate File 108 as follows:
 2 1. Page 2, by striking lines 5 through 14, and
 3 inserting the following:
 4 "____. A person who is sixteen or seventeen years
 5 of age shall be granted an exemption from the
 6 requirements of this section if the parent, guardian,
 7 or legal custodian of the person files a form, with
 8 the superintendent of the person's public school or
 9 the authorities in charge of the person's nonpublic
 10 school, giving permission for the person to be
 11 exempted from the requirements of this section."
 12 2. By renumbering as necessary.

MERLIN E. BARTZ

S-3048

- 1 Amend Senate File 108 as follows:
- 2 1. Page 2, by inserting after line 32, the
- 3 following:
- 4 "— . This section shall apply only in political
- 5 subdivisions that have adopted a local ordinance
- 6 establishing a curfew for school-age children."
- 7 2. By numbering and renumbering as necessary.

MERLIN E. BARTZ

S-3049

- 1 Amend Senate File 108 as follows:
- 2 1. Page 2, line 1, by striking the word "twenty"
- 3 and inserting the following: "twenty-five".

MARY E. KRAMER
JOHN W. JENSEN
JIM KERSTEN
HARRY SLIFE

S-3050

- 1 Amend Senate File 108 as follows:
- 2 1. Page 1, line 34, by striking the word "nine"
- 3 and inserting the following: "ten".
- 4 2. Page 1, line 35, by inserting after the word
- 5 "session" the following: "if the student is sixteen
- 6 years of age. Between the hours of eleven p.m. and
- 7 five a.m. during the time when local schools are in
- 8 session if the student is seventeen years of age".

MARY E. KRAMER
JOHN W. JENSEN
JIM KERSTEN
HARRY SLIFE

S-3051

- 1 Amend Senate File 126 as follows:
- 2 1. Page 2, line 9, by inserting after the word
- 3 "business," the following: "or for single or multiple
- 4 family dwellings which house persons who consume
- 5 foodstuffs,".
- 6 2. Page 2, line 29, by inserting after the word
- 7 "business," the following: "or for single or multiple

8 family dwellings which house persons who consume
9 foodstuffs."

WILLIAM D. PALMER

S-3052

2 1. Page 1, line 3, by inserting after the figure
3 "92.7" the following: "excluding legal holidays,".
4 2. Page 1, line 5, by striking the words "Labor
5 Day" and inserting the following: "the first Tuesday
6 in September".
7 3. Page 1, line 7, by inserting after the figure
8 "92.7," the following: "excluding legal holidays,".
9 4. Page 1, line 17, by inserting after the figure
10 "92.3," the following: "excluding legal holidays,".
11 5. Page 1, line 18, by striking the words "Labor
12 Day" and inserting the following: "the first Tuesday
13 in September".
14 6. Page 1, line 34, by inserting after the words
15 "five a.m." the following: ", excluding legal
16 holidays,".
17 7. Page 3, line 2, by inserting after the word
18 "during" the following: ", excluding legal
19 holidays.".

RAY TAYLOR

S-3053

1 Amend Senate File 142 as follows:
2 1. Page 2, by inserting after line 8 the
3 following:
4 "3. The provisions of subsection 1 shall not apply
5 if the operator or passenger of a motorcycle or
6 motorized bicycle has paid an additional annual
7 registration fee as determined by the department. The
8 department shall set the fee every year on July 1,
9 commencing in 1993, for imposition during the upcoming
10 twelve-month period beginning in October in an amount
11 sufficient to raise funds equal to but not more than
12 the reduction in federal highway construction funds
13 for not enacting a mandatory helmet law pursuant to
14 the federal Intermodal Surface Transportation
15 Efficiency Act of 1991. However, the department shall
16 not impose an additional registration fee in excess of
17 fifteen dollars."

MERLIN E. BARTZ

S-3054

1 Amend Senate File 108 as follows:
2 1. Page 1, by striking lines 34 and 35 and
3 inserting the following:
4 "a. Between the hours of nine p.m. and five a.m.
5 during the time when local public schools are in
6 session. However, a person sixteen or seventeen years
7 of age enrolled in and attending an accredited school
8 may be employed between the hours of five a.m. and
9 eleven p.m. on nonconsecutive days, or between the
10 hours of five a.m. and midnight on Friday and
11 Saturday, during the time when local public schools
12 are in session."

RAY TAYLOR

S-3055

1 Amend Senate File 142 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 321.117, Code 1993, is amended
5 to read as follows:
6 321.117 MOTORCYCLE, AMBULANCE, AND HEARSE FEES.
7 1. For all motorcycles the annual fee shall be
8 twenty dollars. For all motorized bicycles the annual
9 fee shall be seven dollars. When the motorcycle is
10 more than five model years old, the annual
11 registration fee shall be ten dollars. The annual
12 registration fee for ambulances and hearses shall be
13 fifty dollars. Passenger car plates shall be issued
14 for ambulances and hearses.
15 2. In addition to the fee provided in subsection
16 1, all motorcycles and motorized bicycles subject to
17 an annual registration fee shall pay an additional
18 annual registration fee of fifteen dollars if the
19 month of registration occurs from October 1993 through
20 September 1994. For each succeeding twelve-month
21 period commencing on October 1, 1994, the department
22 shall determine an additional annual registration fee
23 based on the month of registration sufficient to raise
24 funds equal to but not more than the reduction in
25 federal highway construction funds for not enacting a
26 mandatory helmet law pursuant to the federal
27 Intermodal Surface Transportation Efficiency Act of
28 1991. The department shall determine the additional
29 annual registration fee by July 1 of each year prior
30 to imposition of the additional fee commencing on
31 October 1 of each year."

32 Sec. 2. Section 321.189, subsections 7 and 9, Code
33 1993, are amended to read as follows:

34 7. CLASS M LICENSE EDUCATION REQUIREMENTS. A

35 person under the age of eighteen applying for a
36 driver's license valid for the operation of a
37 motorcycle shall be required to successfully complete
38 a motorcycle education course either approved and or
39 established by the department of education or from a
40 private or commercial driver education school licensed
41 by the department. A public school district shall
42 charge a student a fee which shall not exceed the
43 actual cost of instruction minus moneys received by
44 the school district under subsection 9.

45 9. MOTORCYCLE RIDER EDUCATION FUND. The
46 motorcycle rider education fund is established in the
47 office of the treasurer of state. The moneys credited
48 to the fund are appropriated to the department of
49 education to be used to establish new motorcycle rider
50 education courses and reimburse sponsors of motorcycle

Page 2

1 rider education courses for the costs of providing
2 motorcycle rider education courses approved and or
3 established by the department of education. The
4 department of education shall adopt rules under
5 chapter 17A providing for the distribution of moneys
6 to sponsors of motorcycle rider education courses
7 based upon the costs of providing the education
8 courses. The rules shall allow sponsors to offer
9 courses on an annual basis and shall require that the
10 distribution of moneys to sponsors be based upon the
11 number of persons who complete the sponsor's course
12 and successfully obtain a class M license.

13 Sec. 3. If the federal government repeals that
14 portion of the federal Intermodal Surface
15 Transportation Efficiency Act of 1991 which provides
16 sanctions for states which do not have a state law
17 requiring motorcycle helmets, section 1 of this Act
18 shall be repealed on the July 1 following the federal
19 government's repeal."

20 2. Title page, by striking lines 1 through 4 and
21 inserting the following: "An Act relating to
22 motorcycle rider education, providing additional
23 registration fees for motorcycles and motorized
24 bicycles, and providing a repeal provision."

WILLIAM W. DIELEMAN
JIM KERSTEN
RAY TAYLOR

ALLEN BORLAUG
LARRY MURPHY
MERLIN E. BARTZ

S-3056

- 1 Amend House Concurrent Resolution 6 as passed by
- 2 the House as follows:
- 3 1. Page 1, line 26, by inserting after the word
- 4 "of" the following: "Northern".

HARRY SLIFE

S-3057

- 1 Amend Senate File 94 as follows:
- 2 1. Page 1, line 26, by inserting after the figure
- 3 "3." the following: "a."
- 4 2. Page 1, by inserting after line 27 the
- 5 following:
- 6 "b. This section does not apply to local
- 7 legislation which is adopted in order to comply with
- 8 federal law or which allows a local governmental
- 9 entity to participate in a federal program, including,
- 10 but not limited to, regulations of or programs
- 11 administered by the United States environmental
- 12 protection agency."
- 13 3. Page 2, line 18, by inserting after the figure
- 14 "3." the following: "a."
- 15 4. Page 2, by inserting after line 19 the
- 16 following:
- 17 "b. This section does not apply to local
- 18 legislation which is adopted in order to comply with
- 19 federal law or which allows a local governmental
- 20 entity to participate in a federal program, including,
- 21 but not limited to, regulations of or programs
- 22 administered by the United States environmental
- 23 protection agency."

RALPH ROSENBERG

S-3058

- 1 Amend Senate File 94 as follows:
- 2 1. Page 1, by striking lines 10 through 12 and
- 3 inserting the following:
- 4 "b. "Local legislation" means a regulation of
- 5 general applicability adopted by a local governmental
- 6 entity, including but not limited to an ordinance,
- 7 motion, resolution, amendment, or rule. Local

8 legislation does include regulations which apply to
 9 the actions of public employees during the employees'
 10 hours of employment or activities occurring on land
 11 managed, owned, leased, or held in trust by the local
 12 governmental entity."

13 2. Page 2, by striking lines 2 through 4 and
 14 inserting the following:

15 "b. "Local legislation" means a regulation of
 16 general applicability adopted by a local governmental
 17 entity, including but not limited to an ordinance,
 18 motion, resolution, amendment, or rule. Local
 19 legislation does include regulations which apply to
 20 the actions of public employees during the employees'
 21 hours of employment or activities occurring on land
 22 managed, owned, leased, or held in trust by the local
 23 governmental entity."

RALPH ROSENBERG

S-3059

1 Amend House Joint Resolution 5, as passed by the
 2 House, as follows:

3 1. Page 1, by striking lines 11 and 12 and
 4 inserting the following:

5 "BE IT FURTHER RESOLVED, That Iowa's congressional
 6 delegation, Senators Tom Harkin and Charles Grassley,
 7 and Representatives Neal Smith, Jim Leach, Jim Ross
 8 Lightfoot, Fred Grandy, and Jim Nussle, take the lead
 9 in providing".

COMMITTEE ON SMALL BUSINESS,
 ECONOMIC DEVELOPMENT AND
 TOURISM,
 JIM RIORDAN, Chairperson

HOUSE AMENDMENT TO
 SENATE FILE 16

S-3060

1 Amend Senate File 16, as passed by the Senate, as
 2 follows:

3 1. Page 1, by inserting after line 12 the
 4 following:

5 "Sec. ____ . This Act, being deemed of immediate
 6 importance, takes effect upon enactment."

7 2. Title page, line 3, by inserting after the

8 figure "1993" the following: "and providing an
9 effective date".

S-3061

- 1 Amend Senate File 121 as follows:
- 2 1. Page 1, by striking lines 3 through 7 and
- 3 inserting the following:
- 4 "If an agency action affects individual rights,
- 5 duties, or responsibilities, the agency shall include
- 6 with any notice or written decision or order informing
- 7 the individual of the action".

WILLIAM D. PALMER

S-3062

- 1 Amend the amendment, S-3055, to Senate File 142 as
- 2 follows:
- 3 1. Page 1, by striking line 35 and inserting the
- 4 following: "person ~~under the age of eighteen~~ applying
- 5 for a".
- 6 2. Page 1, line 41, by inserting after the word
- 7 "department." the following: "Successful completion
- 8 of a motorcycle education course shall be required
- 9 only for the initial issuance of a class M license."

EUGENE FRAISE

S-3063

- 1 Amend Senate File 103 as follows:
- 2 1. Page 1, by striking lines 1 through 16.
- 3 2. Page 1, line 18, by inserting after the word
- 4 "subsection" the following: "and inserting in lieu
- 5 thereof the following:
- 6 4. If a board of directors of a school district
- 7 wishes to start school prior to the starting date
- 8 specified in subsection 1, the board shall direct the
- 9 county commissioner of elections to submit the
- 10 question of an earlier starting date to the qualified
- 11 electors of the school district at the next regular
- 12 school election. If a majority of voting electors
- 13 approves the earlier starting date, the board shall
- 14 set the starting date in accordance with the
- 15 approval".
- 16 3. Page 2, by striking line 8.
- 17 4. Title page, by striking lines 1 and 2, and
- 18 inserting in lieu thereof the following: "An Act

19 providing for voter approval for an earlier school
20 starting date."

JIM RIORDAN

S-3064

1 Amend Senate File 142 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 321.117, Code 1993, is amended
5 to read as follows:

6 321.117 MOTORCYCLE, AMBULANCE, AND HEARSE FEES.

7 1. For all motorcycles the annual fee shall be
8 twenty dollars. For all motorized bicycles the annual
9 fee shall be seven dollars. When the motorcycle is
10 more than five model years old, the annual
11 registration fee shall be ten dollars. The annual
12 registration fee for ambulances and hearses shall be
13 fifty dollars. Passenger car plates shall be issued
14 for ambulances and hearses.

15 2. In addition to the fee provided in subsection
16 1, all motorcycles and motorized bicycles subject to
17 an annual registration fee shall pay an additional
18 annual registration fee of fifteen dollars if the
19 month of registration occurs from October 1993 through
20 September 1994. For each succeeding twelve-month
21 period commencing on October 1, 1994, the department
22 shall determine an additional annual registration fee
23 based on the month of registration sufficient to raise
24 funds equal to but not more than the reduction in
25 federal highway construction funds for not enacting a
26 mandatory helmet law pursuant to the federal
27 Intermodal Surface Transportation Efficiency Act of
28 1991. The department shall determine the additional
29 annual registration fee by July 1 of each year prior
30 to imposition of the additional fee commencing on
31 October 1 of each year. The treasurer of state,
32 before making the allotments provided in section
33 312.2, shall credit the revenues collected under this
34 subsection as follows:

35 a. To the primary road fund, eighty percent.

36 b. To the secondary road fund of the counties,
37 fifteen percent.

38 c. To the street construction fund of the cities,
39 five percent."

40 Sec. 2. Section 321.189, subsections 7 and 9, Code
41 1993, are amended to read as follows:

42 7. CLASS M LICENSE EDUCATION REQUIREMENTS. A
43 person under the age of eighteen applying for a

44 driver's license valid for the operation of a
 45 motorcycle shall be required to successfully complete
 46 a motorcycle education course either approved and or
 47 established by the department of education or from a
 48 private or commercial driver education school licensed
 49 by the department. A public school district shall
 50 charge a student a fee which shall not exceed the

Page 2

1 actual cost of instruction minus moneys received by
 2 the school district under subsection 9.
 3 9. MOTORCYCLE RIDER EDUCATION FUND. The
 4 motorcycle rider education fund is established in the
 5 office of the treasurer of state. The moneys credited
 6 to the fund are appropriated to the department of
 7 education to be used to establish new motorcycle rider
 8 education courses and reimburse sponsors of motorcycle
 9 rider education courses for the costs of providing
 10 motorcycle rider education courses approved and or
 11 established by the department of education. The
 12 department of education shall adopt rules under
 13 chapter 17A providing for the distribution of moneys
 14 to sponsors of motorcycle rider education courses
 15 based upon the costs of providing the education
 16 courses. The rules shall allow sponsors to offer
 17 courses on an annual basis and shall require that the
 18 distribution of moneys to sponsors be based upon the
 19 number of persons who complete the sponsor's course
 20 and successfully obtain a class M license.
 21 Sec. 3. If the federal government repeals that
 22 portion of the federal Intermodal Surface
 23 Transportation Efficiency Act of 1991 which provides
 24 sanctions for states which do not have a state law
 25 requiring motorcycle helmets, section 1 of this Act
 26 shall be repealed on the July 1 following the federal
 27 government's repeal."

WILLIAM W. DIELEMAN
 JIM KERSTEN
 RAY TAYLOR
 ALLEN BORLAUG
 LARRY MURPHY
 MERLIN E. BARTZ

S-3065

1 Amend Senate File 51 as follows:
 2 1. Page 1, by striking lines 11 through 22 and
 3 inserting the following:

4 "a. Making a written or oral request for an
 5 examination of the state or county uniform commercial
 6 code lien records or the agricultural supply dealer's
 7 lien records naming the owner of the property to be
 8 transferred and the property to which the lien
 9 attaches."
 10 2. Page 1, line 23, by striking the word "c." and
 11 inserting the following: "b."

WILLIAM W. DIELEMAN

S-3066

1 Amend the amendment, S-3064, to Senate File 142 as
 2 follows:
 3 1. Page 1, by striking line 43 and inserting the
 4 following: "person ~~under the age of eighteen~~ applying
 5 for a".
 6 2. Page 1, line 49, by inserting after the word
 7 "department." the following: "Successful completion
 8 of a motorcycle education course shall be required
 9 only for the initial issuance of a class M license."

EUGENE FRAISE

S-3067

1 Amend the amendment, S-3064, to Senate File 142, as
 2 follows:
 3 1. Page 2, by inserting after line 20 the
 4 following:
 5 "Sec. ____ . Section 321.191, subsection 5, Code
 6 1993, is amended to read as follows:
 7 5. LICENSES VALID FOR MOTORCYCLES. An additional
 8 fee of one ~~dollar~~ hundred dollars per year of license
 9 validity is required to issue a license valid to
 10 operate a motorcycle. Ninety-nine dollars of this fee
 11 shall be deposited in the motorcycle rider medical
 12 assistance fund which is established in the office of
 13 the treasurer of state. The moneys credited to the
 14 motorcycle rider medical assistance fund are
 15 appropriated to the department of human services to
 16 defray the cost of medical assistance to motorcycle
 17 riders eligible for medical assistance under chapter
 18 249A who have suffered head injuries while riding
 19 motorcycles."
 20 2. By renumbering as necessary.

RICHARD F. DRAKE

S-3068

- 1 Amend the amendment, S-3053, to Senate File 142 as
2 follows:
3 1. Page 1, line 17, by inserting after the word
4 "dollars." the following: "The treasurer of state,
5 before making the allotments provided in section
6 312.2, shall credit the revenues collected under this
7 subsection as follows:
8 a. To the primary road fund, eighty percent.
9 b. To the secondary road fund of the counties,
10 fifteen percent.
11 c. To the street construction fund of the cities,
12 five percent."

MERLIN E. BARTZ

S-3069

- 1 Amend the amendment, S-3064, to Senate File 142, as
2 follows:
3 1. Page 1, by inserting after line 3 the
4 following:
5 "Section 1. NEW SECTION. 80.26A MOTORCYCLE
6 SAFETY FUNDING.
7 Moneys diverted to state highway safety education
8 projects by the federal government pursuant to the
9 federal Intermodal Surface Transportation Efficiency
10 Act of 1991 if a mandatory helmet law required by that
11 Act is not enacted by this state shall be used for
12 motorcycle safety education and programming."
13 2. By renumbering and correcting internal
14 references as necessary.

EUGENE FRAISE

S-3070

- 1 Amend Senate File 103 as follows:
2 1. Page 1, line 13, by inserting after the word
3 "year" the following: "providing that any school days
4 prior to August 25 or following June 10 are voluntary
5 attendance days for the purpose of pupil remediation
6 or enrichment".
7 2. Title page, by striking lines 1 and 2, and
8 inserting the following: "An Act limiting school days
9 between June 11 and August 24 to days for voluntary
10 attendance of pupils."

JIM RIORDAN

S-3071

1 Amend the amendment, S-3064, to Senate File 142 as
2 follows:
3 1. Page 2, line 20, by inserting after the word
4 "license." the following: "No moneys shall be
5 appropriated to the fund established under this
6 subsection from the use tax collected pursuant to
7 chapter 423. A portion of the moneys diverted to
8 state highway safety education programs from the
9 federal government if a mandatory helmet law is not
10 enacted pursuant to the federal Intermodal Surface
11 Transportation Efficiency Act of 1991 shall be
12 credited to the motorcycle rider education fund."

JOE J. WELSH
RICHARD F. DRAKE

S-3072

1 Amend Senate File 108 as follows:
2 1. Page 1, line 15, by inserting after the word
3 "age" the following: "including, but not limited
4 to, a person employed as a page by the general
5 assembly."
6 2. Page 2, by inserting after line 32, the
7 following:
8 "___ . Except as otherwise provided in subsection
9 1, this section shall apply to all types of
10 employment, including, but not limited to, employment
11 as a page by the general assembly."
12 3. By renumbering as necessary.

RAY TAYLOR

S-3073

1 Amend House File 79, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 31, the
4 following:
5 "Sec. ___ . Section 910A.16, Code 1993, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 4. To the greatest extent
8 possible, a multidisciplinary team involving the
9 county attorney, law enforcement, community-based
10 child advocacy organizations, and personnel of the
11 department of human services shall be utilized in

12 investigating cases involving a violation of chapter
13 709 or 726 with a child."

RALPH ROSENBERG

S-3074

1 Amend Senate File 117 as follows:

2 1. Page 1 by inserting before line 1 the
3 following:

4 "Section 1. Section 232.2, subsection 6, Code
5 1993, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. o. Whose parent's, guardian's, or
8 custodian's actions or omissions have resulted in the
9 presence in the child of an illegal drug which was not
10 prescribed for the child by a health practitioner.

11 Sec. 2. Section 232.68, subsection 2, Code 1993,
12 is amended by adding the following new paragraph:

13 NEW PARAGRAPH. e. The acts or omissions of a
14 person responsible for the care of a child which
15 result in the presence of an illegal drug in the child
16 which was not prescribed for the child by a health
17 practitioner.

18 Sec. 3. Section 232.77, subsection 2, Code 1993,
19 is amended to read as follows:

20 2. If a health practitioner discovers in a child
21 under one year of age physical or behavioral symptoms
22 of the effects of exposure to cocaine, heroin,
23 amphetamine, methamphetamine, or other illegal drugs,
24 or combinations or derivatives thereof, which were not
25 prescribed by a health practitioner, or if the health
26 practitioner has determined through examination of the
27 natural mother of the child that the child was exposed
28 in utero, the health practitioner may perform or cause
29 to be performed a medically relevant test, as defined
30 in section 232.73, on the child. The practitioner
31 shall report any positive results of such a test on
32 the child to the department; ~~unless the natural mother~~
33 ~~has shown good faith in seeking appropriate care and~~
34 ~~treatment.~~ The department shall begin an
35 investigation pursuant to section 232.71 upon receipt
36 of such a report. ~~The positive result shall~~
37 ~~constitute a showing of probable cause under section~~
38 ~~232.71, subsection 3; but shall not be used in any~~
39 ~~criminal prosecution of the natural mother of the~~
40 ~~child, and shall not represent grounds for a~~
41 ~~determination of child abuse."~~

42 2. Title page, line 1, by striking the words "to
43 amend" and inserting the following: "relating to

44 children who are exposed to illegal drugs by including
 45 such children under the definitions of a child in need
 46 of assistance and child abuse under certain
 47 circumstances and by amending".
 48 3. By renumbering as necessary.

ELAINE SZYMONIAK

S-3075

1 Amend Senate File 117 as follows:
 2 1. Page 2, by inserting after line 34 the
 3 following:
 4 "Sec. 100. TREATMENT FUNDING APPLICATION DEADLINE
 5 DELAYED. This section relates to the deadline date
 6 established by the Iowa department of public health,
 7 division of substance abuse and health promotion, for
 8 applications for funding of comprehensive outpatient,
 9 residential, and halfway treatment services in the
 10 memorandum issued by the division on January 7, 1993,
 11 to applicants for treatment funds. Notwithstanding
 12 the application deadline date of February 25, 1993, as
 13 established in the memorandum, the application
 14 deadline date shall be on or after May 15, 1993, and
 15 any other dates established by the division relating
 16 to applications for treatment funds shall be revised
 17 to accommodate the change in the application deadline.
 18 If the effective date of this Act is after February
 19 25, 1993, the division shall accept and consider
 20 applications beginning on the effective date of this
 21 Act and continuing through May 15, 1993.
 22 Sec. 2. EFFECTIVE DATE. Section 100 of this Act,
 23 being deemed of immediate importance, takes effect
 24 upon enactment."
 25 2. Title, line 2, by inserting after the word
 26 "children" the following: ", and relating to
 27 treatment funding and providing an effective date".

BERL E. PRIEBE
 JIM LIND

S-3076

1 Amend Senate File 180 as follows:
 2 1. Page 1, line 16, by inserting after the figure
 3 "502" the following: "and rules adopted by the
 4 superintendent of banking pursuant to chapter 17A".

WILLIAM D. PALMER

S-3077

- 1 Amend Senate File 130 as follows:
- 2 1. Page 1, line 5, by striking the word
- 3 "improvement" and inserting the following: "project".
- 4 2. Page 1, line 13, by inserting after the word
- 5 "appropriation" the following: "whether or not
- 6 completed within a single fiscal year".
- 7 3. Page 1, line 35, by striking the words "be
- 8 included" and inserting the following: "include".

COMMITTEE ON LOCAL GOVERNMENT
ALBERT G. SORENSEN, Chairperson

S-3078

- 1 Amend Senate File 52 as follows:
- 2 1. Page 1, line 21, by inserting after the word
- 3 "percent." the following: "The completed journals
- 4 shall also be made available in an electronic medium
- 5 upon payment of a fee. The fee shall not exceed the
- 6 cost of making a copy of the completed journals in the
- 7 electronic medium."

RICHARD VARN

S-3079

- 1 Amend Senate File 171 as follows:
- 2 1. Page 2, by inserting after line 28, the
- 3 following:
- 4 "Sec ____ . Section 602.10123, Code 1993, is amended
- 5 to read as follows:
- 6 602.10123 PROCEEDINGS.
- 7 The proceedings to remove or suspend an attorney
- 8 may be commenced by the direction of the court or on
- 9 ~~motion~~ the petition of any individual. In the former
- 10 case, the court must direct some attorney to draw up
- 11 the accusation; in the latter, the accusation must be
- 12 drawn up and sworn to by the person making it."
- 13 2. Page 2, line 32, by striking the word "motion"
- 14 and inserting the following: "the petition".
- 15 3. Page 3, by striking lines 8 through 13, and
- 16 inserting the following: "rule 118. If the court
- 17 finds that proceeding under this chapter is more
- 18 appropriate, it shall cause an order to be entered".
- 19 4. By numbering and renumbering as necessary.

AL STURGEON

S-3080

- 1 Amend Senate File 158 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 99D.9, Code 1993, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 8. The annual racing dates for
- 7 the pari-mutuel racetracks are as follows:
- 8 a. Prairie Meadows: For a minimum of sixty days
- 9 as determined by rule of the commission.
- 10 b. Bluffs Run: The first day in January through
- 11 the last day in December.
- 12 c. Dubuque Greyhound Park: The fourth Tuesday in
- 13 April through the fourth Sunday in October.
- 14 d. Waterloo Greyhound Park: Two days following
- 15 the close of the Dubuque Greyhound Park through two
- 16 days before the opening of the Dubuque Greyhound Park
- 17 in the succeeding calendar year."
- 18 2. Title page, line 1, by inserting after the
- 19 word "the" the following: "pari-mutuel racetrack
- 20 schedule and the".
- 21 3. By renumbering as necessary.

MIKE CONNOLLY

S-3081

- 1 Amend Senate File 43 as follows:
- 2 1. Page 1, line 25, by striking the words
- 3 "nonwire line" and inserting the following: "cellular
- 4 or cellular-like service, except for radio common
- 5 carriers and paging services."
- 6 2. Page 1, line 30, by striking the word "which"
- 7 and inserting the following: "for which the telephone
- 8 number billed is identified as being assigned".
- 9 3. Page 1, line 31, by striking the words
- 10 "physically terminates" and inserting the following:
- 11 "physically terminates".
- 12 4. Page 1, line 34, by striking the words
- 13 "nonwire line" and inserting the following: "cellular
- 14 or cellular-like service".
- 15 5. Page 2, line 3, by striking the words "nonwire
- 16 line" and inserting the following: "cellular or
- 17 cellular-like service, except for radio common
- 18 carriers and paging services."
- 19 6. Page 2, line 19, by striking the words
- 20 "system. The description shall contain" and inserting
- 21 the following: "system including".
- 22 7. Page 2, line 21, by inserting after the word

- 23 "format" the following: ", and any changes made in
- 24 the plan since the plan was submitted".
- 25 8. Page 3, line 16, by inserting after the word
- 26 "division." the following: "The division shall only
- 27 act to disburse the moneys in the revolving fund to a
- 28 joint E911 service board pursuant to this chapter and
- 29 shall not expend moneys from the fund for any other
- 30 purpose."
- 31 9. Page 4, line 22, by inserting after the word
- 32 "administrator." the following: "Moneys in the fund
- 33 shall be exempt and excluded from any provision
- 34 purporting to transfer such moneys to the general fund
- 35 of the state or to any other fund."
- 36 10. By renumbering as necessary.

COMMITTEE ON COMMERCE
 PATRICK DELUHERY, Chairperson

S-3082

- 1 Amend Senate File 109 as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following:
- 4 "___ . A bicycle that is twenty-four inches or less
- 5 in wheel height shall not be required to be registered
- 6 under this section and may be operated upon a highway
- 7 or trail in this state without displaying a
- 8 registration sticker."
- 9 2. Page 2, line 28, by inserting after the word
- 10 "state." the following: "In addition, moneys may be
- 11 used by the department for the purpose of providing
- 12 registration forms and stickers as required by this
- 13 chapter."
- 14 3. By renumbering as necessary.

DON GETTINGS

S-3083

- 1 Amend Senate File 227 as follows:
- 2 1. Page 11, line 15, by inserting after the word
- 3 "centers" the following: ", and for not more than the
- 4 following full-time equivalent positions".
- 5 2. Page 11, by inserting after line 16 the
- 6 following:
- 7 "..... FTEs 5.80".
- 8 3. Page 11, line 18, by inserting after the word
- 9 "technology" the following: ", and for not more than
- 10 the following full-time equivalent positions".
- 11 4. Page 11, by inserting after line 19 the

12 following:

13 " FTEs 33.85".

14 5. Page 11, line 26, by inserting after the word
15 "park" the following: "and for not more than the
16 following full-time equivalent positions".

17 6. Page 11, by inserting after line 27 the

18 following:

19 " FTEs 6.55".

TONY BISIGNANO
ALLEN BORLAUG

S-3084

1 Amend Senate File 227 as follows:

2 1. Page 10, line 20, by inserting after the word
3 "board," the following: "on the condition that the
4 INTERNET board and the director of the department of
5 economic development enter into an agreement by July
6 1, 1993, that the department shall have access to the
7 INTERNET database or other products or information
8 developed by INTERNET, at any time, through the use of
9 state moneys appropriated to INTERNET beginning on
10 July 1, 1994."

ALLEN BORLAUG
TONY BISIGNANO

S-3085

1 Amend Senate File 54 as follows:

2 1. Page 1, by striking lines 18 through 20 and
3 inserting the following: "plates previously issued to
4 that person. The fee for ordering the United States
5 armed forces retired plates shall be twenty-five
6 dollars. No additional annual fee shall be required
7 other than the regular annual".

8 2. Page 1, line 21, by striking the word
9 "department" and inserting the following: "county
10 treasurer".

COMMITTEE ON TRANSPORTATION
JEAN LLOYD-JONES, Chairperson

S-3086

1 Amend Senate File 109 as follows:

2 1. Page 1, by inserting after line 17 the
3 following:

4 " ____ . An organization which manages bicycle trails

- 5 shall not be prohibited by this section from charging
6 a fee for the use of a specific trail.”
- 7 2. Page 1, by striking lines 23 and 24 and
8 inserting the following: “registration sticker. Upon
9 the request of an applicant the county recorder shall
10 send an application by mail to the applicant. An
11 applicant shall pay an additional fifty cent
12 registration fee to pay for the costs of registering
13 by mail. Upon receipt of the appropriate fees, the
14 county recorder shall mail the registration stickers
15 to the applicant. The registration sticker shall bear
16 a unique identifying number and shall be placed upon
17 the frame of the bicycle located beneath the seat.”
- 18 3. Page 2, line 2, by inserting after the word
19 “the” the following: “serial number of the
20 applicant’s bicycle and the”.
- 21 4. Page 2, line 8, by striking the words “at up
22 to” and inserting the following: “between one hundred
23 dollars and”.
- 24 5. Page 2, by striking lines 14 through 17 and
25 inserting the following:
26 “___ . A bicycle that is twenty-four inches or less
27 in wheel height shall be exempt from payment of
28 registration fees under this section.”
- 29 6. Page 2, by striking lines 20 and 21 and
30 inserting the following:
31 “A bicycle trail fund is created. The county
32 recorder shall remit all fees collected under this”.
- 33 7. Page 2, line 27, by inserting after the word
34 “constructing,” the following: “maintaining,”.
- 35 8. Page 2, by inserting after line 28, the
36 following:
37 “Sec. ___ . This Act takes effect December 31,
38 1993.”
- 39 9. Title page, line 3, by inserting after the
40 word “violations” the following: “and providing an
41 effective date”.
- 42 10. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION
JEAN LLOYD-JONES, Chairperson

S-3087

- 1 Amend Senate File 43 as follows:
2 1. Page 1, line 33, by inserting after the word
3 “between” the following: “wire line”.
- 4 2. Page 1, line 34, by striking the words “wire
5 line or nonwire line”.

6 3. Page 2, line 3, by striking the words "wire
7 line or nonwire line."

JOE WELSH
BERL E. PRIEBE

S-3088

1 Amend Senate File 227 as follows:
2 1. Page 13, by inserting after line 7 the
3 following:
4 "Sec. ____ . Not later than July 1, 1994, the
5 department of economic development, with consultation
6 and input from the general assembly, and
7 representatives from business, labor, and education
8 shall study and present recommendations to the general
9 assembly which shall include but not be limited to the
10 privatization and decentralization of Iowa's economic
11 development efforts, the identification of areas
12 appropriate to statewide economic development efforts
13 and areas appropriate for regional economic
14 development efforts, benchmark budgeting for statewide
15 and regional efforts, the deregulation of economic
16 development activities, and collaboration between
17 public and private entities."
18 2. By renumbering as necessary.

TONY BISIGNANO
ALLEN BORLAUG
JIM LIND
LARRY MURPHY
HARRY SLIFE
MARY KRAMER
DERRYL McLAREN

S-3089

1 Amend Senate File 232 as follows:
2 1. Page 3, by inserting after line 25 the
3 following:
4 "7. For salaries, support, maintenance, and
5 miscellaneous purposes of the pari-mutuel law
6 enforcement agents, including the state's contribution
7 to the peace officers' retirement, accident, and
8 disability system provided in chapter 97A in the
9 amount of 18 percent of the salaries for which the
10 funds are appropriated, and for not more than the
11 following full-time equivalent positions:

12 \$ 287,766
13 FTEs 5.00"

- 14 2. Page 5, by striking lines 25 through 33.
 15 3. By renumbering as necessary.

RICHARD F. DRAKE
 ALBERT G. SORENSEN

S-3090

- 1 Amend Senate File 232 as follows:
 2 1. By striking page 10, line 28 through page 11,
 3 line 35.
 4 2. Page 12, by striking line 20.
 5 3. Title page, by striking lines 5 and 6 and
 6 inserting the following: "fund, and primary road
 7 fund, and relating to Iowa law".
 8 4. By renumbering as necessary.

ALBERT G. SORENSEN
 JOHN W. JENSEN
 FLORENCE D. BUHR
 RICHARD F. DRAKE

S-3091

- 1 Amend Senate File 219 as follows:
 2 1. By striking page 1, line 34, through page 2,
 3 line 12, and inserting the following:
 4 " — . A frail elder or a frail elder's family may
 5 request a preadmission assessment, on a form developed
 6 and provided by the department prior to the frail
 7 elder's pending admission to a nursing facility.
 8 — . If a frail elder or the frail elder's family
 9 requests a preadmission assessment, the assessor
 10 shall, in consultation with the frail elder or the
 11 frail elder's family, schedule a date, time, and
 12 location for the performance of the assessment. The
 13 assessor shall also inform the frail elder or the
 14 frail elder's family of the right to have a physician
 15 present during the performance of the assessment."
 16 2. By striking page 2, line 26, through page 3,
 17 line 5 and inserting the following: "prior to
 18 completion of a preadmission assessment."
 19 3. By renumbering as necessary.

MERLIN E. BARTZ

S-3092

- 1 Amend Senate File 232 as follows:
 2 1. Page 1, line 19, by inserting before the word

3 "For" the following: "a."

4 2. Page 1, by inserting after line 34 the
5 following:

6 "b. For capital improvements to the armory in
7 Boone:

8 \$ 108,000".

9 3. Page 4, by striking lines 3 through 10 and
10 inserting the following:

11 " \$ 31,228,834

12 FTEs 540.50

13 a. It is the intent of the general assembly that
14 \$390,000 of the appropriation in this subsection shall
15 be used solely for funding 6.00 FTE positions within
16 the state patrol. Any of the \$390,000 which remains
17 unobligated or unencumbered on June 30, 1994, shall
18 revert to the road use tax fund on August 30, 1994."

19 4. Page 6, by striking line 12 and inserting the
20 following:

21 " \$ 3,904,600".

22 5. Page 7, by inserting after line 12 the
23 following:

24 "8. For paving and grading necessary to replace
25 the scales at Missouri Valley:

26 \$ 175,000

27 The provisions of section 8.33 do not apply to the
28 funds appropriated by this subsection. The funds
29 shall remain available for expenditure for the
30 purposes designated until June 30, 1997. Unencumbered
31 and unobligated funds remaining on June 30, 1997, from
32 the funds appropriated in this subsection shall revert
33 to the fund from which appropriated on August 30,
34 1997."

35 6. Page 9, by striking lines 6 through 8 and
36 inserting the following:

37 "9. For replacement or modification of field
38 facilities in Correctionville, Blairstown, Allison,
39 and Rock Rapids:

40 \$ 3,030,000".

41 7. Page 10, by striking line 14 and inserting the
42 following:

43 " \$ 2,941,000

44 3,017,000".

45 8. By striking page 10, line 28 through page 11,
46 line 35.

47 9. Page 12, by striking line 20.

48 10. Title page, by striking lines 5 and 6 and
49 inserting the following: "fund, and primary road
50 fund, and relating to Iowa law".

Page 2

- 1 11. By renumbering and correcting internal
- 2 references as necessary.

JIM KERSTEN
 JOHN W. JENSEN
 WAYNE BENNETT
 DERRYL McLAREN
 RICHARD F. DRAKE

S-3093

- 1 Amend Senate File 232 as follows:
- 2 1. Page 12, by inserting after line 7 the
- 3 following:
- 4 "Sec. ____ . NEW SECTION. 307.39 MAINTENANCE
- 5 FACILITIES.
- 6 The department shall maintain maintenance
- 7 facilities within the boundaries of every county with
- 8 a population in excess of seven thousand nine hundred
- 9 fifty persons in which the department maintains a
- 10 maintenance facility as of January 1, 1988."
- 11 2. By renumbering as necessary.

MERLIN E. BARTZ

S-3094

- 1 Amend Senate File 232 as follows:
- 2 1. Page 12, by inserting after line 16 the
- 3 following:
- 4 "Sec. ____ . Section 321G.13, subsection 9, Code
- 5 1993, is amended by striking the subsection.
- 6 Sec. ____ . Section 805.8, subsection 4, paragraph
- 7 b, Code 1993, is amended to read as follows:
- 8 b. For operating violations under sections 321G.9,
- 9 subsections 1, 2, 3, 4, 5 and 7, 321G.11, and 321G.13,
- 10 ~~subsections subsection 4 and 9~~, the scheduled fine is
- 11 twenty dollars."
- 12 2. Title page, line 7, by inserting after the
- 13 word "courses" the following: ", relating to
- 14 snowmobile operation requirements".
- 15 3. By renumbering as necessary.

MERLIN E. BARTZ
 BERL E. PRIEBE

S-3095

- 1 Amend Senate File 232 as follows:
- 2 1. Page 2, line 32, by striking the word "new".

JOE WELSH

S-3096

- 1 Amend Senate File 138 as follows:
- 2 1. Page 2, line 8, by inserting after the word
- 3 "wild" the following: " , but shall be subject to
- 4 preparation, and under a procaine hydrochloride
- 5 solution, in which the vas deferens is manipulated
- 6 with the thumb and forefinger, and a short
- 7 longitudinal incision is made directly over the vas
- 8 deferens and through the fascia, and the tunica
- 9 dartos. The vas deferens must be lifted from its bed
- 10 and a section removed, as provided by rules which
- 11 shall be adopted by the department. The new end point
- 12 shall be secured to avoid complications. The opposite
- 13 end of the vas deferens then must be treated
- 14 similarly."

JIM LIND

S-3097

- 1 Amend Senate File 206 as follows:
- 2 1. Page 3, by inserting after line 3, the
- 3 following:
- 4 "Sec. 201A. Section 257.3, subsection 1, Code
- 5 1993, is amended to read as follows:
- 6 1. AMOUNT OF TAX. Except as provided in
- 7 ~~subsection~~ subsections 2 and 2A, a school district
- 8 shall cause to be levied each year, for the school
- 9 general fund, a foundation property tax equal to five
- 10 dollars and forty cents per thousand dollars of
- 11 assessed valuation on all taxable property in the
- 12 district. The county auditor shall spread the
- 13 foundation levy over all taxable property in the
- 14 district.
- 15 Sec. 201B. Section 257.3, Code 1993, is amended by
- 16 adding the following new subsection:
- 17 NEW SUBSECTION. 2A. If a reorganized school
- 18 district, whose foundation property tax is reduced
- 19 under subsection 2, reorganizes within five school
- 20 years from the time of its original reorganization to
- 21 which subsection 2 applies, the resulting reorganized
- 22 school district shall cause to be levied a foundation

23 property tax on the taxable property in that portion
 24 of the new reorganized district which, in the year
 25 preceding the latest reorganization, was within the
 26 original reorganized school district to which
 27 subsection 2 applies equal to one dollar per thousand
 28 dollars of assessed value less than the rate the
 29 original reorganized district would have levied under
 30 subsection 2 for the same school year if there had
 31 been no new reorganization. In succeeding school
 32 years, the foundation property tax on that portion of
 33 the new reorganized school district shall be increased
 34 twenty cents per year until it reaches the rate of
 35 five dollars and forty cents per thousand dollars of
 36 assessed valuation.

37 Sec. 201C. Section 257.3, subsection 3, Code 1993,
 38 is amended to read as follows:

39 3. RAILWAY CORPORATIONS. For purposes of section
 40 257.1, the "amount per pupil of foundation property
 41 tax" does not include the tax levied under subsection
 42 1, or 2, or 2A on the property of a railway
 43 corporation, or on its trustee if the corporation has
 44 been declared bankrupt or is in bankruptcy
 45 proceedings."

46 2. Page 5, line 14, by striking the word
 47 "Section" and inserting the following: "Sections
 48 201A, 201B, 201C, and".

49 3. Page 5, line 15, by striking the word "takes"
 50 and inserting the following: "take".

LINN FUHRMAN

S-3098

1 Amend Senate File 233 as follows:

2 1. Page 12, by inserting after line 2 the fol-
 3 lowing:

4 "It is the intent of the general assembly to
 5 provide sufficient funding to ensure the university of
 6 Iowa receives federal matching funds for the national
 7 advanced driving simulator to be located at the
 8 Oakdale research park."

JOHN P. KIBBIE
 LARRY MURPHY
 JIM LIND

S-3099

1 Amend Senate File 233 as follows:

2 1. Page 1, line 16, by inserting before the word

3	"For" the following: "a."	
4	2. Page 1, by inserting after line 26, the	
5	following:	
6	"b. For purposes of the geography alliance:	
7	.....	\$ 50,000
8	c. For purposes of the gifted and talented	
9	program:	
10	.....	\$ 70,000
11	d. For purposes of the management information	
12	system:	
13	.....	\$ 180,000".
14	3. Page 3, by inserting after line 19 the	
15	following:	
16	"___ MATH AND SCIENCE GRANT	
17	For purposes specified in the math and science	
18	grant program under section 256.36, which may include	
19	support for the early mathematics prognostic testing	
20	program at Iowa state university of science and	
21	technology:	
22	.....	\$ 750,000
23	The funds appropriated in this subsection are	
24	contingent on the receipt of federal funding from the	
25	state systemic initiative for improving mathematics	
26	and science education grant.	
27	___ NEW IOWA SCHOOLS DEVELOPMENT CORPORATION	
28	For support for the operations of the new Iowa	
29	schools development corporation and for school	
30	transformation design and implementation projects	
31	administered by the corporation:	
32	.....	\$ 750,000".
33	4. By striking page 3, line 29, through page 4,	
34	line 11, and inserting the following:	
35	"	\$ 94,608,721
36	The funds appropriated in this subsection shall be	
37	allocated as follows:	
38	a. Merged Area I	\$ 4,436,290
39	b. Merged Area II	\$ 5,348,776
40	c. Merged Area III	\$ 5,115,274
41	d. Merged Area IV	\$ 2,405,603
42	e. Merged Area V	\$ 5,145,511
43	f. Merged Area VI	\$ 4,807,308
44	g. Merged Area VII	\$ 6,570,093
45	h. Merged Area IX	\$ 8,328,335
46	i. Merged Area X	\$ 12,908,910
47	j. Merged Area XI	\$ 13,921,716
48	k. Merged Area XII	\$ 5,435,669
49	l. Merged Area XIII	\$ 5,614,800
50	m. Merged Area XIV	\$ 2,481,405

Page 2

- 1 n. Merged Area XV \$ 7,735,718
- 2 o. Merged Area XVI \$ 4,353,313".
- 3 5. Page 5, by inserting after line 7 the following:
- 4 "Sec. ____ . There is appropriated from the
- 5 general fund of the state to the department of education for
- 6 the fiscal year beginning July 1, 1993, and ending June 30,
- 7 1994, the following amount, or so much thereof as may be
- 8 necessary, to be used for the purpose designated:
- 9 To supplement the appropriation in section 294A.25 for
- 10 phase II:
- 11 \$ 535,755".
- 12 6. Page 8, line 8, by striking the figure
- 13 "24,108,580" and inserting the following:
- 14 "23,608,580".
- 15 7. Page 8, line 27, by striking the figure
- 16 "180,143,736" and inserting the following:
- 17 "179,944,912".
- 18 8. Page 12, line 28, by striking the figure
- 19 "1,000,000" and inserting the following: "694,118".
- 20 9. Page 13, line 7, by striking the figure
- 21 "64,514,506" and inserting the following:
- 22 "64,330,977".
- 23 10. Page 23, line 16, by striking the words
- 24 "~~Commencing with For~~" and inserting the following:
- 25 "Commencing with".
- 26 11. Page 23, by striking lines 25 and 26.
- 27 12. By striking page 23, line 27, through page
- 28 24, line 14.
- 29 13. By renumbering as necessary.

MIKE CONNOLLY

S-3100

- 1 Amend Senate File 233 as follows:
- 2 1. Page 20, by striking lines 11 through 19.

LARRY MURPHY
 JIM LIND
 JOHN P. KIBBIE

S-3101

- 1 Amend Senate File 233 as follows:
- 2 1. Page 8, lines 29 and 30, by striking the words
- 3 "college of medicine" and inserting the following:
- 4 "department of family practice".
- 5 2. By striking page 8, line 34, through page 9,

6 line 4, and inserting the following:

7 "The college of medicine shall allocate these funds
8 for family practice faculty and support staff in the
9 department of family practice to increase family
10 practice educational experiences for medical students,
11 with an emphasis on practices and educational
12 experiences in rural communities. The college of
13 medicine shall report quarterly to the legislative
14 fiscal bureau regarding the status of faculty employed
15 under this paragraph."

JIM LIND
BERL E. PRIEBE
JIM KERSTEN

S-3102

1 Amend Senate File 233 as follows:

- 2 1. By striking page 18, line 28, through page 20,
- 3 line 10.
- 4 2. By renumbering, redesignating, and correcting
- 5 internal references as necessary.

JACK RIFE

S-3103

1 Amend Senate File 233 as follows:

- 2 1. Page 1, by striking lines 7 through 10 and
- 3 inserting the following: "performance accreditation
- 4 system and, in cooperation with nationally recognized
- 5 testing organizations located in Iowa and other
- 6 states, to develop appropriate student assessment
- 7 strategies that are objective, measurable, and in
- 8 part, standardized, and that are to be used to measure
- 9 results-based thresholds of student achievement,
- 10 however, no student may be assessed or tested on
- 11 personal values, attitudes, or beliefs for the purpose
- 12 of academic advancement or graduation; for support for
- 13 the department of education technology".
- 14 2. Page 23, line 1, by inserting after the word
- 15 "to" the following: "objective, measurable, and in
- 16 part, standardized methods to be used to measure
- 17 results-based thresholds of student achievement,
- 18 however, no student may be assessed or tested on
- 19 personal values, attitudes, or beliefs for the purpose
- 20 of academic advancement or graduation, and to".

WILLIAM W. DIELEMAN
JIM LIND

S-3104

- 1 Amend Senate File 233 as follows:
- 2 1. By striking page 3, line 29 through page 4,
- 3 line 11 and inserting the following:
- 4 " \$ 94,756,241
- 5 The funds appropriated in this subsection shall be
- 6 allocated as follows:
- 7 a. Merged Area I \$ 4,440,986
- 8 b. Merged Area II \$ 5,355,139
- 9 c. Merged Area III \$ 5,133,413
- 10 d. Merged Area IV \$ 2,414,577
- 11 e. Merged Area V \$ 5,151,042
- 12 f. Merged Area VI \$ 4,816,763
- 13 g. Merged Area VII \$ 6,591,668
- 14 h. Merged Area IX \$ 8,336,866
- 15 i. Merged Area X \$ 12,912,347
- 16 j. Merged Area XI \$ 13,955,044
- 17 k. Merged Area XII \$ 5,447,492
- 18 l. Merged Area XIII \$ 5,621,435
- 19 m. Merged Area XIV \$ 2,485,431
- 20 n. Merged Area XV \$ 7,735,452
- 21 o. Merged Area XVI \$ 4,358,586".
- 22 2. Page 12, line 28, by striking the figure
- 23 "1,000,000" and inserting the following: "2,000,000".

HARRY G. SLIFE
DERRYL McLAREN

S-3105

- 1 Amend Senate File 233 as follows:
- 2 1. Page 20, by inserting after line 19 the
- 3 following:
- 4 "Sec. ____ . Section 256.7, subsection 16, Code
- 5 1993, is amended by striking the subsection.
- 6 Sec. ____ . Section 256.9, subsection 43, Code 1993,
- 7 is amended by striking the subsection."
- 8 2. Page 21, by inserting after line 2 the
- 9 following:
- 10 "Sec. ____ . Section 260C.28, subsection 2, Code
- 11 1993, is amended to read as follows:
- 12 2. However, the board of directors may annually
- 13 certify for levy a tax on taxable property in the
- 14 merged area at a rate in excess of the three cents per
- 15 thousand dollars of assessed valuation specified under
- 16 subsection 1 if the excess tax levied does not cause
- 17 the total rate certified to exceed a rate of nine
- 18 cents per thousand dollars of assessed valuation, and
- 19 the excess revenue generated is used for purposes of

20 program sharing between community colleges. Programs
21 that are shared shall be designed to increase student
22 access to community college programs and to achieve
23 efficiencies in program delivery at the community
24 colleges, including, but not limited to, the programs
25 described under sections section 260C.45 and 260C.46.
26 Prior to expenditure of the excess revenues generated
27 under this subsection, the board of directors shall
28 obtain the approval of the director of the department
29 of education.

30 Sec. ____ . Section 260C.39, unnumbered paragraphs 3
31 and 4, Code 1993, are amended by striking the
32 unnumbered paragraphs.

33 Sec. ____ . Section 260C.45, unnumbered paragraph 3,
34 Code 1993, is amended by striking the unnumbered
35 paragraph."

36 3. Page 21, by striking lines 3 through 20.

37 4. Page 25, by striking line 15 and inserting the
38 following:

39 "Sec. ____ . Sections 260C.46, 260C.49 through
40 260C.55, and 260D.14A, Code 1993, are".

41 5. By numbering and renumbering.

MIKE CONNOLLY

S-3106

1 Amend amendment, S-3104, to Senate File 233, as
2 follows:

3 1. Page 1, by inserting after line 23 the
4 following:

5 " ____ . Page 13, line 7, by striking the figure
6 "64,514,506" and inserting the following:
7 "63,514,506"."

LARRY MURPHY

S-3107

1 Amend Senate File 238 as follows:

2 1. Page 2, by inserting after line 12 the fol-
3 lowing:

4 "g. The driver and front seat occupants of a motor
5 vehicle and all occupants of a school bus outfitted
6 with safety belts and safety harnesses."

7 2. Page 2, by striking lines 13 and 14, and
8 inserting the following:

9 "During the six-month period from July 1, 1986

10 through December 31, 1986, ~~peace~~ Peace officers shall
11 issue only warning”.

MERLIN E. BARTZ

S-3108

- 1 Amend the amendment, S-3104, to Senate File 233, as
2 follows:
3 1. Page 1, line 23, by striking the figure
4 “2,000,000” and inserting the following: “1,999,999”.

HARRY G. SLIFE
DERRYL McLAREN

S-3109

- 1 Amend Senate File 233 as follows:
2 1. Page 8, line 27, by striking the figure
3 “180,143,736” and inserting the following:
4 “179,343,736”.
5 2. Page 13, line 7, by striking the figure
6 “64,514,506” and inserting the following:
7 “63,914,506”.
8 3. Page 18, by inserting after line 12 the
9 following:
10 “Sec. ____ . It is the intent of the general
11 assembly that \$1,400,000 be expended in addition to
12 the amount generated for special education by section
13 257.16 for fiscal year 1994.”
14 4. By renumbering, redesignating, and correcting
15 internal references as necessary.

ANDY McKEAN
BRAD BANKS

S-3110

- 1 Amend the amendment, S-3104, to Senate File 233, as
2 follows:
3 1. Page 1, line 23, by striking the figure
4 “2,000,000” and inserting the following: “1,900,000”.

HARRY G. SLIFE
DERRYL McLAREN

S-3111

- 1 Amend amendment, S-3104, to Senate File 233, as
2 follows:

3 1. Page 1, by inserting after line 23 the
 4 following:
 5 "___ . Page 13, line 7, by striking the figure
 6 "64,514,506" and inserting the following:
 7 "63,614,506"."

LARRY MURPHY

S-3112

1 Amend Senate File 233 as follows:
 2 1. Page 3, by inserting after line 19 the
 3 following:
 4 "___ . MATH AND SCIENCE GRANT
 5 For purposes specified in the math and science
 6 grant program under section 256.36, which may include
 7 support for the early mathematics prognostic testing
 8 program at Iowa state university of science and
 9 technology:
 10 \$ 750,000
 11 The funds appropriated in this subsection are
 12 contingent on the receipt of federal funding from the
 13 state systemic initiative for improving mathematics
 14 and science education grant.
 15 ___ . NEW IOWA SCHOOLS DEVELOPMENT CORPORATION
 16 For support for the operations of the new Iowa
 17 schools development corporation and for school
 18 transformation design and implementation projects
 19 administered by the corporation:
 20 \$ 750,000".
 21 2. By striking page 3, line 29, through page 4,
 22 line 11, and inserting the following:
 23 " \$ 94,220,486
 24 The funds appropriated in this subsection shall be
 25 allocated as follows:
 26 a. Merged Area I \$ 4,415,876
 27 b. Merged Area II \$ 5,324,861
 28 c. Merged Area III \$ 5,104,390
 29 d. Merged Area IV \$ 2,400,926
 30 e. Merged Area V \$ 5,121,917
 31 f. Merged Area VI \$ 4,789,529
 32 g. Merged Area VII \$ 6,554,400
 33 h. Merged Area IX \$ 8,289,728
 34 i. Merged Area X \$ 12,839,338
 35 j. Merged Area XI \$ 13,876,143
 36 k. Merged Area XII \$ 5,416,692
 37 l. Merged Area XIII \$ 5,589,651
 38 m. Merged Area XIV \$ 2,471,378
 39 n. Merged Area XV \$ 7,691,714
 40 o. Merged Area XVI \$ 4,333,943".

- 41 3. Page 5, by inserting after line 7 the following:
- 42 "Sec. ____ . There is appropriated from the
- 43 general fund of the state to the department of education for
- 44 the fiscal year beginning July 1, 1993, and ending June 30,
- 45 1994, the following amount, or so much thereof as may be
- 46 necessary, to be used for the purpose designated:
- 47 To supplement the appropriation in section 294A.25 for
- 48 phase II:
- 49 \$ 535,755".
- 50 4. Page 8, line 8, by striking the figure

Page 2

- 1 "24,108,580" and inserting the following:
- 2 "23,608,580".
- 3 5. Page 23, line 16, by striking the words
- 4 "Commencing with For" and inserting the following:
- 5 "Commencing with".
- 6 6. Page 23, by striking lines 25 and 26.
- 7 7. Page 23, line 28, by striking the word
- 8 "subsections" and inserting the following:
- 9 "subsection".
- 10 8. By striking page 23, line 35, through page 24,
- 11 line 14.
- 12 9. By renumbering as necessary.

MAGGIE TINSMAN

S-3113

- 1 Amend Senate File 206 as follows:
- 2 1. Page 3, by striking lines 4 through 11.

MIKE CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 97

S-3114

- 1 Amend Senate File 97 as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 16 through 35.

S-3115

- 1 Amend Senate File 192 as follows:
- 2 1. Page 1, by striking lines 21 through 25 and
- 3 inserting the following:
- 4 "The department, on or before January 31, shall

5 transfer the total amount designated on the tax form
6 due in the preceding year to the state capitol
7 building restoration fund.”

WILLIAM W. DIELEMAN

S-3116

1 Amend Senate File 138 as follows:
2 1. By striking page 1, line 32 through page 2,
3 line 23.
4 2. Page 3, by striking lines 12 through 27.

LYLE E. ZIEMAN

S-3117

1 Amend Senate File 8, as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. Section 88.5, Code 1993, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 13. TRANSPORTATION OF RAILROAD
7 EMPLOYEES AND EQUIPMENT.
8 a. Definitions. As used in this subsection,
9 unless the context otherwise requires:
10 (1) “Motor vehicle” means those vehicles as
11 defined in section 321.1 which are subject to
12 registration and which are provided by a railroad
13 company and used to transport railroad workers to and
14 from their places of employment or during the course
15 of their employment.
16 (2) “Place of employment” means that location
17 where one or more workers are actually performing the
18 labor incident to their employment.
19 (3) “Worker” means an individual employed for any
20 period in work for which the individual is
21 compensated, whether full-time or part-time.
22 b. Compliance with regulations. Motor vehicles
23 shall:
24 (1) Meet all state and federal regulations
25 pertaining to safe construction and maintenance
26 including their coupling devices, lighting devices and
27 reflectors, motor exhaust systems, rear-vision
28 mirrors, service and parking brakes, steering
29 mechanisms, tires, warning and signaling devices, and
30 windshield wipers.
31 (2) Meet all state and federal requirements for
32 safety devices, first-aid kits, and sidewalls,
33 canopies, tailgates, or other means of retaining

34 freight safely.

35 (3) Be operated in compliance with all state and
36 federal regulations pertaining to driving, loading,
37 carrying freight and employees, road warning devices,
38 and the transportation of flammable material.

39 c. Motor vehicle maintained in safe manner. A
40 motor vehicle shall be maintained in a safe manner at
41 all times, whether or not used upon a public highway.

42 d. Heating system. Motor vehicles shall have a
43 safe heating system to maintain a reasonable comfort
44 level in those spaces of the vehicle where the workers
45 are required to ride.

46 e. Rule violations. If the commissioner finds
47 that a motor vehicle is in violation of a rule adopted
48 pursuant to this subsection, the commissioner shall
49 enter against the owner of the motor vehicle an order
50 as necessary to protect the safety of workers

Page 2

1 transported in the motor vehicle. The commissioner
2 may direct in the order, as a condition to the
3 continued use of the motor vehicle, that additions,
4 repairs, improvements, or changes be made and that
5 safety devices and safeguards be furnished and used as
6 required to satisfy the rules in the manner and within
7 the time specified in the order. The order may also
8 require that any driver of the motor vehicle satisfy
9 the minimum standards for a driver under the rules.

10 f. Hours of service. A person who transports
11 workers in Iowa on behalf of a railroad company shall
12 not perform the transportation service in excess of
13 twelve hours in any twenty-four hour period.

14 g. Insurance. A person who transports workers in
15 Iowa on behalf of a railroad company shall be insured
16 by an insurance company licensed to do business in
17 this state, with a minimum liability of five hundred
18 thousand dollars for damage to property of others,
19 including baggage, but excluding property of the
20 insured, or to property hired or leased by the
21 insured, and for the bodily injury or death of others,
22 excluding employees of the insured engaged in the
23 course of their employment resulting from accident or
24 collision for which the owner railroad company or the
25 railroad company's agents or servants may be liable,
26 due to negligent operation.

27 h. Penalty. The owner of a motor vehicle
28 violating this subsection, a rule adopted pursuant to
29 this subsection, or an order issued pursuant to this
30 subsection, or willfully failing to comply with such

31 an order is, upon conviction, subject to a fine of one
 32 hundred dollars.
 33 i. Enforcement. This section shall be enforced by
 34 the commissioner upon receipt of a written complaint.
 35 Sec. 2. Section 327F.39, Code 1993, is repealed.”
 36 2. Title page, by striking lines 1 through 3 and
 37 inserting the following: “An Act relating to
 38 transporting railroad employees and equipment and
 39 making penalties applicable.”

COMMITTEE ON TRANSPORTATION
 JEAN LLOYD-JONES, Chairperson

S-3118

1 Amend the amendment, S-3074, to Senate File 117 as
 2 follows:
 3 1. Page 1, by striking lines 36 through 40 and
 4 inserting the following: of such a report. The
 5 positive result shall constitute a showing of probable
 6 cause under section 232.71, subsection 3, but shall
 7 not be used in any criminal prosecution of the natural
 8 mother of ~~the~~ a child who is less than seven days old.
 9 ~~and shall not represent grounds for a~~.

ELAINE SZYMONIAK

S-3119

1 Amend Senate File 43 as follows:
 2 1. Page 2, by inserting after line 4, the
 3 following:
 4 “Sec. ____ . Section 34A.2, subsection 6, paragraph
 5 e, unnumbered paragraph 2, Code 1993, is amended to
 6 read as follows:
 7 Costs are limited to nonrecurring and recurring
 8 costs directly attributable to the provision of 911
 9 emergency telephone communication service and
 10 notwithstanding any other provision to the contrary
 11 may include costs for radios and other equipment
 12 permanently located at the public safety answering
 13 point. Costs do not include expenditures for any
 14 other purpose, and specifically exclude costs
 15 attributable to other emergency services or
 16 expenditures for buildings, radios, or personnel.”
 17 2. Page 2, line 19, by striking the words
 18 “system. The description shall contain” and inserting
 19 the following: “system including”.
 20 3. Page 2, line 21, by inserting after the word
 21 “format” the following: “, and any changes made in

22 the plan since the plan was submitted”.

23 4. Page 3, line 16, by inserting after the word
24 “division.” the following: “The division shall only
25 act to disburse the moneys in the revolving fund to a
26 joint E911 service board pursuant to this chapter and
27 shall not expend moneys from the fund for any other
28 purpose.”

29 5. Page 4, line 22, by inserting after the word
30 “administrator.” the following: “Moneys in the fund
31 shall be exempt and excluded from any provision
32 purporting to transfer such moneys to the general fund
33 of the state or to any other fund.”

34 6. By renumbering as necessary.

JOHN W. JENSEN

S-3120

1 Amend Senate File 38 as follows:

2 1. Page 1, by striking lines 1 through 35 and
3 inserting the following:

4 “Section 1. Section 554.9402, subsection 8, Code
5 1993, is amended to read as follows:

6 8. A financing statement substantially complying
7 with the requirements of this section is effective
8 even though it contains minor errors which are not
9 seriously misleading. The change of the mailing
10 address of the debtor from a rural route address to a
11 street address as a result of the implementation of an
12 E911 emergency telephone system which occurs during
13 the period that the financing statement is effective
14 shall not be considered seriously misleading.”

COMMITTEE ON COMMERCE
PATRICK J. DELUHERY, Chairperson

S-3121

1 Amend Senate File 228 as follows:

2 1. Page 1, by striking lines 5 through 18 and
3 inserting the following: “through 282.12 beginning
4 with the budget year beginning on July 1, 1993, and
5 that received supplementary weighting for shared
6 teachers or classes under this subsection for the
7 school year ending prior to the effective date of the
8 whole grade sharing agreement shall include in its
9 supplementary weighting amount additional pupils added
10 by the application of the supplementary weighting
11 plan, equal to the pupils added by the application of
12 the supplementary weighting plan pursuant to this

13 subsection in the budget year beginning July 1, 1992.
 14 If at any time after July 1, 1993, a district ends a
 15 whole grade sharing agreement with the original
 16 district, the agreement was entered and does not enter
 17 into a whole grade sharing agreement with an
 18 alternative district, the school district shall reduce
 19 its supplementary weighting amount by the number of
 20 pupils added by the application of the supplementary
 21 weighting in this subsection in the budget year
 22 beginning July 1, 1992, in the budget year that the
 23 whole grade sharing agreement is terminated."

JOHN P. KIBBIE

S-3122

1 Amend Senate File 267 as follows:
 2 1. Page 17, by inserting after line 4 the
 3 following:
 4 " ____ . Of the funds appropriated in this
 5 subsection, not more than \$100,000 shall be used for
 6 increasing the existing capacity of the Iowa court
 7 information system, and the funds referred to in this
 8 paragraph shall not be used for the purchase or
 9 installation of additional terminals."
 10 2. By striking page 17, line 34, through page 18,
 11 line 3.
 12 3. By renumbering, relettering, and correcting
 13 internal references as necessary.

MICHAEL E. GRONSTAL
 PAUL D. PATE
 RAY TAYLOR
 LARRY MURPHY
 RALPH ROSENBERG

S-3123

1 Amend Senate File 267 as follows:
 2 1. Page 26, by inserting after line 8 the
 3 following:
 4 "Sec. 100. 1990 Iowa Acts, chapter 1143, section
 5 32, subsection 2, is amended to read as follows:
 6 2. Sections 28 and 29 of this Act take effect on
 7 July 1, ~~1993~~ 1995."
 8 2. Page 26, line 23, by striking the word "DATE"
 9 and inserting the following: "DATES".
 10 3. Page 26, by inserting after line 27 the
 11 following:
 12 " ____ . Sections 15, 19, 20, and 100 of this Act,

13 relating to farm mediation and legal assistance
14 provisions, being deemed of immediate importance, take
15 effect upon enactment.”
16 4. By renumbering and correcting internal
17 references as necessary.

MICHAEL E. GRONSTAL
PAUL D. PATE
RAY TAYLOR
LARRY MURPHY
RALPH ROSENBERG

S-3124

1 Amend Senate File 267 as follows:
2 1. Page 22, line 15, by striking the word
3 “subsection” and inserting the following:
4 “subsections”.
5 2. Page 22, by inserting after line 18 the
6 following:
7 “NEW SUBSECTION. 5. Perform the duties pertaining
8 to the preparation of judicial impact statements, as
9 provided in section 2.57.”
10 3. Page 24, by inserting after line 10 the
11 following:
12 “Sec. — . NEW SECTION. 2.57 JUDICIAL IMPACT
13 STATEMENTS.
14 1. Prior to debate on the floor of a chamber of
15 the general assembly, a judicial impact statement
16 shall be attached to any bill, joint resolution, or
17 amendment which proposes a change in the law which
18 creates a public offense, creates a civil cause of
19 action, significantly changes an existing public
20 offense or the penalty for an existing public offense,
21 significantly changes civil actions or procedures, or
22 changes existing criminal sentencing, parole, or
23 probation procedures. The statement shall include
24 information concerning the estimated number of
25 criminal and civil cases per year that the legislation
26 will impact, the impact upon the courts and upon
27 existing court cases, including any impact upon the
28 time necessary for the courts to hear cases, the
29 impact upon judicial caseloads, the likelihood that
30 the proposal may create a need for additional judges,
31 court personnel, or court space, and other relevant
32 matters. The statement shall be factual and shall, if
33 possible, provide a reasonable estimate of both the
34 immediate effect and the long-range impact upon the
35 court system.
36 2. a. The preliminary determination of whether a

37 bill, joint resolution, or amendment appears to
38 require a judicial impact statement shall be made by
39 the legislative service bureau, which shall send a
40 copy of the bill, joint resolution, or amendment, upon
41 completion of the draft, to the legislative fiscal
42 director for review, unless the requestor specifies
43 the request is to be confidential.

44 b. When a committee of the general assembly
45 reports a bill, joint resolution, or amendment to the
46 floor, the committee shall state in the report whether
47 a judicial impact statement is or is not required.

48 c. The legislative fiscal director shall review
49 all bills and joint resolutions placed on the calendar
50 of either chamber of the general assembly, as well as

Page 2

1 amendments filed to bills or joint resolutions on the
2 calendar, to determine whether a judicial impact
3 statement is required.

4 d. A member of the general assembly may request
5 the preparation of a judicial impact statement by
6 submitting a request to the legislative fiscal bureau.

7 3. The legislative fiscal director shall cause to
8 be prepared and shall approve a judicial impact
9 statement within a reasonable time after receiving a
10 request or determining that a proposal is subject to
11 this section. All judicial impact statements approved
12 by the legislative fiscal director shall be
13 transmitted immediately to either the chief clerk of
14 the house or the secretary of the senate, after
15 notifying the sponsor of the legislation that the
16 statement has been prepared, for publication in the
17 daily clip sheet. The chief clerk of the house or the
18 secretary of the senate shall attach the statement to
19 the bill, joint resolution, or amendment affected as
20 soon as it is available.

21 4. The legislative fiscal director may request the
22 cooperation of any state department or agency or
23 political subdivision in preparing a judicial impact
24 statement.

25 5. A revised judicial impact statement shall be
26 prepared if the judicial impact has been changed by
27 the adoption of an amendment, and may be requested by
28 a member of the general assembly or be prepared upon a
29 determination made by the legislative fiscal director.
30 However, a request for a revised judicial impact
31 statement shall not delay action on the bill, joint
32 resolution, or amendment unless so ordered by the
33 presiding officer of the chamber."

34 4. By renumbering and correcting internal
35 references as necessary.

RALPH ROSENBERG
MICHAEL E. GRONSTAL

S-3125

- 1 Amend Senate File 267 as follows:
- 2 1. Page 10, line 10, by inserting after the word
- 3 "services" the following: "including the treatment
- 4 and supervision of probation and parole violators who
- 5 have been released from the department of corrections
- 6 violator program,".
- 7 2. Page 10, line 12, by striking the figure
- 8 "5,889,249" and inserting the following: "5,904,249".
- 9 3. Page 11, by striking lines 2 through 8.
- 10 4. Page 11, line 10, by inserting after the word
- 11 "services" the following: "including the treatment
- 12 and supervision of probation and parole violators who
- 13 have been released from the department of corrections
- 14 violator program,".
- 15 5. Page 11, line 12, by striking the figure
- 16 "2,905,849" and inserting the following: "2,935,849".
- 17 6. Page 11, line 24, by inserting after the word
- 18 "services" the following: "including the treatment
- 19 and supervision of probation and parole violators who
- 20 have been released from the department of corrections
- 21 violator program,".
- 22 7. Page 11, line 26, by striking the figure
- 23 "2,035,925" and inserting the following: "2,110,925".
- 24 8. Page 12, line 1, by inserting after the word
- 25 "services" the following: "including the treatment
- 26 and supervision of probation and parole violators who
- 27 have been released from the department of corrections
- 28 violator program,".
- 29 9. Page 12, line 3, by striking the figure
- 30 "7,877,469" and inserting the following: "7,887,469".
- 31 10. Page 12, line 14, by inserting after the word
- 32 "services," the following: "including the treatment
- 33 and supervision of probation and parole violators who
- 34 have been released from the department of corrections
- 35 violator program,".
- 36 11. Page 12, line 17, by striking the figure
- 37 "5,974,310" and inserting the following: "5,939,158".
- 38 12. Page 13, line 9, by striking the figure
- 39 "4,141,823" and inserting the following: "4,101,993".
- 40 13. Page 13, by striking lines 24 through 30.
- 41 14. Page 14, line 1, by striking the figure
- 42 "3,550,631" and inserting the following: "3,495,613".

- 43 15. Page 14, by striking lines 12 through 18.
 44 16. Page 15, by inserting after line 18 the
 45 following:
 46 "___ . Each judicial district department of
 47 correctional services shall provide a report
 48 concerning the treatment and supervision of probation
 49 and parole violators who have been released from the
 50 department of corrections violator program, to the co-

Page 2

- 1 chairpersons and ranking members of the joint
 2 appropriations subcommittee on the justice system and
 3 the legislative fiscal bureau, on or before January
 4 15, 1994."
 5 17. By renumbering, relettering, and correcting
 6 internal references as necessary.

MICHAEL E. GRONSTAL
 RALPH ROSENBERG
 LARRY MURPHY
 PAUL D. PATE
 RAY TAYLOR

S-3126

- 1 Amend Senate File 267 as follows:
 2 1. Page 22, by striking lines 21 through 27 and
 3 inserting the following:
 4 "1. When a committee of the general assembly
 5 reports a bill, joint resolution, or amendment to the
 6 floor, the committee may request the preparation of a
 7 correctional impact statement. A member of the
 8 general assembly may also request the preparation of a
 9 correctional impact statement by submitting a request
 10 to the legislative fiscal bureau. A correctional
 11 impact statement".
 12 2. Page 23, by striking lines 4 through 22.
 13 3. Page 23, lines 25 and 26, by striking the
 14 words "or determining that a proposal is subject to
 15 this section".
 16 4. By renumbering and correcting internal
 17 references as necessary.

BRAD BANKS

S-3127

- 1 Amend Senate File 267 as follows:
 2 1. Page 17, by inserting after line 4 the

3 following:

- 4 "____. The judicial department shall require that
 5 the offices of the clerks of the district court shall
 6 remain open to the public in each county during the
 7 same days and same time periods."
 8 2. By renumbering as necessary.

PAUL D. PATE
 WAYNE D. BENNETT
 RAY TAYLOR

S-3128

1 Amend Senate File 250 as follows:

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

- 4 "If, for the budget year beginning July 1, 1994, or
 5 July 1, 1995, a school district is participating in
 6 the instructional support program and the district's
 7 actual enrollment for the budget year, determined
 8 under section 257.6, is greater than its budget
 9 enrollment for the budget year, the board of directors
 10 of the district may increase the instructional support
 11 property tax levy and the instructional support income
 12 surtax percent, if any, for the following budget year.
 13 The amount that may be raised for the following budget
 14 year shall not exceed the product of the regular
 15 program district cost per pupil for the current budget
 16 year and the difference between the actual enrollment
 17 and the budget enrollment for the current budget year.
 18 The amount raised shall not be used in calculating the
 19 amount of instructional support state aid under
 20 section 257.20. Any amount raised in a budget year
 21 under this paragraph or raised in the base year in
 22 anticipation of the funding in the budget year is
 23 miscellaneous income."

RICHARD VARN

S-3129

1 Amend Senate File 100 as follows:

- 2 1. Page 8, line 9, by inserting after the word
 3 "physicians," the following: "physician assistants,".

MICHAEL E. GRONSTAL

S-3130

1 Amend Senate File 268 as follows:

2 1. By striking page 12, line 20 through page 14,
3 line 3, and inserting the following:

4 "Sec. ____ . NEW SECTION. 84B.1 WORKFORCE
5 DEVELOPMENT CENTERS.

6 The departments of employment services and economic
7 development, in consultation with the departments of
8 education, elder affairs, human services, and human
9 rights shall establish guidelines for colocating state
10 and federal employment and training programs in
11 centers providing services at the local level. The
12 centers shall be known as workforce development
13 centers. The departments shall also jointly establish
14 an integrated management information system for
15 linking the programs within a local center to the same
16 programs within other local centers and to the state.
17 The guidelines shall provide for local design and
18 operation within the guidelines. The core services
19 available at a center shall include but are not
20 limited to all of the following:

21 1. INFORMATION. Provision of information shall
22 include labor exchange and labor market information as
23 well as career guidance and occupational information.
24 Training and education institutions which receive
25 state or federal funding shall provide to the centers
26 consumer-related information on their programs,
27 graduation rates, wage scales for graduates, and
28 training program prerequisites. Information from
29 local employers, unions, training programs, and
30 educators shall be collected in order to identify
31 demand industries and occupations. Industry and
32 occupation demand information should be published as
33 frequently as possible and be made available through
34 centers.

35 2. ASSESSMENT. Individuals shall receive basic
36 assessment regarding their own skills, interests, and
37 related opportunities for employment and training.
38 Assessments are intended to provide individuals with
39 realistic information in order to guide them into
40 training or employment situations. The basic
41 assessment may be provided by the center or by
42 existing service providers such as community colleges
43 or by a combination of the two.

44 3. TRAINING ACCOUNTS. Training accounts may be
45 established for both basic skill development and
46 vocational or technical training. There shall be no
47 training assistance or limited training assistance in
48 those training areas a center has determined are

49 oversupplied or are for general life improvement.

50 4. REFERRAL TO TRAINING PROGRAMS OR JOBS. Based

Page 2

1 upon individual assessments, a center shall provide

2 individuals with referrals to other community

3 resources, training programs, and employment

4 opportunities.

5 5. JOB DEVELOPMENT AND JOB PLACEMENT. A center

6 shall be responsible for job development activities

7 and job placement services. A center shall seek to

8 create a strong tie to the local job market by working

9 with both business and union representatives."

10 2. By renumbering as necessary.

COMMITTEE ON BUSINESS
AND LABOR RELATIONS
DON GETTINGS, Chairperson

S-3131

1 Amend Senate File 250 as follows:

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

4 "For the budget year beginning July 1, 1994, or
5 July 1, 1995, before the department provides for a
6 budget adjustment under this section, the board of
7 directors of the school district shall certify to the
8 department that the district wants the budget
9 adjustment and the amount of such adjustment to be
10 raised by property tax and the amount to be raised by
11 an income surtax, if any. Prior to such certification
12 the board of directors shall adopt a resolution to
13 that effect and shall provide notification of its
14 intent to adopt the resolution. However, the board
15 shall not make the certification if within twenty-
16 eight days following the adoption of the resolution, a
17 petition is filed requesting an election. The
18 petition shall be signed by eligible electors equal in
19 number to not less than one hundred or thirty percent
20 of the numbers of voters at the last preceding regular
21 school election, whichever is greater. Upon receipt
22 of the petition, the board shall repeal the resolution
23 or direct the county commissioner of elections to
24 submit the question of the resolution to the eligible
25 electors at the regular school election, if any, or at
26 a special election to be held prior to February 1 of
27 the base year. If a majority of those voting on the

28 resolution vote in favor of the resolution, the board
 29 shall certify the resolution to the department of
 30 management. Upon certification, the department shall
 31 determine the amount of the property tax to be levied
 32 and the amount of income surtax to be imposed in a
 33 manner similar to that provided in section 257.21.
 34 Sections 257.21 through 257.26 shall apply to the
 35 imposition of the income surtax under this section."

BERL E. PRIEBE
 H. KAY HEDGE
 RAY TAYLOR

S-3132

- 1 Amend Senate File 266 as follows:
 2 1. Page 18, by striking lines 11 through 15.

TOM VILSACK

S-3133

- 1 Amend Senate File 266 as follows:
 2 1. Page 3, by inserting after line 1 the
 3 following:
 4 "Sec. ____ . FEDERAL FUNDS APPROPRIATED FOR BUILDING
 5 REPAIR. There is appropriated out of the funds made
 6 available to this state pursuant to section 903 of the
 7 federal Social Security Act, as amended, for the
 8 fiscal year beginning July 1, 1993, and ending June
 9 30, 1994, \$645,000, to the department of employment
 10 services to correct health and safety problems
 11 including roof repair and asbestos removal and
 12 encapsulation for the state administrative office
 13 building located at 1000 East Grand, Des Moines, Iowa.
 14 The moneys appropriated in this section shall not
 15 be obligated after June 30, 1995. The amount
 16 obligated pursuant to this section during any twelve-
 17 month period beginning on July 1 and ending on June 30
 18 shall not exceed the amount available for obligation
 19 pursuant to section 903 of the federal Social Security
 20 Act, as amended, and as reflected in the accounts of
 21 the division of job service of the department of
 22 employment services and the United States department
 23 of labor."
 24 2. Renumber as necessary.

TOM VILSACK
 WILMER RENSINK

S-3134

- 1 Amend Senate File 267 as follows:
- 2 1. Page 17, by inserting after line 4 the
- 3 following:
- 4 "____. The judicial department shall require that
- 5 the offices of the clerks of the district court shall
- 6 remain open to the public in each county for
- 7 approximately the same number of hours during each
- 8 week."
- 9 2. By renumbering as necessary.

PAUL D. PATE
WAYNE D. BENNETT
JACK W. HESTER

S-3135

- 1 Amend Senate File 266, as follows:
- 2 1. Page 5, by inserting after line 19, the
- 3 following:
- 4 "It is the intent of the general assembly that a
- 5 process for the administrative review of requests for
- 6 postconviction relief under chapter 822 and from final
- 7 decisions made by administrative law judges appointed
- 8 by the department of corrections, be established in
- 9 the fair hearings and appeals division of the
- 10 department of inspections and appeals. The department
- 11 shall review existing judicial procedures for the
- 12 processing of requests for postconviction relief and
- 13 make recommendations to the general assembly by the
- 14 commencement of the legislative session which convenes
- 15 in January 1994, for the establishment of such an
- 16 administrative process."

ANDY McKEAN

S-3136

- 1 Amend Senate File 266 as follows:
- 2 1. Page 2, line 8, by inserting after the word
- 3 "all" the following: "nonsupervisory".
- 4 2. Page 2, lines 13 and 14, by striking the words
- 5 " , to ensure that the backlog of cases in that
- 6 department will be reduced as rapidly as possible".

DON E. GETTINGS
WILMER RENSINK

S-3137

1 Amend Senate File 267 as follows:

2 1. Page 17, by inserting after line 4 the
3 following:

4 "____. It is the intent of the general assembly
5 that the clerk of court offices operate in all ninety-
6 nine counties and be accessible to the public as much
7 as is reasonably possible in order to address the
8 relative needs of the citizens of each county."

9 2. By renumbering as necessary.

RAY TAYLOR
MICHAEL E. GRONSTAL

S-3138

1 Amend Senate File 267 as follows:

2 1. Page 17, by inserting after line 4 the
3 following:

4 "____. The judicial department shall report to the
5 co-chairpersons and ranking members of the joint
6 appropriations subcommittee on the justice system by
7 February 1, 1994, concerning an evaluation of the
8 needs of the court system, particularly resources
9 necessary to meet the increasing demands on the
10 courts. The report shall also identify legislative
11 changes which would reduce or alleviate the workload
12 of the courts."

RAY TAYLOR
MICHAEL E. GRONSTAL

S-3139

1 Amend Senate File 266 as follows:

2 1. Page 12, by striking lines 2 through 11.

3 2. By renumbering as necessary.

TONY BISIGNANO
DERRYL McLAREN

S-3140

1 Amend Senate File 266 as follows:

2 1. Page 7, lines 34 and 35, by striking the words

3 "PROFESSIONAL LICENSING AND REGULATION" and inserting
4 the following: "COMMERCE".

5 2. Page 8, lines 1 and 2, by striking the words

6 "professional licensing and regulation" and inserting

7 the following: "commerce".
 8 3. Page 8, by inserting after line 4 the
 9 following:
 10 "1. PROFESSIONAL LICENSING AND REGULATION
 11 DIVISION".

12 4. Page 8, line 8, by striking the figure
 13 "864,687" and inserting the following: "775,840".

14 5. Page 8, line 9, by striking the figure "13.00"
 15 and inserting the following: "11.00".

16 6. Page 8, by striking lines 10 through 15 and
 17 inserting the following:

18 "2. ADMINISTRATIVE SERVICES DIVISION
 19 For salaries, support, maintenance, miscellaneous
 20 purposes, and for not more than the following full-
 21 time equivalent positions:

22	\$	973,139
23	FTEs	21.00

24 3. ALCOHOLIC BEVERAGES DIVISION".

25 7. Page 8, line 19, by striking the figure
 26 "1,932,700" and inserting the following: "1,452,978".

27 8. Page 8, line 20, by striking the figure
 28 "34.50" and inserting the following: "24.50".

29 9. Page 8, by striking lines 21 through 25 and
 30 inserting the following:

31 "4. BANKING DIVISION".

32 10. Page 8, line 29, by striking the figure
 33 "5,314,308" and inserting the following: "5,273,216".

34 11. Page 8, line 30, by striking the figure
 35 "85.00" and inserting the following: "84.00".

36 12. Page 8, line 31, by striking the words
 37 "department of banking" and inserting the following:
 38 "banking division".

39 13. Page 9, line 3, by striking the word
 40 "department" and inserting the following: "division".

41 14. Page 9, line 9, by striking the word
 42 "department's" and inserting the following:
 43 "division's".

44 15. Page 9, line 10, by striking the words
 45 "department must" and inserting the following:
 46 "division must".

47 16. Page 9, by striking lines 14 through 18 and
 48 inserting the following:

49 "5. CREDIT UNION DIVISION".

50 17. Page 9, line 22, by striking the figure

Page 2

1 "1,039,372" and inserting the following: "956,280".

2 18. Page 9, line 23, by striking the figure

3 "20.00" and inserting the following: "18.00".

- 4 19. Page 9, line 24, by striking the words
5 "department of credit unions" and inserting the
6 following: "credit union division".
- 7 20. Page 9, line 32, by striking the word
8 "department" and inserting the following: "division".
- 9 21. Page 10, line 2, by striking the word
10 "department's" and inserting the following:
11 "division's".
- 12 22. Page 10, line 3, by striking the word
13 "department" and inserting the following: "division".
- 14 23. Page 10, by striking lines 8 through 12 and
15 inserting the following:
16 "6. INSURANCE DIVISION".
- 17 24. Page 10, line 16, by striking the figure
18 "4,667,435" and inserting the following: "4,573,907".
- 19 25. Page 10, line 17, by striking the figure
20 "86.00" and inserting the following: "84.00".
- 21 26. Page 10, line 18, by striking the words
22 "department of insurance" and inserting the following:
23 "insurance division".
- 24 27. Page 10, lines 20 and 21, by striking the
25 words "department of insurance" and inserting the
26 following: "insurance division".
- 27 28. Page 10, line 25, by striking the word
28 "department" and inserting the following: "division".
- 29 29. By striking page 10, line 33 through page 11,
30 line 2 and inserting the following:
31 "7. UTILITIES DIVISION".
- 32 30. Page 11, line 6, by striking the figure
33 "4,875,945" and inserting the following: "4,689,087".
- 34 31. Page 11, line 7, by striking the figure
35 "78.00" and inserting the following: "74.00".
- 36 32. Page 11, line 8, by striking the words
37 "department of utilities" and inserting the following:
38 "utiltities division".
- 39 33. Page 11, line 11, by striking the word
40 "department" and inserting the following: "division".
- 41 34. Page 11, line 17, by striking the word
42 "department" and inserting the following: "division".
- 43 35. Page 11, line 18, by striking the word
44 "department" and inserting the following: "division".
- 45 36. Page 11, line 20, by striking the words "the
46 department" and inserting the following: "the
47 division".
- 48 37. By striking page 12, line 34 through page 17,
49 line 13.
- 50 38. By striking page 20, line 32 through page 21,

Page 3

- 1 line 23.
- 2 39. Page 21, by striking line 29.
- 3 40. Title page, by striking lines 7 through 10
- 4 and inserting the following: "department of commerce,
- 5 and the racing and gaming commission, and providing".
- 6 41. By renumbering as necessary.

DERRYL McLAREN

S-3141

- 1 Amend Senate File 285 as follows:
- 2 1. Page 1, by striking lines 6 and 7 and
- 3 inserting the following: "vehicles which is being
- 4 escorted by a vehicle displaying an amber light and
- 5 which".
- 6 2. Page 1, by striking lines 14 through 26.
- 7 3. Page 1, line 29, by striking the word "red"
- 8 and inserting the following: "amber".
- 9 4. By striking page 1, line 31 through page 2,
- 10 line 18.
- 11 5. By renumbering as necessary.

RICHARD F. DRAKE
WILLIAM W. DIELEMAN

S-3142

- 1 Amend Senate File 196 as follows:
- 2 1. Page 2, line 15, by inserting after the word
- 3 "property" the following: ", other than machinery and
- 4 equipment subject to depreciation.".
- 5 2. Page 3, line 27, by inserting after the word
- 6 "property" the following: ", other than machinery and
- 7 equipment subject to depreciation.".

JIM RIORDAN

S-3143

- 1 Amend Senate File 268 as follows:
- 2 1. Page 12, line 11, by striking the word "women"
- 3 and inserting the following: "certain groups".
- 4 2. Page 12, line 12, by striking the word "women"
- 5 and inserting the following: "those groups".

- 6 3. Page 12, line 17, by striking the word "women"
7 and inserting the following: "certain groups".

MERLIN E. BARTZ

S-3144

- 1 Amend the amendment, S-3086, to Senate File 109 as
2 follows:
3 1. Page 1, by striking lines 2 through 6 and in-
4 serting the following:
5 "___ . Page 1, by striking lines 6 through 17.
6 ___ . Page 1, line 20, by inserting before the
7 word "Upon" the following: "The owner of a bicycle
8 may register the bicycle in accordance with this
9 section."
10 2. Page 1, by inserting after line 32 the follow-
11 ing:
12 "___ . Page 2, by striking lines 23 through 25 and
13 inserting the following: "to the bicycle trail
14 fund."
15 3. Page 1, by inserting after line 38 the
16 following:
17 "___ . Title page, line 1, by striking the word
18 "requiring" and inserting the following: "allowing
19 for".
20 ___ . Title page, line 2, by striking the words
21 "prohibiting certain operations,"."
22 4. By renumbering as necessary.

MERLIN E. BARTZ

S-3145

- 1 Amend the amendment, S-3082, to Senate File 109 as
2 follows:
3 1. Page 1, by striking lines 2 through 8.

MERLIN E. BARTZ

S-3146

- 1 Amend Senate File 109 as follows:
2 1. Page 2, by inserting before line 29 the
3 following:
4 "Sec. ___ . APPLICABILITY. The registration
5 provision in this Act shall apply only to bicycles
6 purchased on or after January 1, 1994."
7 2. Title page, line 3, by inserting after the

8 word "violations" the following: "and an
9 applicability provision".

MERLIN E. BARTZ

S-3147

1 Amend Senate File 259 as follows:

2 1. Page 4, by striking lines 9 and 10, and
3 inserting the following:

4 "The governor shall appoint not more than thirteen
5 members to the council for unspecified terms to serve
6 at the pleasure of the governor. The governor shall
7 select from those members a chairperson who is subject
8 to senate confirmation."

RICHARD J. VARN

S-3148

1 Amend Senate File 268 as follows:

2 1. By striking page 20, line 15 through page 23,
3 line 35, and inserting the following:

4 "IOWA NETWORK INITIATIVE".

5 2. Page 24, lines 1 and 2, by striking the words
6 "department of economic development,".

7 3. Page 24, line 3, by striking the words "or a
8 private entity named by the general assembly" and
9 inserting the following: "in cooperation with the
10 department of economic development,".

11 4. Page 24, line 5, by striking the word "shall"
12 and inserting the following: "may".

13 5. Page 24, line 7, by striking the word
14 "campaign" and inserting the following: "plan".

15 6. Page 24, by striking lines 11 through 29 and
16 inserting the following:

17 "2. Training for individuals to act as brokers in
18 helping to organize networks.

19 3. Establishing programs for networks to study or
20 implement specific collaborative ideas.

21 4. Conducting surveys of Iowa employer practices
22 designed to attract and encourage high performance
23 work organizations."

24 7. By renumbering as necessary.

COMMITTEE ON SMALL BUSINESS,
ECONOMIC DEVELOPMENT AND
TOURISM
JIM RIORDAN, Chairperson

S-3149

1 Amend Senate File 109 as follows:

2 1. Page 1, by inserting after line 17 the
3 following:

4 "___ . The fine imposed under this section shall be
5 voluntary."

MERLIN E. BARTZ

S-3150

1 Amend Senate File 253 as follows:

2 1. By striking page 5, line 33 through page 6,
3 line 1, and inserting the following: "powers stated
4 in this compact, shall be paid to the commission from
5 funds specifically appropriated by the general
6 assembly of this state which represent this state's
7 proportionate share. The funding of the commission is
8 to be equally proportioned among the compacting
9 states. No institution of higher education in this
10 state shall be assessed any fee or sum in addition to
11 any appropriated funds necessary to support the
12 activities of the commission."

13 2. By striking page 6, line 34 through page 7,
14 line 32.

15 3. By renumbering as necessary.

RICHARD VARN

S-3151

1 Amend the amendment, S-3117, to Senate File 8 as
2 follows:

3 1. Page 1, line 6, by striking the word
4 "RAILROAD".

5 2. Page 1, by striking lines 12 and 13 and
6 inserting the following: "registration and which are
7 provided by an employer and used to transport workers
8 to and".

9 3. Page 2, line 11, by striking the words "a
10 railroad company" and inserting the following: "an
11 employer".

12 4. Page 2, line 15, by striking the words "a
13 railroad company" and inserting the following: "an
14 employer".

15 5. Page 2, by striking lines 24 and 25 and
16 inserting the following: "collision for which the
17 employer or the employer's agents or servants may be
18 liable,".

19 6. Page 2, line 38, by striking the word
20 "railroad".

RICHARD F. DRAKE

S-3152

- 1 Amend the amendment S-3117, to Senate File 8, as
2 follows:
- 3 1. Page 1, by striking lines 4 through 9 and
4 inserting the following:
5 "Section 1. Section 327F.39, Code 1993, is amended
6 by striking the section and inserting in lieu thereof
7 the following:
8 327F.39 TRANSPORTATION OF RAILROAD EMPLOYEES AND
9 EQUIPMENT.
10 1. DEFINITIONS. As used in this subsection,
11 unless the context otherwise requires:
12 a. "Administrator" means the administrator for
13 rail and water in the department.
14 b. "Department" means the state department of
15 transportation."
16 2. Page 1, line 10, by striking the figure "(1)"
17 and inserting the following: "c."
18 3. Page 1, line 16, by striking the figure "(2)"
19 and inserting the following: "d."
20 4. Page 1, line 19, by striking the figure "(3)"
21 and inserting the following: "e."
22 5. Page 1, line 22, by striking the letter "b."
23 and inserting the following: "2."
24 6. Page 1, line 24, by striking the figure "(1)"
25 and inserting the following: "a."
26 7. Page 1, line 31, by striking the figure "(2)"
27 and inserting the following: "b."
28 8. Page 1, line 35, by striking the figure "(3)"
29 and inserting the following: "c."
30 9. Page 1, line 39, by striking the letter "c."
31 and inserting the following: "3."
32 10. Page 1, line 42, by striking the letter "d."
33 and inserting the following: "4."
34 11. Page 1, by striking line 46 and inserting the
35 following:
36 "5. RULE VIOLATIONS. If the administrator finds".
37 12. Page 1, line 48, by striking the word
38 "commissioner" and inserting the following:
39 "administrator".
40 13. Page 2, line 1, by striking the word
41 "commissioner" and inserting the following:
42 "administrator".
43 14. Page 2, line 10, by striking the letter "f."

- 44 and inserting the following: "6."
45 15. Page 2, line 14, by striking the letter "g."
46 and inserting the following: "7."
47 16. Page 2, line 27, by striking the letter "h."
48 and inserting the following: "8."
49 17. Page 2, line 33, by striking the letter "i."
50 and inserting the following: "9."

Page 2

- 1 18. Page 2, line 34, by striking the word
2 "commissioner" and inserting the following:
3 "administrator".
4 19. Page 2, by striking line 35.

RICHARD F. DRAKE

S-3153

- 1 Amend Senate File 219 as follows:
2 1. Page 1, line 18, by inserting after the word
3 "who" the following: "is determined to require
4 assistance with three or more activities of daily
5 living and who".
6 2. Page 3, line 7, by striking the word ", as"
7 and inserting the following: "to implement this Act."
8 3. Page 3, by striking line 8.

ELAINE SZYMONIAK

S-3154

- 1 Amend House File 275, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 11, by inserting after the figure
4 "272," the following:
5 "However, a board of directors of a school
6 corporation shall consider applicants with
7 qualifications described in subsections 1 through 4
8 below, by groups, in order of their listing.
9 Qualifications are to be determined by the board of
10 directors or their designee on a case-by-case basis.
11 1. A qualified individual who possesses a valid
12 teaching license with a proper coaching endorsement,
13 currently under contract or to be issued a contract as
14 a teacher or administrator within the school district.
15 2. A qualified individual who possesses a valid
16 teaching license with a proper coaching endorsement.
17 3. A qualified current assistant head coach who
18 possesses a coaching authorization issued by the board

19 of educational examiners of a sport where there is a
 20 vacancy for head coach.
 21 4. A qualified individual who possesses a coaching
 22 authorization issued by the board of educational
 23 examiners.
 24 PARAGRAPH DIVIDED."

COMMITTEE ON EDUCATION
 MIKE CONNOLLY, Chairperson

S-3155

1 Amend Senate File 281 as follows:
 2 1. Page 1, by striking lines 3 through 7 and
 3 inserting the following:
 4 a. The tonnage fee is twenty-five cents per ton of
 5 solid waste. However, for the year beginning July 1,
 6 1988, the tonnage fee is one dollar and fifty cents
 7 per ton of solid waste and shall increase annually in
 8 the amount of fifty cents per ton through July 1,
 9 1992. A county in which a privately"

COMMITTEE ON ENVIRONMENT AND
 ENERGY UTILITIES
 RALPH ROSENBERG, Chairperson

S-3156

1 Amend Senate File 206 as follows:
 2 1. Page 3, by inserting after line 11 the
 3 following:
 4 "Sec. ____ . Section 257.12, unnumbered paragraph 1,
 5 Code 1993, is amended to read as follows:
 6 In determining weighted enrollment under section
 7 257.6, if the board of directors of a school district
 8 has approved a contract for sharing under section
 9 442.39, subsection 2 or 4, Code 1991, or section
 10 257.11 and the school district has initiated an action
 11 prior to November 30, 1990, to bring about a
 12 reorganization, the reorganized school district shall
 13 include, for a period of five six years following the
 14 effective date of the reorganization, additional
 15 pupils added by the application of the supplementary
 16 weighting plan, equal to the pupils added by the
 17 application of the supplementary weighting plan in the
 18 year preceding the reorganization. For the purposes
 19 of this section, the weighted enrollment for the
 20 period six years following the effective date of
 21 reorganization shall include the supplementary
 22 weighting in the base year used for determining the

23 combined district cost for the first year of the reor-
 24 ganization. However, the weighting shall be reduced
 25 by the supplementary weighting added for a pupil whose
 26 residency is not within the reorganized district. For
 27 purposes of this section, a reorganized district is
 28 one in which the reorganization was approved in an
 29 election pursuant to sections 275.18 and 275.20 and
 30 takes effect on or after July 1, 1991, and on or
 31 before July 1, 1993. Each district which initiated,
 32 by a vote of the board of directors or jointly by the
 33 affected boards, action to bring about a
 34 reorganization or dissolution by November 30, 1990,
 35 shall certify the date and the nature of the action
 36 taken to the department of education by September 1,
 37 1991."

JOHN P. KIBBIE

S-3157

1 Amend Senate Concurrent Resolution 14 as follows:
 2 1. Page 1, line 20, by striking the words "have
 3 the capacity to store" and inserting the following:
 4 "are capable of storing".

PATTY JUDGE

S-3158

1 - Amend Senate Joint Resolution 8 as follows:
 2 1. Page 1, by striking lines 10 and 11 and
 3 inserting the following: "equal to its highest total
 4 revenue in any one of the last four fiscal years
 5 before this Article becomes effective. This limit
 6 is".
 7 2. Page 1, line 13, by striking the word "year"
 8 and inserting the following: "date".
 9 3. Page 1, line 17, by striking the word "year"
 10 and inserting the following: "date".
 11 4. Page 1, line 18, by striking the word "year"
 12 and inserting the following: "date".
 13 5. Page 1, by striking line 22 and inserting the
 14 following: "date" is eighteen months before this
 15 Article becomes".
 16 6. Page 3, line 5, by striking the word "year"
 17 and inserting the following: "date".

RAY TAYLOR

S-3159

- 1 Amend Senate File 275 as follows:
2 1. By striking page 1, line 33 through page 2,
3 line 1, and inserting the following:
4 " ____ . Two state senators, one appointed by the
5 majority leader of the senate and one appointed by the
6 minority leader of the senate.
7 ____ . Two state representatives, one appointed by
8 the speaker of the house and one appointed by the
9 minority leader of the house."
10 2. By relettering as necessary.

COMMITTEE ON STATE GOVERNMENT
MICHAEL E. GRONSTAL, Chairperson

S-3160

- 1 Amend Senate File 51 as follows:
2 1. Page 1, by striking lines 11 through 22 and
3 inserting the following:
4 "a. Making a written request for an examination of
5 the state and county uniform commercial code lien
6 records and the agricultural supply dealer's lien
7 records naming the owner of the property to be
8 transferred and the property to which the lien
9 attaches."
10 2. Page 1, line 23, by striking the word "c." and
11 inserting the following: "b."

WILLIAM W. DIELEMAN

S-3161

- 1 Amend Senate File 82 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 30.13 CHEMICAL
5 EMERGENCY PREPAREDNESS -- FEES -- FUND CREATED -- USE
6 OF FUND.
7 1. A facility owner or operator, required to
8 submit tier II information pursuant to section 312,
9 Emergency Planning and Community Right-to-know Act, 42
10 U.S.C. § 11022, shall submit an annual fee to the
11 commission of forty-five dollars. Payment of the fee
12 is due annually by October 1.
13 2. A chemical emergency preparedness fund is
14 created in the state treasury. Fees generated and
15 collected pursuant to subsection 1 shall be deposited
16 in the fund. Notwithstanding section 8.33, any

17 unexpended balance in the chemical emergency prepared-
18 ness fund at the end of each fiscal year shall be
19 retained in the fund. Notwithstanding section 12C.7,
20 subsection 2, interest or earnings on investments on
21 the deposits of the moneys in the fund shall be
22 credited to the fund. The fund shall be used to
23 defray the expenses of administering this chapter
24 including but not limited to all of the following:
25 a. To fund the joint activities of the division of
26 labor services of the department of employment
27 services and the division of emergency management of
28 the department of public defense related to chemical
29 emergency preparedness.
30 b. To provide matching funds for federal funding
31 through the federal Hazardous Materials Transportation
32 Uniform Safety Act of 1990, Pub. L. No. 101-615.
33 c. Notwithstanding any limitations imposed by the
34 department of management on the ability of the
35 department of employment services or the department of
36 public defense to employ full-time equivalent
37 positions, to provide funding for the employment of
38 full-time equivalent positions necessary to implement
39 the requirement of the Emergency Planning and
40 Community Right-to-know Act, 42 U.S.C. § 11001 et seq.
41 Sec. 2. REPEAL. This Act is repealed July 1,
42 1995.
43 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
44 immediate importance, takes effect upon enactment."
45 2. Title page, by striking line 3 and inserting
46 the following: "moneys in the fund, providing an
47 effective date, and providing for repeal of the Act."

COMMITTEE ON ENVIRONMENT AND
ENERGY UTILITIES
RALPH ROSENBERG, Chairperson

S-3162

1 Amend Senate File 308 as follows:
2 1. Page 1, by inserting after line 13 the fol-
3 lowing:
4 "Sec. ____ . Section 716.8, Code 1993, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 5. This section does not prohibit
7 lawful assembly, including picketing or assembly in
8 connection with a labor dispute."
9 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-3163

- 1 Amend Senate File 311 as follows:
- 2 1. Page 1, by striking lines 25 through 29.
- 3 2. Page 2, by striking lines 4 through 6 and
- 4 inserting the following: "unless the person has
- 5 completed and signed an application on a form to be
- 6 prescribed and published by the commissioner of".
- 7 3. Page 2, line 12, by striking the word "a" and
- 8 inserting the following: "more than one".
- 9 4. Page 2, by striking lines 13 and 14 and
- 10 inserting the following: "chapter 123, 124, or 321J,
- 11 whether the person has any history of mental illness
- 12 or".
- 13 5. Page 2, by striking lines 25 through 29 and
- 14 inserting the following: "history data from the
- 15 department of public safety. A person who".

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-3164

- 1 Amend Senate File 268 as follows:
- 2 1. By striking page 14, line 4 through page 15,
- 3 line 22, and inserting the following:
- 4 "Sec. ____ . NEW SECTION. 258.18 SCHOOL-TO-WORK
- 5 TRANSITION SYSTEM.
- 6 1. The departments of education, employment
- 7 services, and economic development shall develop a
- 8 statewide school-to-work transition system in
- 9 consultation with local school districts. The system
- 10 shall be designed to attain the following objectives:
- 11 a. Motivate youths to stay in school and become
- 12 productive citizens.
- 13 b. Set high standards by promoting higher academic
- 14 performance levels.
- 15 c. Connect work and learning so that the classroom
- 16 is linked to worksite learning and experience.
- 17 d. Ready students for work in order to improve
- 18 their prospects for immediate employment after leaving
- 19 school on paths that provide significant opportunity
- 20 to continued education and career development.
- 21 e. Engage employers and workers by promoting their
- 22 participation in the education of youth in order to
- 23 ensure the development of a skilled, flexible, entry-
- 24 level workforce.
- 25 2. A program under the system may include a
- 26 workstart program developed in accordance with section

27 258.17."

28 2. By renumbering as necessary.

COMMITTEE ON EDUCATION
MIKE CONNOLLY, Chairperson

S-3165

1 Amend Senate File 221 as follows:

2 1. Page 2, line 19, by inserting after the word
3 "investigation." the following: "The department shall
4 seek to develop protocols with states contiguous to
5 this state for coordination in the investigation of a
6 report of child abuse when a person involved with the
7 report is a resident of another state."

8 2. Page 2, by inserting after line 19 the fol-
9 lowing:

10 "Sec. ____ . Section 235A.18, subsection 1, Code
11 1993, is amended to read as follows:

12 1. Child abuse information relating to a
13 particular case of suspected child abuse shall be
14 sealed ten years after the receipt of the initial
15 report of such abuse by the registry unless good cause
16 be shown why the information should remain open to
17 authorized access. If a subsequent report of a
18 suspected case of child abuse involving the child
19 named in the initial report as the victim of abuse or
20 a person named in such report as having abused a child
21 is received by the registry within this ten-year
22 period, the information shall be sealed ten years
23 after receipt of the subsequent report unless good
24 cause be shown why the information should remain open
25 to authorized access. The information shall be
26 expunged eight years after the date the information
27 was sealed."

28 3. Page 2, line 25, by striking the words "~~and~~
29 ~~child~~" and inserting the following: "and child
30 expunged five years after the date it was sealed".

31 4. Page 2, by striking lines 27 through 29 and
32 inserting the following: "shall be expunged when it
33 is determined to be unfounded;. A report shall be
34 determined to be unfounded as a".

MAGGIE TINSMAN

S-3166

1 Amend Senate File 221 as follows:

2 1. Page 3, line 16, by striking the word
3 "provided" and inserting the following: "or for less

4 than sixteen children at any one time as authorized in
5 accordance with section 237A.3, subsection 2A,
6 provided”.

7 2. Page 3, by inserting after line 17 the
8 following:

9 “Sec. ____ . Section 237A.3, subsection 1, Code
10 1993, is amended to read as follows:

11 1. a. A person who operates or establishes a
12 family day care home may apply to the department for
13 registration under this chapter. The department shall
14 issue a certificate of registration upon receipt of a
15 statement from the family day care home that the home
16 complies with rules adopted by the department. The
17 registration certificate shall be posted in a
18 conspicuous place in the family day care home, shall
19 state the name of the registrant, the number of
20 individuals who may be received for care at any one
21 time, and the address of the home, and shall include a
22 check list of registration compliances.

23 b. No greater number of children than is
24 authorized by the registration certificate shall be
25 kept in the family day care home at any one time.
26 However, a registered or unregistered family day care
27 home may provide care for more than six but less than
28 twelve children at any one time for a period of less
29 than two hours, provided that each child in excess of
30 six children is attending school full-time on a
31 regular basis.

32 c. A family day care home may provide care in
33 accordance with this subsection for more than six but
34 less than twelve children for two hours or more during
35 a day with inclement weather following the
36 cancellation of school classes. The home must have
37 written approval from the parent or guardian of each
38 child present in the home concerning the presence of
39 excess children in the home pursuant to this
40 paragraph. In addition, one or more of the following
41 conditions shall apply to each child present in the
42 home in excess of six children:

43 (1) The home provides care to the child on a
44 regular basis for periods of less than two hours.

45 (2) If the child was not present in the family day
46 care home, the child would be unattended.

47 (3) The home regularly provides care to a sibling
48 of the child.

49 d. In determining the number of children cared for
50 at any one time in a registered or unregistered family

Page 2

1 day care home, if the person who operates or
2 establishes the home is a child's parent, guardian,
3 relative, or custodian and the child is not attending
4 school full-time on a regular basis or is not
5 receiving child day care full-time on a regular basis
6 from another person, the child shall be considered to
7 be receiving child day care from the person and shall
8 be counted as one of the children cared for in the
9 home.

10 e. The registration process may be repeated on an
11 annual basis.

12 f. A child day care provider or program which is
13 not a family day care home by reason of the definition
14 of child day care in section 237A.1, subsection 4, but
15 which provides care, supervision or guidance to a
16 child may be issued a certificate of registration
17 under this chapter.

18 Sec. ____ . Section 237A.3, Code 1993, is amended by
19 adding the following new subsection:

20 **NEW SUBSECTION. 2A.** A registered group day care
21 home may provide care in accordance with this
22 subsection for more than eleven but less than sixteen
23 children for a period of less than two hours or for a
24 period of two hours or more during a day with
25 inclement weather following the cancellation of school
26 classes. The home must have the written approval from
27 the parent or guardian of each child present in the
28 home concerning the presence of excess children in the
29 home. In addition, one or more of the following
30 conditions shall apply to each child present in the
31 home in excess of eleven children during a period of
32 inclement weather:

33 a. The group day care home provides care to the
34 child on a regular basis for periods of less than two
35 hours.

36 b. If the child was not present in the group day
37 care home, the child would be unattended.

38 c. The group day care home provides care to a
39 sibling of the child."

40 3. By renumbering as necessary.

MERLIN E. BARTZ

S-3167

- 1 Amend Senate File 163 as follows:
- 2 1. Page 1, by striking lines 20 through 28.
- 3 2. Page 2, by striking lines 2 through 15.

4 3. Page 2, line 16, by striking the words and
5 figures "subsections 1 and 3, Code 1993, are" and
6 inserting the following: "subsection 1, Code 1993,
7 is".

8 4. By striking page 3, line 7, through page 9,
9 line 8, and inserting the following:

10 "Sec. ____ . Section 400.11, unnumbered paragraph 2,
11 Code 1993, is amended to read as follows:

12 ~~In cities of fifty thousand or more population, the~~
13 ~~The~~ commission shall ~~may~~ hold in reserve a ~~second~~
14 ~~list, for original appointments only, additional lists~~
15 of the ten persons ~~each~~ next highest in standing, in
16 order of their grade, or such number as may qualify
17 ~~and, thereafter, if less than ten. If~~ the list of ten
18 persons provided in the first paragraph hereof be ~~is~~
19 exhausted within one year, ~~the commission~~ may certify
20 such ~~second list additional lists~~ of ~~ten persons each,~~
21 ~~in order of their standing,~~ to the council as eligible
22 for appointment to fill such vacancies as may exist.

23 Sec. ____ . Section 400.13, unnumbered paragraph 1,
24 Code 1993, is amended to read as follows:

25 ~~The chief of the fire department and the chief of~~
26 ~~the police department shall be appointed from the~~
27 ~~chiefs' civil service eligible lists. Such lists~~
28 ~~shall be determined by original examination open to~~
29 ~~all persons applying, whether or not members of the~~
30 ~~employing city. The A city may by resolution elect to~~
31 ~~establish chiefs' civil service eligible lists. To be~~
32 ~~eligible, the~~ chief of a fire department shall have
33 had a minimum of ~~five ten~~ years' experience in a ~~full-~~
34 ~~time, paid~~ fire department, or ~~three seven~~ years of
35 experience in a ~~full-time, paid~~ fire department and
36 ~~two three~~ years of comparable experience or
37 educational training. ~~In no case shall the chief of a~~
38 ~~fire department have less than five years' experience~~
39 ~~in the area of fire suppression.~~ The chief of a
40 police department shall have had a minimum of five
41 years experience in a public law enforcement agency,
42 or three years experience in a public law enforcement
43 agency and two years of comparable experience or
44 educational training. A chief of a police department
45 or fire department shall maintain civil service rights
46 as determined by section 400.12.

47 Sec. ____ . Section 400.17, unnumbered paragraph 1,
48 and subsections 1 through 3, Code 1993, are amended to
49 read as follows:

50 Except as otherwise provided ~~in section 400.7, a~~

Page 2

1 person shall not be appointed, promoted, or employed
2 in any capacity, including a new classification, in
3 the fire or police department, or any department which
4 is governed by the civil service, until the person has
5 passed a civil service examination as provided in this
6 chapter, and has been certified to the city council as
7 being eligible for the appointment. However, in an
8 emergency in which the peace and order of the city is
9 threatened by reason of fire, flood, storm, or mob
10 violence, making additional protection of life and
11 property necessary, the person having the appointing
12 power may deputize additional persons, without
13 examination, to act as peace officers until the
14 emergency has passed. A person may be appointed to a
15 position subject to successfully completing a civil
16 service medical examination. A person shall not be
17 appointed or employed in any capacity in the fire or
18 police department; or any department which is governed
19 by civil service, unless the person:

- 20 1. Is of good moral character.
21 2. Is able to read and write the English language.
22 3. Is not a liquor or drug addict if the person is
23 unable to meet reasonable physical condition training
24 requirements and reasonable level of experience
25 requirements necessary for the performance of the
26 position; if the person is a habitual criminal; if the
27 person is addicted to narcotics or alcohol and has not
28 been rehabilitated for a period of one year or more,
29 or is not presently undergoing treatment; or if the
30 person has attempted a deception or fraud in
31 connection with a civil service examination.

32 Sec. ____ . Section 400.17, Code 1993, is amended by
33 adding the following new unnumbered paragraph after
34 unnumbered paragraph 1:

35 **NEW UNNUMBERED PARAGRAPH.** Except as otherwise
36 provided in this section and section 400.7, a person
37 shall not be appointed or employed in any capacity in
38 any department which is governed by civil service if
39 the person is unable to meet reasonable physical
40 condition training requirements and reasonable level
41 of experience requirements necessary for the
42 performance of the position; if the person is addicted
43 to narcotics or alcohol and has not been rehabilitated
44 for a period of one year or more, or is not presently
45 undergoing treatment; or if the person has attempted a
46 deception or fraud in connection with a civil service
47 examination."

48 5. Title page, by striking line 1 and inserting

49 the following: "An Act relating to abolition of
50 certain civil service commissions, use of electronic

Page 3

- 1 voice recording devices at civil service meetings, and
- 2 relating to qualifications and requirements for
- 3 appointment, promotion, or employment in positions
- 4 governed by civil service."
- 5 6. By renumbering as necessary.

TOM VILSACK

S-3168

- 1 Amend Senate File 271 as follows:
- 2 1. Page 3, line 34, by inserting after the word
- 3 "prohibit" the following: "fees, payments, or
- 4 reimbursements for".
- 5 2. Page 3, by striking line 35 and inserting the
- 6 following: "payments or reimbursements for inspection
- 7 fees inspections, if an".
- 8 3. Page 5, line 3, by striking the word "company"
- 9 and inserting the following: "contractor".
- 10 4. Page 5, line 22, by striking the word
- 11 "INSTITUTION" and inserting the following:
- 12 "INSTITUTION INSTITUTIONS, SERVICE COMPANIES, AND
- 13 INSURANCE COMPANIES".
- 14 5. Page 8, line 7, by inserting after the word
- 15 "licensed" the following: "or registered".

PATRICK J. DELUHERY
WILLIAM D. PALMER

S-3169

- 1 Amend House File 448, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 18 the fol-
- 4 lowing:
- 5 "Sec. 2. EFFECTIVE DATE. This Act, being deemed
- 6 of immediate importance, takes effect upon enactment."
- 7 2. Title page, line 2, by inserting after the
- 8 word "vacancies" the following: "and providing an
- 9 effective date".

MARY E. KRAMER

S-3170

1 Amend Senate File 356 as follows:

2 1. Page 1, by striking lines 1 through 9 and
3 inserting the following:

4 "Section 1. Section 99B.1, subsection 2, Code
5 1993, is amended by striking the subsection and
6 inserting in lieu thereof the following:

7 2. "Amusement device" means an electrical or
8 mechanical device possessed and used in accordance
9 with section 99B.10. An amusement device is a coin,
10 currency, or token adapted device that provides audio,
11 video screen, or mechanical result when possessed and
12 used in accordance with that section. An amusement
13 device is not a game of chance as defined in section
14 99B.1, and is not a gambling device as defined in
15 section 725.9, or a gambling game authorized under
16 chapter 99F."

17 2. Page 1, by striking line 19 through 26 and
18 inserting the following:

19 "Sec. ____ . Section 99B.1, subsection 15, Code
20 1993, is amended by striking the subsection and
21 inserting in lieu thereof the following:

22 15. "Game of skill" means a game in which the
23 result is determined by the player directing,
24 throwing, or maneuvering light, objects, balls, pucks,
25 water, air, or characters to designated areas or
26 targets by electrical or mechanical means. A game of
27 skill includes but is not limited to a device that
28 uses a dragline device to pick up particular items, a
29 pinball machine, billiards, electronic darts, or by
30 shooting a gun or rifle, or a game that is activated
31 by photo light emission. A game of skill is not a
32 game of chance, nor is it a gambling device. A game
33 of skill may be designed and intended for use as an
34 amusement device."

35 3. Page 1, by inserting after line 33 the
36 following:

37 "Sec. ____ . Section 99B.1, Code 1993, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 24. "Slot machine" means a
40 mechanical, electronic, or video gambling device into
41 which a player deposits coins, tokens, or currency and
42 from which credits, tickets, or tokens or coins are
43 paid out when a particular, random configuration of
44 symbols appears on the reels, simulated reels, or
45 screen of the device. The slot machine may have a
46 lever, buttons, or other means to activate or stop the
47 play."

48 4. Page 1, by inserting after line 33 the

49 following:

50 "Sec. ____ . Section 99B.2, subsection 2, Code 1993,

Page 2

1 is amended to read as follows:

2 2. A licensee other than one issued a license
3 pursuant to section 99B.3, 99B.6, 99B.7A, or 99B.9
4 shall maintain proper books of account and records
5 showing in addition to any other information required
6 by the department, gross receipts and the amount of
7 the gross receipts taxes collected or accrued with
8 respect to gambling activities, all expenses, charges,
9 fees and other deductions, and the cash amounts, or
10 the cost to the licensee of goods or other noncash
11 valuables, distributed to participants in the licensed
12 activity. If the licensee is a qualified
13 organization, the amounts dedicated and the date and
14 name and address of each person to whom distributed
15 also shall be kept in the books and records. The
16 books of account and records shall be made available
17 to the department or a law enforcement agency for
18 inspection at reasonable times, with or without
19 notice. A failure to permit inspection is a serious
20 misdemeanor."

21 5. Page 2, by striking lines 12 through 17 and
22 inserting the following:

23 "(3) The organization does not have a self-
24 perpetuating governing body and officers.
25 This paragraph does not apply to a political party,
26 as defined in section 43.2, to a nonparty political
27 organization that has qualified to place a candidate
28 as its nominee for statewide office pursuant to
29 chapter 44, or to a candidate's committee as defined
30 in section 56.2."

31 6. Page 3, by striking lines 2 through 14.

32 7. Page 3, by inserting after line 28 the

33 following:

34 "Sec. 100. Section 99B.10, Code 1993, is amended
35 by adding the following new subsection:

36 NEW SUBSECTION. 4. An amusement device shall have
37 an identification tag or plate with the name, address,
38 and current sales tax permit number of the owner. The
39 identification tag or plate must be no less than two
40 and one-half inches by one inch in size and must be
41 affixed in a visible or easily accessible location on
42 the device."

43 8. Page 4, by striking lines 1 through 16.

44 9. Page 4, by inserting before line 17 the

45 following:

46 "Sec. ____ . Section 725.9, Code 1993, is amended by
 47 adding the following new subsection:
 48 **NEW SUBSECTION. 1A.** "Slot machine" means a
 49 mechanical, electronic, or video gambling device into
 50 which a player deposits coins, tokens, or currency and

Page 3

1 from which credits, tickets, or tokens or coins are
 2 paid out when a particular, random configuration of
 3 symbols appears on the reels, simulated reels, or
 4 screen of the device. The slot machine may have a
 5 lever, buttons, or other means to activate or stop the
 6 play."

7 10. Page 5, by inserting after line 5 the
 8 following:

9 "Sec. ____ . Section 725.16, Code 1993, is amended
 10 to read as follows:

11 725.16 GAMBLING PENALTY.

12 A person who commits an offense declared in chapter
 13 99B, except section 99B.10, to be a misdemeanor ~~shall~~
 14 be is guilty of a serious misdemeanor ~~except if~~. If
 15 an owner of an electrical or mechanical amusement
 16 device commits an offense in violation of section
 17 99B.10, the owner is guilty of a class "D" felony.
 18 However, if an owner violates section 99B.10,
 19 subsection 4, only the owner is guilty of a serious
 20 misdemeanor."

21 11. Page 5, by inserting after line 5 the
 22 following:

23 "Sec. ____ . EFFECTIVE DATE. Section 100 takes
 24 effect January 1, 1994."

25 12. Title page, line 2, by inserting after the
 26 word "devices" the following: ", providing an
 27 effective date,".

MICHAEL E. GRONSTAL

S-3171

1 Amend Senate File 293 as follows:

2 1. Page 1, by striking lines 23 through 28 and
 3 inserting the following:

4 " ____ . This section does not affect the inherent
 5 power of the court to regulate the conduct of
 6 discovery pursuant to the Iowa rules of criminal or
 7 civil procedure or to preside over and control the

- 8 conduct of criminal or civil hearings or trials.”
9 2. By renumbering as necessary.

RALPH ROSENBERG

S-3172

- 1 Amend Senate File 326 as follows:
2 1. Page 1, line 5, by inserting after the word
3 “development,” the following: “including but not
4 limited to reading instruction using phonics
5 techniques.”
6 2. Page 1, line 22, by inserting after the word
7 “development,” the following: “including but not
8 limited to reading instruction using phonics
9 techniques.”
10 3. Title page, line 1, by inserting after the
11 word “programs” the following: “and instruction in
12 phonics techniques”.

RAY TAYLOR

S-3173

- 1 Amend Senate File 350 as follows:
2 1. Page 3, by inserting after line 15, the
3 following:
4 “___ . Until such time as the Iowa employees’
5 withholding allowance certificate is amended to
6 provide for inclusion of all of the information
7 required under subsection 1, submission of the
8 certificate constitutes compliance with this section.”
9 2. Page 3, by striking lines 19 through 35, and
10 inserting the following: “the attorney general. The
11 action may be brought in district court in the county
12 in which the employer is doing business, in a county
13 in which an employee is performing labor or service
14 for compensation, or in Polk county to determine
15 noncompliance with this section.”
16 3. By renumbering as necessary.

MERLIN E. BARTZ
PATTY JUDGE

S-3174

- 1 Amend Senate File 358 as follows:
2 1. Page 4, line 14, by striking the word “as” and

3 inserting the following: "pursuant to an agreement
4 which shall be".

MICHAEL E. GRONSTAL

S-3175

1 Amend the amendment, S-3166, to Senate File 221 as
2 follows:
3 1. Page 1, line 37, by inserting before the word
4 "written" the following: "prior".
5 2. Page 1, line 40, by inserting after the word
6 "paragraph," the following: "The home must have a
7 responsible individual, age fourteen or older, on duty
8 to assist the home provider when more than six
9 children are present in accordance with the provisions
10 of this paragraph."
11 3. Page 2, line 26, by inserting before the word
12 "written" the following: "prior".

MERLIN E. BARTZ

S-3176

1 Amend Senate File 314 as follows:
2 1. Page 2, line 24, by striking the word
3 "paragraphs" and inserting the following:
4 "paragraph".
5 2. By striking page 2, line 32, through page 3,
6 line 5.

LINN FUHRMAN

S-3177

1 Amend Senate File 196 as follows:
2 1. Page 2, lines 15 and 16, by striking the words
3 "connection with the printing of" and inserting the
4 following: "the process of creating printed".
5 2. Page 3, line 28, by striking the words
6 "connection with the printing of" and inserting the
7 following: "the process of creating printed".
8 3. Page 4, line 4, by inserting after the figure
9 "1993," the following: "shall be limited to fifty
10 thousand dollars in the aggregate and".
11 4. Page 4, line 6, by inserting after the word
12 "law." the following: "If the amount of claims total
13 more than fifty thousand dollars in the aggregate, the

14 department of revenue and finance shall pro rate the
15 fifty thousand dollars amongst all the claims."

JIM RIORDAN

S-3178

1 Amend Senate File 226 as follows:

2 1. Page 4, by inserting after line 11 the fol-
3 lowing:

4 "Sec. ____ . Section 257.42, unnumbered paragraphs 1
5 and 4, Code 1993, are amended to read as follows:

6 Boards of school districts, individually or jointly
7 with the boards of other school districts, requesting
8 to use additional allowable growth and income surtax
9 for gifted and talented children programs, may
10 annually submit program plans for gifted and talented
11 children programs and budget costs, including requests
12 for additional allowable growth and income surtax for
13 funding the programs, to the department of education
14 and to the applicable gifted and talented children
15 advisory council, if an advisory council has been
16 established, as provided in this chapter.

17 The department of education shall adopt rules under
18 chapter 17A relating to the administration of sections
19 257.42 through 257.49. The rules shall prescribe the
20 format of program plans submitted under section 257.43
21 and shall require that programs fulfill specified
22 objectives. The department shall encourage and assist
23 school districts to provide programs for gifted and
24 talented children whether or not additional allowable
25 growth is and income surtax are requested under this
26 chapter."

27 2. Page 4, line 16, by inserting after the word
28 "growth" the following: "and income surtax".

29 3. Page 4, line 33, by inserting after the word
30 "growth" the following: "and income surtax".

31 4. Page 5, line 8, by striking the word "one-
32 fourth" and inserting the following: "one-fourth one-
33 eighth".

34 5. Page 5, line 9, by striking the word "three-
35 fourths" and inserting the following: "three-fourths
36 three-eighths".

37 6. Page 5, line 10, by inserting after the figure
38 "257.8" the following: "and four-eighths from an
39 income surtax".

40 7. Page 5, line 20, by inserting after the words
41 "school district" the following: ", funds from the
42 income surtax".

43 8. Page 5, by inserting after line 21 the follow-

44 ing:

45 "The department of management shall determine the
 46 amount of funding needed from the income surtax and
 47 based upon the individual state income tax paid shall
 48 certify to the director of revenue and finance the
 49 amount of the income surtax to be imposed. The income
 50 surtax shall be imposed on the state individual income

Page 2

1 tax for the calendar year during which the school's
 2 budget year begins, or for a taxpayer's fiscal year
 3 ending during the second half of that calendar year
 4 and after the date the board receives approval for the
 5 program or the first half of the succeeding calendar
 6 year, and shall be imposed on all individuals residing
 7 in the school district on the last day of the
 8 applicable tax year. As used in this section, "state
 9 individual income tax" means the taxes computed under
 10 section 422.5, less the credits allowed in chapter
 11 422, division II.
 12 The provisions of sections 257.22 to 257.26 apply
 13 to the administration of the income surtax in the same
 14 manner as if this income surtax was the instructional
 15 support income surtax within the meaning of those
 16 sections."

H. KAY HEDGE
 BERL E. PRIEBE
 RAY TAYLOR
 EMIL J. HUSAK

S-3179

1 Amend Senate File 348 as follows:
 2 1. By striking page 2, line 16, through page 3,
 3 line 9, and inserting the following:
 4 "Sec. ____ . Section 724.15, subsection 1, Code
 5 1993, is amended by striking the subsection and
 6 inserting in lieu thereof the following:
 7 1. A person who acquires ownership of any pistol
 8 or revolver shall first obtain an annual permit.
 9 2. An annual permit shall not be issued to a
 10 person if:
 11 a. The person is under twenty-one years of age.
 12 b. The person has been convicted of a felony.
 13 c. The person is addicted to the use of alcohol or
 14 a controlled substance.
 15 d. The person has a history of repeated acts of
 16 violence.

17 e. The person has been convicted of a crime
18 defined in chapter 708, except "assault" as defined in
19 section 708.1 and "harassment" as defined in section
20 708.7.

21 f. The person has been adjudged mentally
22 incompetent.

23 g. The issuing officer reasonably determines that
24 the applicant constitutes a danger to any person.

25 3. In addition to the requirements of subsection
26 2, a person shall not be issued a permit unless that
27 person has received a certificate of completion of a
28 firearms safety training program and passage of the
29 examination as provided in sections 724.9 and 724.9A.
30 However, the issuing officer of a certified instructor
31 may issue a certificate of completion to a person who
32 has otherwise satisfied the examination requirements
33 of section 724.9A, even though the person has not
34 completed the firearms training program pursuant to
35 section 724.9.

36 Sec. ____ . Section 724.15, subsections 2 and 3,
37 Code 1993, are amended to read as follows:"

38 2. Page 3, by striking lines 13 through 15 and
39 inserting the following:

40 "~~a. The person transferring the pistol or revolver~~
41 ~~and the person acquiring the pistol or revolver are~~
42 ~~licensed firearms dealers under federal law;"~~.

43 3. By relettering and renumbering as necessary.

LINN FUHRMAN
RICHARD F. DRAKE

S-3180

1 Amend Senate File 294 as follows:

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

4 "Section 1. Section 39.17, unnumbered paragraph 1,
5 Code 1993, is amended to read as follows:

6 There shall be elected in each county at the
7 general election to be held in the year 1976 and every
8 four years thereafter, an auditor ~~and a sheriff, each~~
9 ~~to who shall~~ hold office for a term of four years.

10 Sec. ____ . Section 331.651, subsection 1, Code
11 1993, is amended to read as follows:

12 1. The office of sheriff is an elective office
13 sheriff shall be appointed by the board of
14 supervisors, except that if a vacancy occurs in the
15 office, the first deputy shall assume the office after
16 qualifying as provided in this section and shall hold
17 the office until a successor is appointed to the

18 unexpired term as provided in chapter 69. If a
 19 sheriff is suspended from office, the district court
 20 may appoint a sheriff until a temporary appointment is
 21 made by the board as provided in section 66.19."

22 2. Page 1, line 3, by striking the words "elected
 23 cr".

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

26 "Sec. ____ . Section 331.651, subsection 2, Code
 27 1993, is amended to read as follows:

28 2. A person ~~elected or~~ appointed to the office of
 29 sheriff shall qualify by taking the oath of office as
 30 provided in section 63.10 and give bond as provided in
 31 section 64.8."

LINN FUHRMAN
 ELAINE SZYMONIAK

S-3181

1 Amend Senate File 140 as follows:

2 1. Page 1, by striking lines 7 through 9, and
 3 inserting the following: "the association. An
 4 electric utility as defined in section 476.22 and a
 5 person who generates or transmits electric power for
 6 sale at wholesale to an electric utility may become a
 7 member in".

ALBERT SORENSEN

S-3182

1 Amend Senate File 225 as follows:

2 1. Page 1, by striking lines 1 through 16.
 3 2. Page 2, by inserting after line 18 the follow-
 4 ing:

5 "Sec. ____ . NEW SECTION. 18.8A TERRACE HILL
 6 COMMISSION.

7 1. The Terrace Hill commission is created
 8 consisting of nine persons, appointed by the governor,
 9 who are knowledgeable in business management and
 10 historic preservation and renovation. The governor
 11 shall appoint the chairperson. The terms of the
 12 commission members are for three years beginning on
 13 July 1 and ending on June 30.

14 2. The Terrace Hill commission may consult with
 15 the Terrace Hill society, Terrace Hill foundation, the
 16 executive and legislative branches of this state and
 17 other persons interested in the property.

18 3. The Terrace Hill commission may enter into

19 contracts, subject to this chapter, to execute its
20 purposes.

21 4. The commission may adopt rules to administer
22 and implement the programs of the commission. The
23 decision of the commission is final agency action
24 under chapter 17A."

25 3. Page 29, by inserting after line 29 the
26 following:

27 "Sec. ____ . TERRACE HILL COMMISSION FUNDING. On
28 the effective date of this Act, the director of
29 revenue and finance shall allocate to the department
30 of general services any funds appropriated to the
31 office of the governor for the fiscal year beginning
32 July 1, 1993, and ending June 30, 1994, for the pur-
33 poses of the Terrace Hill commission."

34 4. Title page, line 7, by striking the words
35 "governor's office" and inserting the following:
36 "department of general services".

37 5. By renumbering as necessary.

JACK RIFE
BERL E. PRIEBE
RICHARD J. VARN

S-3183

1 Amend Senate File 294 as follows:

2 1. Page 1, lines 8 and 9, by striking the words
3 "and have at least two years of full-time experience
4 as a peace officer".

5 2. Page 1, line 11, by striking the word
6 "academy" and inserting the following: "academy's
7 central training facility or a location other than the
8 central training facility".

BERL PRIEBE
JOHN P. KIBBIE

S-3184

1 Amend Senate File 221 as follows:

2 1. Page 1, line 3, by striking the words and
3 figures "subsections 1 and 3" and inserting the
4 following: "subsection 3".

5 2. Page 1, line 4, by striking the word "are" and
6 inserting the following: "is".

7 3. Page 1, by striking lines 5 through 7.

8 4. Page 1, line 11, by inserting before the word
9 "to" the following: "and".

10 5. Page 1, by striking lines 13 through 34 and

- 11 inserting the following: "accordance with section
12 912.10."
13 6. Page 3, by striking lines 27 through 30.
14 7. Title page, line 3, by striking the words "and
15 providing an effective date".

RANDAL J. GIANNETTO

S-3185

- 1 Amend House File 430, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 19 the
4 following:
5 "The department of general services shall prepare a
6 request for proposal to obtain bids for the
7 construction and operation of one or more parking
8 ramps or improved parking lots within the state
9 capitol complex for state employees and visitors. The
10 request for proposal shall provide that land for the
11 proposed parking ramps or improved lots shall be
12 leased from the state, that the proposed parking ramps
13 or improved lots shall be constructed with private
14 moneys, and that the proposed ramps or improved lots
15 shall be operated by a private vendor. Upon
16 acceptance of a bid on the proposed parking ramps or
17 improved lots, the department shall report the
18 proposal to the chairpersons and ranking members of
19 the joint appropriations subcommittee on
20 administration and the legislative council."

JOE J. WELSH
JAMES B. KERSTEN

S-3186

- 1 Amend Senate File 221 as follows:
2 1. Page 1, by inserting after line 2, the
3 following:
4 "Sec. ____ . Section 232.116, subsection 1,
5 paragraph 1, Code 1993, is amended to read as follows:
6 1. The court finds that both of the following have
7 occurred:
8 (1) The child has been adjudicated a child in need
9 of assistance pursuant to section 232.96 after finding
10 that the child has been physically or sexually abused
11 or neglected as a result of the acts or omissions of a
12 parent.
13 (2) The parent found to have physically or
14 sexually abused or neglected the child has been

15 convicted of a felony and imprisoned for such abuse
 16 against physically or sexually abusing or neglecting
 17 the child, the child's sibling, or any other child in
 18 the household and the court finds it is unlikely that
 19 the parent will be released within five years."

MARY KRAMER
 MERLIN E. BARTZ

S-3187

1 Amend Senate File 221 as follows:
 2 1. Page 1, by inserting before line 3 the
 3 following:
 4 "Section 1. Section 232.68, subsection 2, Code
 5 1993, is amended by adding the following new paragraph
 6 after paragraph a and relettering the succeeding
 7 paragraphs:
 8 NEW PARAGRAPH. b. Any mental injury to a child's
 9 intellectual or psychological capacity as evidenced by
 10 an observable and substantial impairment in the
 11 child's ability to function within the child's normal
 12 range of performance and behavior as the result of the
 13 acts or omissions of a person responsible for the care
 14 of the child, if the impairment is diagnosed and
 15 confirmed by a licensed physician or qualified mental
 16 health professional as defined in section 622.10."
 17 2. Page 3, by striking lines 29 and 30 and
 18 inserting the following:
 19 "Sec. ____ . CONTINGENT EFFECTIVE DATE. Section 2
 20 of this Act shall take effect only if the United
 21 States department of health and human services finds
 22 that the provisions of section 2 of this Act are in
 23 compliance with the federal Child Abuse Prevention and
 24 Treatment Act and the department of human services has
 25 provided written notification of the finding. The
 26 department of human services shall provide the
 27 notification to the general assembly, the governor,
 28 and the Iowa Code editor."
 29 3. By renumbering and by revising internal
 30 references as necessary.

ELAINE SZYMONIAK
 MAGGIE TINSMAN

S-3188

1 Amend Senate File 149 as follows:
 2 1. Page 1, by striking lines 12 through 31 and
 3 inserting the following:

4 "Sec. ____ . Section 139.9, subsection 4, paragraph
5 b, Code 1993, is amended to read as follows:
6 b. ~~An~~ For a person fourteen years of age or older,
7 an affidavit signed by the applicant or, if a minor,
8 by a legally authorized representative person, stating
9 that the immunization conflicts with the tenets and
10 practice of a recognized religious denomination of
11 which the ~~applicant~~ person is an adherent or member;
12 however, this exemption does not apply in times of
13 emergency or epidemic as determined by the state board
14 of health and as declared by the director of public
15 health."

16 2. Page 2, by inserting after line 8 the
17 following:

18 "Sec. ____ . Section 140.14, Code 1993, is amended
19 to read as follows:

20 140.14 RELIGIOUS EXCEPTIONS.

21 ~~No provision of this~~ This chapter shall not be
22 construed to require or compel any person who is
23 fourteen years of age or older, whose religious
24 convictions are as described in section 140.13 who is
25 a member of a church or religious denomination, and
26 whose religious convictions, in accordance with the
27 tenets or principles of the person's church or
28 religious denomination, are against medical
29 prophylaxis or treatment for disease, to take or
30 follow a course of medical treatment prescribed by law
31 or a physician. However, such person while in an
32 infectious stage of disease shall be subject to
33 isolation and such other measures appropriate for the
34 prevention of the spread of the disease to other
35 persons."

36 3. Page 2, by striking lines 15 through 21 and
37 inserting the following: "financial or other
38 reasonable means to do so. A parent or guardian
39 ~~legitimately practicing religious beliefs~~ who does not
40 provide specified medical treatment for a child who is
41 fourteen years of age and who is legitimately
42 practicing the child's religious beliefs in refusing
43 specified medical treatment, for that reason alone
44 shall not be considered abusing the child; ~~however,~~
45 However this provision shall not preclude a court from
46 ordering that medical service be provided to the child
47 where the child's health requires it."

48 4. Page 2, line 26, by striking the words "an
49 adult" and inserting the following: "a".

50 5. Page 2, line 27, by inserting after the word

Page 2

- 1 "members" the following: "who is fourteen years of
2 age or older".
- 3 6. Page 2, by striking line 33 and inserting the
4 following: "is amended to read as follows:
5 ~~No provision of this~~ This chapter shall not be
6 construed to require or compel any person who is
7 fourteen years of age or older and who is a member of
8 a well-recognized church or religious denomination and
9 whose religious convictions, in accordance with the
10 tenets or principles of the person's church or
11 religious denomination, are opposed to medical or
12 surgical treatment for disease, to take or follow a
13 course of physical therapy, or submit to medical
14 treatment; ~~nor shall any parent or guardian who is a~~
15 ~~member of such church or religious denomination and~~
16 ~~who has such religious convictions be required to~~
17 ~~enroll a child in any course or instruction which~~
18 ~~utilizes medical or surgical treatment for disease."~~
- 19 7. Page 3, by striking line 15.
20 8. By renumbering as necessary.

RALPH ROSENBERG

S-3189

- 1 Amend Senate File 325 as follows:
2 1. Page 1, by striking lines 15 and 16 and
3 inserting the following: "certification".
4 2. Page 1, line 30, by inserting after the word
5 "year." the following: "Each instructional course
6 shall include two parts, including a presentation and
7 a test consisting of a brief series of questions
8 related to the presentation. The presentation shall
9 be made and the test shall be given under the
10 direction of the person administering the
11 instructional course. A person shall not be
12 recertified as a commercial, public, or private
13 applicator, unless the person attends the presentation
14 and passes the test."

JACK W. HESTER

S-3190

- 1 Amend Senate File 361 as follows:
2 1. Page 1, by inserting before line 1 the fol-
3 lowing:
4 "Sec. ____ . Section 22.7, Code 1993, is amended by

5 adding the following new subsection:

6 NEW SUBSECTION. 29. Identifying information
7 concerning a patient for whom marijuana is prescribed
8 under the marijuana therapeutic research program in
9 section 124.511."

10 2. Page 4, by inserting after line 29 the fol-
11 lowing:

12 "Sec. ____ . Section 124.401, subsection 1, Code
13 1993, is amended by adding the following new
14 paragraph:

15 NEW PARAGRAPH. g. It is lawful for a person to
16 cultivate marijuana if the marijuana is for the
17 person's own use for therapeutic purposes in
18 accordance with the provisions of section 124.401B.

19 Sec. ____ . Section 124.401, subsection 3, Code 1993
20 is amended by adding the following new unnumbered
21 paragraph:

22 NEW UNNUMBERED PARAGRAPH. It is lawful for a
23 person to knowingly or intentionally possess marijuana
24 if the possession is in accordance with the provisions
25 of section 124.401B or 124.511.

26 Sec. ____ . NEW SECTION. 124.401B MARIJUANA FOR
27 THERAPEUTIC PURPOSES.

28 Notwithstanding other provisions of law to the
29 contrary, the following provisions apply to possession
30 of marijuana for therapeutic purposes in accordance
31 with this section or section 124.511.

32 1. It is lawful for a person who is eighteen years
33 of age or older to knowingly or intentionally possess
34 marijuana if either of the following circumstances
35 exists:

36 a. The person possessing the marijuana was
37 diagnosed by a physician as having glaucoma before the
38 person was alleged to unlawfully possess the
39 marijuana.

40 b. The person possessing the marijuana is being
41 treated with chemotherapy or radiation therapy and has
42 suffered from significant nausea or vomiting as a
43 result of the treatment.

44 c. The person possessing the marijuana was
45 diagnosed by a physician as having multiple sclerosis,
46 hyperparathyroidism, nail patella syndrome, or
47 acquired immune deficiency syndrome, and as having
48 symptoms of pain or spasms due to the diagnosed
49 condition, before the person was alleged to unlawfully
50 possess the marijuana.

Page 2

1 2. It is lawful for a person to grow or cultivate
2 marijuana if the marijuana is for the person's own use
3 and the possession is in accordance with the
4 provisions of subsection 1.

5 3. It is lawful for a person who is less than
6 eighteen years of age to knowingly or intentionally
7 possess, or grow or cultivate marijuana if the
8 possession is in accordance with the provisions of
9 subsection 1 and the person's parent or guardian
10 authorized the possession or growing or cultivating.

11 4. Possession of marijuana in accordance with the
12 provisions of this section is a lawful possession and
13 is an affirmative defense to a prosecution for
14 possession of marijuana.

15 5. Possession of marijuana in accordance with the
16 provisions of this section or section 124.511 is
17 lawful possession and the possessor is not subject to
18 the provisions of chapter 809, relating to seizable
19 and forfeitable property, based upon that possession.

20 Sec. ____ . Section 124.506, subsection 2, Code
21 1993, is amended to read as follows:

22 2. Upon written application by the board, the
23 court by whom the forfeiture of controlled substances
24 has been decreed may order the delivery of any of
25 them, except controlled substances listed in schedule
26 I, to the board for distribution or destruction, as
27 provided by this section or section 124.511.

28 Sec. ____ . **NEW SECTION. 124.511 MARIJUANA**
29 **THERAPEUTIC RESEARCH PROGRAM.**

30 1. The general assembly finds that research has
31 indicated that the use of marijuana may alleviate
32 nausea and other side effects of chemotherapy and
33 radiation therapy as well as some symptoms of glaucoma
34 and other conditions with symptoms of pain, stress,
35 spasms, nausea, or loss of appetite. The general
36 assembly finds that further research and strictly
37 controlled experimentation regarding the therapeutic
38 uses of marijuana is necessary and desirable. The
39 purpose of this section is to encourage this research
40 and experimentation.

41 2. As used in this section, unless the context
42 otherwise requires, "program" means the marijuana
43 therapeutic research program established in this
44 section.

45 3. A marijuana therapeutic research program is
46 established under the board. The board shall adopt
47 rules for the proper administration of the program.
48 In adopting rules, the board shall consider pertinent

49 rules adopted by the federal drug enforcement agency,
50 federal food and drug administration, national

Page 3

1 institute on drug abuse, and any other applicable
2 federal agency.
3 4. The board shall contract with the national
4 institute on drug abuse for the receipt of marijuana
5 under pertinent rules adopted by the national
6 institute on drug abuse, the federal food and drug
7 administration, and the federal drug administration.
8 However, if within a reasonable period of time, the
9 board is unable to complete a contract with the
10 national institute on drug abuse, the board shall
11 apply to the court for delivery of marijuana under the
12 provisions of section 124.506. The board may receive
13 the confiscated marijuana and shall distribute it in
14 accordance with this section. Any marijuana received
15 under this subsection shall be made free of impurities
16 and analyzed for potency by the board.
17 5. The board shall deliver marijuana received
18 under subsection 3 to appropriate licensed pharmacists
19 designated by the board. Any marijuana delivered to a
20 pharmacist shall only be distributed to a patient
21 pursuant to a written prescription of a licensed
22 physician who is approved by the participation review
23 committee established by this section. A pharmacist
24 designated by the board is not liable, except for
25 intentional misconduct or gross negligence, in any
26 civil action related to marijuana distributed to a
27 patient in accordance with this section.
28 6. A participation review committee is established
29 and staffing for the committee shall be provided by
30 the board. The membership of the committee shall
31 consist of three members appointed as follows: a
32 registered pharmacist appointed by the board of
33 pharmacy examiners, a licensed physician who is board
34 certified in ophthalmology or otorhinolaryngology
35 appointed by the board of medical examiners, and a
36 licensed physician who is board certified in internal
37 medicine with a subspecialty certification in medical
38 oncology. Committee members shall serve at the
39 pleasure of the appointing authority and are eligible
40 for payment of per diem and reimbursement of actual
41 and necessary expenses incurred while performing
42 official duties. The committee shall have authority
43 to review and approve physician applications to
44 participate in the program. The committee meetings to
45 review applications shall be closed in the same manner

46 as a meeting to discuss the contents of a licensing
47 examination in accordance with the provisions of
48 section 21.5, subsection 1, paragraph "d". Applicants
49 must submit a twenty-five dollar fee with the
50 application.

Page 4

1 7. A physician approved by the participation
2 review committee for participation in the program is
3 authorized to prescribe marijuana for a patient under
4 any of the following circumstances:
5 a. The patient is diagnosed as having glaucoma by
6 the physician.
7 b. The patient is being treated with chemotherapy
8 or radiation therapy and has suffered from significant
9 nausea or vomiting as a result of the treatment.
10 c. The patient is diagnosed by a physician as
11 having multiple sclerosis, hyperparathyroidism, nail
12 patella syndrome, acquired immune deficiency syndrome,
13 or other condition with symptoms of pain or spasms.
14 8. A physician approved by the participation
15 review committee for participation in the program is
16 expressly authorized to prescribe marijuana. A
17 patient for whom marijuana is prescribed by a
18 physician approved to participate in the program is
19 expressly authorized to possess marijuana. A
20 registered pharmacist designated by the board under
21 this section is expressly authorized to possess and
22 distribute marijuana under this section.
23 9. Only the following persons shall have access to
24 the name and other identifying characteristics of a
25 patient for whom marijuana is prescribed under this
26 section:
27 a. The board.
28 b. The attorney general or a designee of the
29 attorney general.
30 c. A person directly connected with the program
31 who has a legitimate need for the information.
32 d. A person for whom access has been specifically
33 authorized by that patient.
34 10. The board and the participation review
35 committee shall report annually with findings and
36 recommendations concerning the program to the governor
37 and the general assembly.
38 Sec. ____ . Section 453B.6, Code 1993, is amended by
39 adding the following new unnumbered paragraph:
40 NEW UNNUMBERED PARAGRAPH. A person who is in
41 possession of marijuana for medical purposes in
42 accordance with section 124.401B or 124.511 is in

- 43 lawful possession of a taxable substance and is not
 44 subject to the requirements of this chapter.”
 45 3. By renumbering as necessary.

BERL E. PRIEBE
 JEAN LLOYD-JONES
 MIKE CONNOLLY
 RALPH ROSENBERG
 JIM KERSTEN
 JIM LIND

S-3191

- 1 Amend Senate file 382 as follows:
 2 1. Page 1, line 19, by inserting after the word
 3 “bus,” the following: “or within the corporate
 4 boundary of a city which has been declared to be a
 5 drug free zone by the city’s governing body.”
 6 2. Page 2, line 11, by inserting after the word
 7 “bus,” the following: “or within the corporate
 8 boundary of the city which has been declared to be a
 9 drug free zone by the city’s governing body.”
 10 3. Page 2, line 28, by inserting after the word
 11 “bus,” the following: “or within the corporate
 12 boundary of a city which has been declared to be a
 13 drug free zone by the city’s governing body.”
 14 4. Page 3, line 8, by inserting after the word
 15 “bus,” the following: “or within the corporate
 16 boundary of a city which has been declared to be a
 17 drug free zone by the city’s governing body.”
 18 5. Title page, line 2, by inserting after the
 19 word “property” the following: “or in certain
 20 cities”.

RAY TAYLOR

S-3192

- 1 Amend Senate File 342 as follows:
 2 1. Page 1, line 14, by striking the word “five”
 3 and inserting the following: “two”.

HARRY SLIFE

S-3193

- 1 Amend Senate File 367 as follows:
 2 1. Page 1, by inserting after line 16 the follow-
 3 ing:
 4 “Sec. ____ . Section 2.10, subsection 5, Code 1993,

5 is amended to read as follows:

6. 5. a. The director of revenue and finance shall
7 pay the travel and expenses of the members of the
8 general assembly commencing with the first pay period
9 after the names of such persons are officially
10 certified. The salaries of the members of the general
11 assembly, other than the presiding officer of the
12 senate, the speaker of the house, the majority and
13 minority floor leaders of each house, and the
14 president pro tempore of the senate and speaker pro
15 tempore of the house, shall be paid pursuant to any of
16 the following alternative methods:

17 a. (1) During each month of the year at the same
18 time state employees are paid.

19 b. (2) During each pay period during the first six
20 months of each calendar year.

21 c. (3) During the first six months of each calendar
22 year by allocating two-thirds of the annual salary to
23 the pay periods during those six months and one-third
24 of the annual salary to the pay periods during the
25 second six months of a calendar year.

26 b. The presiding officer of the senate, the
27 speaker of the house, the majority and minority floor
28 leaders of each house, and the president pro tempore
29 of the senate and speaker pro tempore of the house
30 shall be paid that amount of their annual salaries
31 paid to every member of the general assembly under
32 subsection 1, pursuant to any of the alternative
33 methods provided in paragraph "a", as elected by the
34 member. However, the amount of their salaries in
35 excess of the amount paid to every member of the
36 general assembly under subsection 1, shall be paid
37 pursuant to the method provided in paragraph "a",
38 subparagraph (1).

39 c. Each member of the general assembly shall file
40 with the director of revenue and finance a statement
41 as to the method the member selects for receiving
42 payment of salary. The presiding officers of the two
43 houses of the general assembly shall jointly certify
44 to the director of revenue and finance the names of
45 the members, officers, and employees of their
46 respective houses and the salaries and mileage to
47 which each is entitled. Travel and expense allowances
48 shall be paid upon the submission of vouchers to the
49 director of revenue and finance indicating a claim for
50 the same."

Page 2

- 1 2. By renumbering as necessary.

BERLE. PRIEBE

S-3194

- 1 Amend Senate File 3 as follows:
- 2 1. Page 2, by striking lines 13 through 15 and
- 3 inserting the following: "1382(e) and 45 C.F.R. pt.
- 4 1397 as amended."
- 5 2. Page 3, by inserting after line 7 the
- 6 following:
- 7 "g. The department of inspections and appeals,
- 8 health facilities division, shall make or cause to be
- 9 made, such further unannounced inspections as it may
- 10 deem necessary to adequately enforce chapter 135C,
- 11 including at least one general inspection in each
- 12 calendar year of every elder group home within the
- 13 residential care facility category, as well as
- 14 inspections upon complaints in accordance with section
- 15 135C.38."

JOE J. WELSH

S-3195

- 1 Amend Senate File 349 as follows:
- 2 1. Page 2, by inserting after line 34 the
- 3 following:
- 4 "Sec. ____ . Section 252B.4, subsection 1, Code
- 5 1993, is amended to read as follows:
- 6 1. The director shall require an application fee
- 7 of not to exceed twenty-five dollars in accordance
- 8 with a fee schedule established by rule of the
- 9 department which is based upon applicants' incomes and
- 10 which is designed so as not to discourage the
- 11 application for such services by applicants most in
- 12 need of the services."
- 13 2. By renumbering as necessary.

JOE WELSH

S-3196

- 1 Amend Senate File 138 as follows:
- 2 1. By striking everything after the enacting
- 3 clause, and inserting the following:
- 4 "Section 1. WILDLIFE DAMAGE REPORTING PROGRAM.

5 The department of natural resources shall establish a
 6 program to collect data regarding the amount of damage
 7 caused by wildlife to agricultural production
 8 operations, including injury or death to livestock and
 9 damages to crops on farms and nurseries. Wildlife
 10 causing such damages include predators, deer, and
 11 birds. The information shall be based on reports made
 12 to the department by agricultural producers and
 13 surveys of agricultural producers conducted by the
 14 department. Each county conservation board shall
 15 assist the department in collecting and compiling the
 16 information, as directed by the department. The
 17 department shall publicize the program by print or
 18 broadcast media throughout the state, which shall
 19 include a contact point to report wildlife damage.
 20 The information collection procedures shall include a
 21 central telephone number in the department to receive
 22 reports of wildlife damage. The information shall be
 23 publicized in each county of the state by distributing
 24 information about the program in a newspaper having
 25 its principal circulation in that county. The
 26 information shall also be contained in a periodical
 27 published for statewide distribution by the department
 28 pursuant to section 455A.9.

29 The department shall compile the data in a report
 30 which shall be delivered to the general assembly on or
 31 before February 1, 1994. The report shall calculate
 32 the amount of damage caused by wildlife, and analyze
 33 the amount of damage caused according to each species
 34 of wildlife or a class of species in each county.

35 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
 36 immediate importance, takes effect upon enactment."

37 2. Title page, by striking lines 1 and 2, and
 38 inserting the following: "An Act providing for
 39 wildlife damage and providing an effective date."

BERL E. PRIEBE

S-3197

1 Amend Senate File 32 as follows:

2 1. Page 1, by striking lines 24 and 25 and
 3 inserting the following: "321.377, or 461A.36, two
 4 dollars."

TONY BISIGNANO
 JOHN W. JENSEN

S-3198

- 1 Amend Senate File 373 as follows:
- 2 1. Page 3, line 1, by striking the words and
- 3 figure "or, 6, or 8;" and inserting the following:
- 4 "or 6;".
- 5 2. Page 3, by striking lines 9 through 13 and
- 6 inserting the following:
- 7 "Sec. ____ . Section 321.215, subsection 2,
- 8 paragraph d, Code 1993, is amended to read as
- 9 follows:"
- 10 3. By renumbering as necessary.

ANDY McKEAN

S-3199

- 1 Amend Senate File 363 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 322.5, subsection 1, Code
- 5 1993, is amended by adding the following new
- 6 unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. For the purposes of this
- 8 subsection, parcels of property shall be deemed to be
- 9 adjacent if the parcels are only separated by an
- 10 alley, street, or highway that is not a controlled-
- 11 access facility.
- 12 Sec. 2. Section 322.5, Code 1993, is mended by
- 13 adding the following new subsection:
- 14 NEW SUBSECTION. 3. A motor vehicle dealer may
- 15 also, upon receipt of a temporary permit approved by
- 16 the department, display and sell classic cars only at
- 17 county fairs, as defined in chapter 174, vehicle
- 18 shows, and vehicle exhibitions which have been
- 19 approved by the department for purposes of classic car
- 20 display and sale and the provisions of section 322.3,
- 21 subsection 9, shall not be applicable. Application
- 22 for a temporary permit shall be made on forms provided
- 23 by the department and shall be accompanied by a ten
- 24 dollar permit fee. A permit shall be issued for a
- 25 single period of not to exceed five days. Not more
- 26 than three permits may be issued to a motor vehicle
- 27 dealer in any one calendar year. For purposes of this
- 28 subsection, "classic car" means a motor vehicle
- 29 fifteen years old or older but less than twenty years
- 30 old which is primarily of value as a collector's item
- 31 and not as transportation."
- 32 2. Title page, by striking lines 1 and 2 and
- 33 inserting the following: "An Act relating to motor

34 vehicle dealers by permitting the sale of classic cars
35 and defining adjacent lots for purposes of license
36 fees."

JOE J. WELSH
RICHARD F. DRAKE

S-3200

1 Amend the amendment, S-3190, to Senate File 361, as
2 follows:
3 1. Page 1, by striking lines 12 through 18.
4 2. Page 1, line 34, by striking the word "either"
5 and inserting the following: "any".
6 3. Page 2, by striking lines 1 through 10 and
7 inserting the following:
8 "d. The person possessing the marijuana has
9 obtained the marijuana from a licensed physician or
10 surgeon, osteopath, osteopathic physician or surgeon,
11 or pharmacist and the marijuana is dispensed in
12 accordance with section 147.107."
13 4. By renumbering as necessary.

LINN FUHRMAN
MERLIN E. BARTZ
AL STURGEON

S-3201

1 Amend Senate File 392 as follows:
2 1. Page 2, by inserting after line 12, the
3 following:
4 "Sec. ____ . Section 904.104, Code 1993, is amended
5 to read as follows:
6 904.104 BOARD CREATED.
7 A board of corrections is created within the
8 department. The board shall consist of seven members
9 appointed by the governor subject to confirmation by
10 the senate. Not more than four of the members shall
11 be from the same political party. Members shall be
12 electors of this state. ~~Five of the seven members~~
13 ~~shall each be a resident of a different congressional~~
14 ~~district.~~ Members of the board shall serve four-year
15 staggered terms."
16 2. By numbering and renumbering as necessary.

RALPH ROSENBERG

S-3202

- 1 Amend Senate File 61 as follows:
- 2 1. Page 1, line 3, by striking the words "health
3 care" and inserting the following: "nursing".
- 4 2. Page 1, line 5, by striking the words "health
5 care" and inserting the following: "nursing".
- 6 3. Page 1, line 8, by striking the words "health
7 care" and inserting the following: "nursing".
- 8 4. Page 1, by inserting after line 18 the
9 following:
- 10 "3. This section does not apply to a nursing
11 facility owned and operated by a fraternal benefit
12 society, as defined in section 512B.3, solely for the
13 benefit of its members."
- 14 5. Title page, line 2, by striking the words
15 "health care" and inserting the following: "nursing".

COMMITTEE ON HUMAN RESOURCES
ELAINE SZYMONIAK, Chairperson

S-3203

- 1 Amend Senate File 318 as follows:
- 2 1. Page 1, line 10, by inserting after the word
3 "operated" the following: "off the site of a nuclear
4 power plant".
- 5 2. Page 2, by inserting after line 32, the
6 following:
- 7 "Sec. ____ . APPLICABILITY. This Act applies to
8 nuclear waste disposal sites for which application for
9 a permit is made on or after the effective date of
10 this Act.
- 11 Sec. ____ . EFFECTIVE DATE. This Act, being deemed
12 of immediate importance, takes effect upon enactment."
- 13 3. Title page, line 3, by inserting after the
14 word "Iowa" the following: ", and providing an
15 effective date".

PATTY JUDGE

S-3204

- 1 Amend Senate File 358 as follows:
- 2 1. Page 4, line 13, by inserting after the word
3 "games" the following: "generated at the pari-mutuel
4 facility".

JOE J. WELSH

S-3205

1 Amend Senate File 3 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. FINDINGS AND PURPOSE.

5 1. The general assembly finds that elder group
6 homes are an important part of the long-term care
7 system in the state. Elder group homes provide a less
8 restrictive alternative for persons requiring long-
9 term care and promote independent living for tenants.

10 2. The purposes of this Act are all of the
11 following:

12 a. To encourage the establishment and maintenance
13 of homes that provide a humane, safe, and home-like
14 environment for persons who require some assistance to
15 live independently but who do not require the level of
16 services provided by a nursing facility.

17 b. To establish standards for elder group homes
18 that adequately protect tenants' rights and guarantee
19 safety and sanitation, but that are not so restrictive
20 as to discourage the development of elder group homes.

21 c. To establish standards for elder group homes
22 that promote a social model of service delivery which
23 focuses on tenant independence, individual need and
24 preference, and customer-driven quality of service.

25 d. To encourage public participation in the
26 development of elder group homes.

27 Sec. 2. NEW SECTION. 231B.1 DEFINITIONS.

28 1. "Ambulatory" means the condition of a person
29 who immediately and without aid of another is
30 physically and mentally capable of traveling a normal
31 path to safety, including the ascent and descent of
32 stairs.

33 2. "Department" means the department of elder
34 affairs or the department's designee.

35 3. "Elder" means a person sixty years of age or
36 older.

37 4. "Elder group home" means a single-family
38 residence that is a residence of a person who is
39 providing room, board, and personal care to three
40 through five elders who are not related to the person
41 providing the service within the third degree of
42 consanguinity or affinity.

43 5. "Personal care" means assistance with the
44 essential activities of daily living which the
45 recipient can perform personally only with difficulty.
46 "Personal care" may include bathing, personal hygiene,
47 dressing, grooming, and the supervision of self-
48 administered medications, but does not include the

49 administration of medications.

50 Sec. 3. NEW SECTION. 231B.2 CERTIFICATION OF

Page 2

1 ELDER GROUP HOMES.

2 1. The department shall establish by rule in
3 accordance with chapter 17A a special classification
4 for elder group homes. An elder group home
5 established pursuant to this subsection is exempt from
6 the requirements of section 135.63.

7 2. The department shall adopt rules to establish
8 requirements for certification of elder group homes.
9 The requirements shall include but are not limited to
10 all of the following:

11 a. Certification shall be for three years, unless
12 revoked for good cause by the department.

13 b. An elder group home shall be inspected at the
14 time of certification and subsequently upon receipt of
15 a complaint.

16 c. An elder group home shall be owner-occupied, or
17 owned by a nonprofit corporation and occupied by a
18 resident manager. A resident manager shall reside in
19 and provide services for no more than one elder group
20 home.

21 d. An elder group home shall be located in an area
22 zoned for single-family or multiple-family housing or
23 in an unincorporated area and shall be constructed in
24 compliance with applicable local housing codes and the
25 rules adopted for the special classification by the
26 state fire marshal. In the absence of local building
27 codes, the facility shall comply with the state
28 plumbing code established pursuant to section 135.11
29 and the state building code established pursuant to
30 chapter 103A.

31 e. A minimum private space shall be required for
32 each resident sufficient for sleeping and dressing.

33 f. A minimum level of training shall be required
34 for persons providing personal care.

35 g. The commission of elder affairs shall adopt by
36 rule procedures for appointing members of care review
37 committees for elder group homes.

38 h. Notwithstanding any other requirements relating
39 to performance of visitations or meetings of a care
40 review committee, a care review committee appointed
41 for an elder group home shall perform no more than
42 four visitations, annually, to fulfill the duties of
43 the care review committee in relation to the elder
44 group home.

45 i. Elder group home tenants shall have reasonable

46 access to community resources and shall have
47 opportunities for integrated interaction with the
48 community.

49 3. An elder group home established pursuant to
50 this chapter shall be certified by the department.

Page 3

1 4. A provider under the special classification
2 shall comply with the rules adopted by the department
3 for an elder group home.

4 5. Inspections and certification services shall be
5 provided by the department. However, beginning July
6 1, 1994, the department may enter into contracts with
7 the area agencies on aging to provide these services.

8 **Sec. 4. NEW SECTION. 231B.3 REFERRAL TO**
9 **UNCERTIFIED ELDER GROUP HOME PROHIBITED.**

10 1. A person shall not place, refer, or recommend
11 the placement of another person in an elder group home
12 that is not certified pursuant to this chapter.

13 2. A person who has knowledge that an elder group
14 home is operating without certification shall report
15 the name and address of the home to the department.
16 The department shall investigate a report made
17 pursuant to this section.

18 **Sec. 5. Section 235B.3, subsection 2, Code 1993,**
19 **is amended by adding the following new paragraph:**

20 **NEW PARAGRAPH. f. A person who performs**
21 **inspections of elder group homes for the department of**
22 **elder affairs and a care review committee member**
23 **assigned to an elder group home pursuant to chapter**
24 **231B.**

25 **Sec. 6. NEW SECTION. 335.32 ELDER GROUP HOMES.**

26 A county board of supervisors or county zoning
27 commission shall consider an elder group home a family
28 home, as defined in section 335.25, for purposes of
29 zoning, in accordance with section 231B.2, and may
30 establish limitations regarding the proximity of one
31 proposed elder group home to another.

32 **Sec. 7. NEW SECTION. 414.30 ELDER GROUP HOMES.**

33 A city council or city zoning commission shall
34 consider an elder family home a family home, as
35 defined in section 414.22, for purposes of zoning, in
36 accordance with section 231B.2, and may establish
37 limitations regarding the proximity of one proposed
38 elder group home to another."

MAGGIE TINSMAN
FLORENCE BUHR
R. J. VARN

S-3206

1 Amend Senate File 354 as follows:

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

4 "Sec. ____ . APPLICABILITY OF CERTAIN PROVISIONS.

5 Sections 3, 9, 10, 11, 13, 14, and 20 of this Act

6 apply to administrative appeals to the alcoholic

7 beverages division of the department of commerce which

8 are filed on or after July 1, 1993."

JOE J. WELSH

S-3207

1 Amend Senate File 398 as follows:

2 1. Page 8, line 5, by striking the word "rental"
3 and inserting the following: "rental a security".

4 2. Page 8, by inserting after line 7, the
5 following:

6 "Sec. ____ . Section 562B.13, subsection 1, Code
7 1993, is amended to read as follows:

8 1. A landlord shall not demand or receive as

9 ~~rental a security~~ deposit an amount or value in excess
10 of two months' rent."

11 3. Page 11, line 18, by striking the word "know"

12 and inserting the following: "known".

13 4. By renumbering as necessary.

ELAINE SZYMONIAK

S-3208

1 Amend Senate File 358 as follows:

2 1. Page 4, line 12, by striking the words "or
3 horse".

4 2. Page 4, line 14, by striking the words "or
5 horse".

6 3. Page 4, line 15, by striking the words "or
7 horse".

8 4. Page 4, line 15, by inserting after the word

9 "owners," the following: "For a licensee who is also

10 licensed to conduct horse races for pari-mutuel

11 wagering, any receipts available from gambling games

12 shall be used first to repay all indebtedness incurred

13 in the construction and operation of the horse racing

14 facilities."

O. GENE MADDOX
TONY BISIGNANO

MARY E. KRAMER
ELAINE SZYMONIAK

S-3209

1 Amend Senate File 165 as follows:
2 1. Page 1, by striking line 10 and inserting the
3 following: "real estate and those duties relating to
4 the endorsement, indexing, and recording of liens
5 shall be performed by the county auditor. Those
6 duties prescribed by law to the office of recorder
7 relating to registration or licensure shall be
8 performed by the county treasurer."

PAUL D. PATE

S-3210

1 Amend Senate File 367 as follows:
2 1. Page 1, by inserting after line 16, the
3 following:
4 "c. The chamber of the general assembly in which
5 the person was a member shall have a civil cause of
6 action to recover the amount due pursuant to paragraph
7 "a" if it is not paid within ninety days, plus court
8 costs and reasonable attorneys' fees. The general
9 assembly shall retain court costs and attorneys' fees
10 recovered and shall submit the amount due pursuant to
11 paragraph "a" to the treasurer of state for deposit in
12 the general fund."
13 2. Title page, by striking lines 2 and 3 and
14 inserting the following: "resigns or is removed from
15 office, requiring repayment under certain
16 circumstances, and providing for a civil cause of
17 action to collect amounts which have not been repaid."
18 3. By renumbering, relettering, and correcting
19 internal references as necessary.

EMIL J. HUSAK

S-3211

1 Amend Senate File 303 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 7H.1 DEPARTMENTAL
5 WEAPONS POLICY.
6 All departments of the state employing peace
7 officers, shall adopt, by January 1, 1994, rules
8 regarding off-duty peace officers carrying weapons in

9 establishments serving alcoholic beverages for
 10 consumption on the premises, while consuming alcoholic
 11 beverages or while intoxicated.
 12 Sec. 2. NEW SECTION. 331.653A DEPARTMENTAL
 13 WEAPONS POLICY.

14 The sheriff shall establish, by January 1, 1994, a
 15 written departmental policy regarding off-duty
 16 sheriff's department employees carrying weapons in
 17 establishments serving alcoholic beverages for
 18 consumption on the premises, while consuming alcoholic
 19 beverages or while intoxicated.

20 Sec. 3. NEW SECTION. 364.25 DEPARTMENTAL WEAPONS
 21 POLICY.

22 The city council of each city employing peace
 23 officers, after consultation with the chief of police,
 24 shall establish, by January 1, 1994, a written city
 25 policy regarding off-duty peace officers carrying
 26 weapons in establishments serving alcoholic beverages
 27 for consumption on the premises, while consuming
 28 alcoholic beverages or while intoxicated."

29 2. Title page, by striking lines 1 through 4 and
 30 inserting the following: "An Act relating to
 31 requiring a sheriff, city council, or department of
 32 the state to establish a written policy or rule
 33 regarding the carrying of weapons by an off-duty peace
 34 officer in an establishment selling alcoholic
 35 beverages for consumption on the premises, while
 36 consuming alcoholic beverages or while intoxicated."

TONY BISIGNANO

S-3212

1 Amend Senate File 367 as follows:

2 1. Page 1, line 5, by striking the word "a" and
 3 inserting the following: "the".

4 2. Page 1, line 6, by striking the words "or
 5 "c".

RICHARD J. VARN
 JIM LIND
 EMIL J. HUSAK

S-3213

1 Amend House File 429, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 16, by striking lines 20 through 31.

4 2. Page 21, by striking lines 13 through 19.

5 3. Page 22, by inserting after line 2 the follow-

6 ing:

- 7 "Sec. ____ . Section 145.3, subsection 4, paragraph
8 d, Code 1993, is amended to read as follows:
9 d. Additional or alternative information related
10 to the intent and purpose of this chapter as outlined
11 in section 145.1 be submitted to the commission,
12 except that in no event shall hospitals with fewer
13 than one hundred licensed acute care beds be required
14 to install computerized severity-of-illness systems
15 before July 1, ~~1993~~ 1994."
16 4. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
LARRY MURPHY, Chairperson

S-3214

- 1 Amend Senate File 365 as follows:
2 1. Page 4, by inserting after line 23 the
3 following:
4 "Sec. ____ . Section 216.16, subsection 1,
5 unnumbered paragraph 1, Code 1993, is amended to read
6 as follows:
7 A person claiming to be aggrieved by an unfair or
8 discriminatory practice must initially seek an
9 administrative relief by filing a complaint with the
10 commission in accordance with section 216.15. This
11 provision also applies to persons claiming to be
12 aggrieved by an unfair or discriminatory practice
13 committed by the state or an agency or political
14 subdivision of the state, notwithstanding the terms of
15 the Iowa administrative procedure Act. A complainant
16 after the proper filing of a complaint with the
17 commission, may subsequently commence an action for
18 relief in the district court, triable as an ordinary
19 civil action, if all of the following conditions have
20 been satisfied."
21 2. Page 4, by inserting after line 31 the
22 following:
23 "Sec. ____ . Section 216.16, subsection 5, Code
24 1993, is amended to read as follows:
25 5. The district court or jury may grant any relief
26 in an action under this section which is authorized by
27 section 216.15, subsection 8 to be issued by the
28 commission. The district court or jury may also award
29 the respondent reasonable attorney's fees and court
30 costs when the court or jury finds that the
31 complainant's action was frivolous. In an action
32 under this section, the district court retains all the
33 powers of a court in addition to any special powers

34 conferred on the court by this chapter. An action
 35 under this section may be tried to a jury on the same
 36 basis as an ordinary civil action."

37 3. Page 5, by inserting after line 21 the
 38 following:

39 "Sec. ____ . Section 729A.5, Code 1993, is amended
 40 to read as follows:

41 729A.5 CIVIL REMEDIES.

42 A victim who has suffered physical, emotional, or
 43 financial harm as a result of a violation of this
 44 chapter due to the commission of a hate crime is
 45 entitled to and may bring an action for injunctive
 46 relief, general and special damages, reasonable
 47 attorneys fees, and costs.

48 An action brought pursuant to this section must be
 49 brought within two years after the date of the
 50 violation of this chapter.

Page 2

1 In an action brought pursuant to this section, the
 2 burden of proof shall be the same as in other civil
 3 actions for similar relief.

4 This section does not apply to complaints or
 5 discriminatory or unfair practices under chapter 216
 6 and the election to pursue an action under this
 7 section precludes an action under chapter 216."

8 4. By renumbering as necessary.

JIM LIND

S-3215

1 Amend Senate File 356 as follows:

2 1. Page 2, by striking lines 13 through 17 and
 3 inserting the following: "governing body and
 4 officers."

JIM LIND

S-3216

1 Amend the amendment, S-3170, to Senate File 356 as
 2 follows:

3 1. Page 2, line 24, by striking the word
 4 "officers." and inserting the following: "officers."
 5 2. Page 2, by striking lines 25 through 30.

JIM LIND

S-3217

1 Amend House File 429, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 22, by inserting before line 3 the
4 following:

5 "Sec. ____ . Sections 201 through 210 of this Act
6 shall be enacted as subchapter 8 of chapter 216A.

7 Sec. 201. NEW SECTION. 216A.121 DEFINITIONS.

8 For purposes of this subchapter, unless the context
9 otherwise requires:

10 1. "Administrator" means the administrator of the
11 division of Asian and Pacific Islander-Americans of
12 the department of human rights.

13 2. "Asian and Pacific Islander-Americans" means
14 persons of Asian or Pacific Island descent.

15 3. "Commission" means the commission of Asian and
16 Pacific Islander-Americans.

17 4. "Division" means the division of Asian and
18 Pacific Islander-Americans of the department of human
19 rights.

20 Sec. 202. NEW SECTION. 216A.122 ESTABLISHMENT.

21 A commission of Asian and Pacific Islander-
22 Americans is established consisting of nine members
23 appointed by the governor pursuant to chapter 69, to
24 four-year staggered terms. Vacancies in the
25 membership shall be filled for the unexpired term in
26 the same manner as the original appointment. The
27 members of the commission shall select one of the
28 members to serve as chairperson of the commission.

29 Sec. 203. NEW SECTION. 216A.123 MEETINGS OF THE
30 COMMISSION.

31 The commission shall meet at least four times each
32 year, and shall hold special meetings on the call of
33 the chairperson. The commission shall adopt rules
34 pursuant to chapter 17A as it deems necessary for the
35 commission and division. The members of the
36 commission shall be reimbursed for actual expenses
37 while engaged in their official duties. A member may
38 also be eligible to receive compensation as provided
39 in section 7E.6.

40 Sec. 204. NEW SECTION. 216A.124 DUTIES.

41 The commission shall do all of the following:

42 1. Advise the governor and the general assembly on
43 issues confronting Asian and Pacific Islander-
44 Americans in this state, including the unique problems
45 of non-English-speaking immigrants and refugees.

46 2. Advise the governor and the general assembly of
47 administrative and legislative changes necessary to
48 ensure Asian and Pacific Islander-Americans access to

49 benefits and services provided to people in this
50 state.

Page 2

1 3. Recommend to the governor and the general
2 assembly any revisions in the state's affirmative
3 action program and other steps necessary to eliminate
4 underutilization of Asian and Pacific Islander-
5 Americans in the state's work force.

6 4. Recommend to the governor and the general
7 assembly legislation designed to improve the economic
8 and social condition of Asian and Pacific Islander-
9 Americans in this state.

10 5. Serve as a conduit to state government for
11 organizations of Asian and Pacific Islander-Americans
12 in this state.

13 6. Serve as a referral agency to assist Asian and
14 Pacific Islander-Americans in securing access to state
15 agencies and programs.

16 7. Serve as a liaison with the federal government,
17 local government units, and private organizations on
18 matters relating to the Asian and Pacific Islander-
19 Americans of this state.

20 8. Perform or contract for the performance of
21 studies designed to suggest solutions to the problems
22 of Asian and Pacific Islander-Americans in the areas
23 of education, employment, human rights, health,
24 housing, social welfare, and other related areas.

25 9. Implement programs designed to solve the
26 problems of Asian and Pacific Islander-Americans when
27 authorized by law.

28 10. Publicize the accomplishments of Asian and
29 Pacific Islander-Americans and their contributions to
30 this state.

31 11. Work with other state and federal agencies and
32 organizations to develop small business opportunities
33 and promote economic development for Asian and Pacific
34 Islander-Americans.

35 12. Supervise development of an Asian and Pacific
36 trade primer, outlining Asian and Pacific customs,
37 cultural traditions, and business practices, including
38 language usage for use by Iowa's export community.

39 13. Cooperate with other state and federal
40 agencies and organizations to develop improved state
41 trade relations with Asian and Pacific countries.

42 Sec. 205. NEW SECTION. 216A.125 REVIEW OF GRANT
43 APPLICATIONS AND BUDGET REQUESTS.

44 State departments and agencies shall consult with
45 the commission concerning any applications for federal

46 funding that will have its primary effect on Asian and
47 Pacific Islander-Americans in Iowa before development
48 of the application. The commission shall advise the
49 governor and the director of revenue and finance
50 concerning any state agency request that will have its

Page 3

1 primary effect on Asian-Pacific persons in Iowa.

2 Sec. 206. NEW SECTION. 216A.126 ADDITIONAL
3 AUTHORITY.

4 The commission may:

5 1. Enter into contracts, within the limit of funds
6 made available, with individuals, organizations, and
7 institutions for services.

8 2. Accept grants of money or property from the
9 federal government or any other source, and may upon
10 its own order use this money, property, or other
11 resources to accomplish the duties of the commission.

12 Sec. 207. NEW SECTION. 216A.127 EMPLOYEES AND
13 RESPONSIBILITY.

14 The commission shall employ other necessary
15 employees. Pursuant to section 216A.2, the commission
16 shall have responsibility for budgetary and personnel
17 decisions for the commission and division. The
18 administrator shall carry out programs and policies as
19 determined by the commission.

20 Sec. 208. NEW SECTION. 216A.128 STATE AGENCY
21 ASSISTANCE.

22 On the request of the commission, state departments
23 and agencies shall supply the commission with advisory
24 staff services on matters relating to the jurisdiction
25 of the commission. The commission shall cooperate and
26 coordinate its activities with other state agencies to
27 the highest possible degree.

28 Sec. 209. NEW SECTION. 216A.129 ANNUAL REPORT.

29 Not later than February 1 of each year the
30 commission shall file a report with the governor and
31 the general assembly of its proceedings for the
32 previous calendar year, and may submit with the report
33 such recommendations pertaining to its affairs as the
34 commission deems desirous, including recommendations
35 for legislative consideration and other action it
36 deems necessary.

37 Sec. 210. Section 216A.1, Code 1993, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 5A. Division of Asian and Pacific
40 Islander-Americans.

41 Sec. ____ . INITIAL APPOINTMENTS. Four of the
42 members appointed to the initial commission shall be

43 designated by the governor to serve two-year terms,
 44 and five shall be designated by the governor to serve
 45 four-year terms. Succeeding appointments shall be for
 46 a term of four years.”
 47 2. Title page, line 5, by inserting after the
 48 word “affairs” the following: “, creating a
 49 commission of Asian and Pacific Islander-Americans
 50 within the department of human rights,”.

Page 4

1 3. By renumbering as necessary. ,

MARY E. KRAMER

S-3218

1 Amend Senate File 335 as follows:
 2 1. By striking page 1, line 34 through page 2,
 3 line 1, and inserting the following:
 4 “c. One member chosen by the”.
 5 2. Page 2, by inserting after line 2 the
 6 following: “In selecting these members, a preference
 7 shall be given to persons with experience in
 8 manufacturing technology transfer.”
 9 3. Page 3, line 3, by inserting after the word
 10 “department” the following: “after December 31,
 11 1993”.
 12 4. Page 3, by striking lines 17 through 21.

JIM RIORDAN

S-3219

1 Amend Senate File 373 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. The general assembly of the state of
 5 Iowa makes an affirmative proclamation that both
 6 houses of the general assembly certify their combined
 7 opposition to the enactment and enforcement in the
 8 state of Iowa of the law described in 23 U.S.C. § 104
 9 (a)(3)(A).”
 10 2. Title page, by striking lines 1 through 3 and
 11 inserting the following: “An Act relating to
 12 mandatory driver’s license revocations for drug
 13 offenses.

MIKE CONNOLLY

S-3220

1 Amend Senate File 389 as follows:

2 1. Page 1, by striking lines 13 and 14.

3 2. Page 1, by striking line 21.

4 3. Page 1, by striking line 23.

5 4. Page 1, by striking lines 25 through 34 and

6 inserting the following:

7 "c. Three nonlegislative members appointed by the
8 majority leader of the senate in consultation with the
9 senate minority leader.

10 d. Three nonlegislative members appointed by the
11 speaker of the house of representatives in
12 consultation with the minority leader of the house of
13 representatives."

14 5. Page 2, by inserting after line 4 the
15 following:

16 "___ . Nonlegislative members of the committee,
17 except those members who are employees of the state,
18 shall be paid a per diem as specified in section 7E.6
19 and shall be reimbursed for actual and necessary
20 expenses. A vacancy on the committee shall be filled
21 in the same manner as regular appointments are made
22 for the unexpired portion of the regular term."

23 6. Page 2, line 5, by inserting after the word
24 "shall" the following: "review the issues of school
25 structures, human and technological resources, student
26 learning and development, and implementation, and
27 shall".

28 7. By striking page 2, line 9 through page 6,
29 line 26.

30 8. Page 7, line 21, by inserting after the word
31 "governor" the following: ", in consultation with the
32 president of the senate, the majority and minority
33 leaders of the senate, and the speaker of the house,
34 and the majority and minority leaders of the house,".

35 9. Page 7, line 27, by inserting after the word
36 "governor" the following: ", in consultation with the
37 president of the senate, the majority and minority
38 leaders of the senate, and the speaker of the house,
39 and the majority and minority leaders of the house,".

40 10. Page 8, by inserting after line 5, the
41 following:

42 "___ . Iowa department of education.

43 ___ . A member of the senate to be appointed by the
44 president of the senate, after consultation with the
45 majority leader and the minority leader of the senate,
46 to serve as a nonvoting member.

47 ___ . A member of the house of representatives to
48 be appointed by the speaker of the house, after

49 consultation with the majority leader and the minority
50 leader of the house, to serve as a nonvoting member.

Page 2

1 All appointments shall comply with sections 69.16
2 and 69.16A."

3 11. Page 8, by inserting after line 23 the
4 following:

5 "In carrying out the duties described in this
6 section, the consortium shall coordinate its work with
7 the work of the educational technology commission
8 established by the department of education."

9 12. By renumbering as necessary.

RICHARD VARN
MARY E. KRAMER
MIKE CONNOLLY

S-3221

1 Amend Senate File 350 as follows:

2 1. Page 27, by inserting after line 35, the
3 following:

4 "DIVISION ____

5 SELF-EMPLOYED OBLIGORS

6 Sec. ____ . Section 252B.5, Code 1993, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 8. a. Assistance, in
9 consultation with the department of revenue and
10 finance, in identifying and taking action against
11 self-employed individuals as identified by the
12 following conditions:

13 (1) The individual owes support pursuant to a
14 court or administrative order being enforced by the
15 unit and is delinquent in an amount equal to or
16 greater than the support obligation amount assessed
17 for one month.

18 (2) The individual has filed a state income tax
19 return in the preceding twelve months.

20 (3) The individual has no reported tax withholding
21 amount on the most recent state income tax return.

22 (4) The individual has failed to enter into or
23 comply with a formalized repayment plan with the unit.

24 (5) The individual has failed to make either all
25 current support payments in accordance with the court
26 or administrative order or to make payments against
27 any delinquency in each of the preceding twelve
28 months.

29 b. Notwithstanding section 252B.9, the unit may

30 forward information to the department of revenue and
31 finance as necessary to implement this subsection,
32 including but not limited to both of the following:

33 (1) The name and social security number of the
34 individual.

35 (2) Support obligation information in the specific
36 case, including the amount of the delinquency.

37 Sec. ____ . Section 421.17, Code 1993, is amended by
38 adding the following new subsections:

39 NEW SUBSECTION. 21A. To cooperate with the child
40 support recovery unit created in chapter 252B to
41 establish and maintain a process to implement the
42 provisions of section 252B.5, subsection 8. The
43 department of revenue and finance shall forward to
44 individuals meeting the criteria under section 252B.5,
45 subsection 8, paragraph "a", a notice by first-class
46 mail that the individual is obligated to file a state
47 estimated tax form and to remit a separate child
48 support payment.

49 a. Individuals notified shall submit a state
50 estimated tax form on a quarterly basis.

Page 2

1 b. The individual shall pay monthly, the lesser of
2 the total delinquency or one hundred fifty percent of
3 the current or most recent monthly obligation.

4 c. The individual shall remit the payment to the
5 department of revenue and finance separate from any
6 tax liability payments, identify the payment as a
7 support payment, and make the payment payable to the
8 collection services center. The department shall
9 forward all payments received pursuant to this section
10 to the collection services center established pursuant
11 to chapter 252B, for processing and disbursement. The
12 department of revenue and finance may establish by
13 rule a process for the child support recovery unit or
14 collection services center to directly receive the
15 payments.

16 d. The notice shall provide that, as an
17 alternative to the provisions of paragraph "b", the
18 individual may contact the child support recovery unit
19 to formalize a repayment plan and obtain an exemption
20 from the quarterly payment requirement or to contest
21 the balance due listed in the notice when payments are
22 made pursuant to the plan.

23 e. The department of revenue and finance, in
24 cooperation with the child support recovery unit, may
25 adopt rules, if necessary, to implement this
26 subsection.

27 NEW SUBSECTION. 21B. To provide information
28 contained in state individual tax returns to the child
29 support recovery unit for the purposes of
30 establishment or enforcement of support obligations.
31 The department of revenue and finance and child
32 support recovery unit may exchange information in a
33 manual or automated fashion. The department of
34 revenue and finance, in cooperation with the child
35 support recovery unit, may adopt rules, if necessary,
36 to implement this subsection.”
37 2. By renumbering as necessary.

JEAN LLOYD-JONES

S-3222

1 Amend Senate File 206 as follows:
2 1. Page 4, by inserting after line 6, the
3 following:
4 “Sec. ____ Section 294A.14, unnumbered paragraph
5 5, Code 1993, is amended to read as follows:
6 For school districts, a performance-based pay plan
7 may provide for additional salary for individual
8 teachers, for teachers assigned to a specific
9 discipline, or for all teachers assigned to an
10 attendance center. For area education agencies, a
11 performance-based pay plan may provide for additional
12 salary for individual teachers, for additional salary
13 for all teachers assigned to a specific discipline
14 within an area education agency, or for additional
15 salary for individual teachers assigned to a
16 multidisciplinary team within an area education
17 agency. If the plan provides additional salary for
18 all teachers assigned to an attendance center,
19 specific discipline, or multidisciplinary team, the
20 receipt of additional salary by those teachers shall
21 be determined on the basis of whether that attendance
22 center, specific discipline, or multidisciplinary team
23 meets specific objectives adopted for that attendance
24 center, specific discipline, or multidisciplinary
25 team. For school districts, the objectives may
26 include, but are not limited to, decreasing the
27 dropout rate, increasing the attendance rate, or
28 accelerating the achievement growth of students
29 enrolled in that attendance center through the use of
30 learning techniques that may include, but are not
31 limited to, reading instruction in phonics or whole

32 language techniques."

33 2. By renumbering as necessary.

RAY TAYLOR
MIKE CONNOLLY

S-3223

1 Amend Senate File 349 as follows:

2 1. Page 3, by inserting after line 22, the
3 following:

4 "Sec. 101. Section 252B.13A, subsection 1, Code
5 1993, is amended to read as follows:

6 1. The department shall establish within the unit
7 a collection services center for the receipt and
8 disbursement of support payments as defined in section
9 598.1 as required pursuant to an order for which the
10 unit is providing enforcement services under this
11 chapter orders by section 252B.14. For purposes of
12 this section, support payments do not include attorney
13 fees, or court costs, or property settlements.

14 Sec. 102. Section 252B.13A, subsections 2 and 3,
15 Code 1993, are amended by striking the subsections.

16 Sec. 103. Section 252B.14, Code 1993, is amended
17 to read as follows:

18 252B.14 SUPPORT PAYMENTS -- COLLECTION SERVICES
19 CENTER -- CLERK OF THE DISTRICT COURT.

20 All support payments required pursuant to orders
21 entered under this chapter and chapter 234, 252A,
22 252C, 598, 600B, or any other chapter shall be
23 directed and processed as follows:

24 1. For the purposes of this section, "support
25 order" includes any order entered pursuant to chapter
26 234, 252A, 252C, 598, 600B, or any other support
27 chapter which applies to support payments as defined
28 in section 598.1.

29 2. If For support orders being enforced by the
30 child support recovery unit is providing enforcement
31 services for a support order, support payments made
32 pursuant to the order shall be directed to and
33 processed as follows: disbursed by the collection
34 services center.

35 a. Payments made through income withholding, wage
36 assignment, unemployment insurance offset, or tax
37 offset shall be directed to and disbursed by the
38 collection services center.

39 b. Payments made through electronic transfer of
40 funds, including but not limited to use of an
41 automated teller machine, a telephone initiated bank
42 account withdrawal, or an automatic bank account

43 withdrawal shall be directed to and disbursed by the
44 collection services center.

45 c. Payments made through any other method shall be
46 directed to the clerk of the district court in the
47 county in which the order for support is filed and
48 shall be disbursed by the collection services center.

49 3. For any new support order issued on or after
50 January 1, 1994, support payments made pursuant to the

Page 2

1 order shall be directed to and disbursed by the
2 collection services center.

3 4. For any support order modified on or after
4 January 1, 1994, which requires that support payments
5 be made by an employer through an income withholding
6 order pursuant to chapter 252D, support payments
7 pursuant to the order shall be directed to and
8 disbursed by the collection services center.

9 5. For any support order not identified under
10 subsection 2, 3, or 4, upon agreement of the person
11 obligated to pay the support and the person entitled
12 to receive the support, the responsibility for the
13 receipt and disbursement of support payments may be
14 transferred from the clerk of the district court to
15 the collection services center. The transfer may be
16 accomplished by either of the following:

17 a. As the result of an action of the court
18 including but not limited to a modification of the
19 support obligation.

20 b. By the parties filing a written statement
21 requesting the transfer signed by both parties with
22 the clerk of the district court where support payments
23 are directed and with the collection services center.

24 6. If the child support recovery unit is not
25 providing enforcement services for a support order For
26 a support order to which subsection 2, 3, 4, or 5 does
27 not apply, support payments made pursuant to the order
28 shall be directed to and disbursed by the clerk of the
29 district court in the county in which the order for
30 support is filed.

31 7. Payments to persons other than the clerk of
32 the district court or the collection services center
33 do not satisfy the support obligations created by a
34 support order or judgment, except as provided for
35 trusts and social security income in section sections
36 252D-1, 598.22, or 598.23, or for tax refunds or
37 rebates in section 602.8102, subsection 47, and except
38 as provided in section 598.22A.

39 Sec. 104. Section 252B.15, subsections 1 through

40 4, Code 1993, are amended by striking the subsections.
41 Sec. 105. Section 252B.15, subsection 5, Code
42 1993, is amended to read as follows:
43 ~~5~~. If it is possible to identify the support order
44 to which a payment is to be applied, a payment
45 received by the collection services center or the
46 clerk of the district court shall be disbursed to the
47 appropriate individual or office within two working
48 days in accordance with section 598.22.
49 Sec. 106. Section 252B.16, subsection 2, Code
50 1993, is amended to read as follows:

Page 3

1 2. The department shall adopt rules pursuant to
2 chapter 17A to ensure that the affected parties are
3 notified that the support payment disbursement
4 responsibilities have been transferred to the
5 collection services center from the clerk of the
6 district court. The rules shall include a provision
7 requiring that a notice shall be sent by regular mail
8 to the last known addresses of the obligee and the
9 obligor. The issuance by regular mail of notice by
10 the child support recovery unit or the collection
11 services center to the an obligor is the equivalent of
12 a court order requiring the obligor to direct payment
13 to the collection services center for disbursement.
14 Sec. 107. Section 252B.16, Code 1993, is amended
15 by adding the following new subsections:
16 **NEW SUBSECTION. 3.** Once the responsibility for
17 receiving and disbursing support payments has been
18 transferred from a clerk of the district court to the
19 collection services center, the responsibility shall
20 remain with the collection services center even if the
21 child support recovery unit is no longer providing
22 enforcement services.
23 **NEW SUBSECTION. 4.** Upon the filing of a new or
24 modified support order to which section 252B.14,
25 subsection 2, 3, 4, or 5 is applicable, the clerk of
26 the district court shall forward a copy of the order
27 to the collection services center within five working
28 days of the filing.
29 a. For the purposes of this subsection, "support
30 order" includes any order entered pursuant to chapter
31 234, 252A, 252C, 598, 600B, or any other support
32 chapter which applies to support payments as defined
33 in section 598.1, and any subsequent court action
34 which affects the underlying support order.
35 b. In the case of a support order in which a
36 history of support payments or court actions exist,

37 the clerk of the district court shall also include
 38 with the copy of the court order a copy of the payment
 39 history, the last known addresses of the person
 40 ordered to pay support and of the person ordered to
 41 receive support, and copies of the support orders,
 42 modifications, and other court actions that affect the
 43 accrued or accruing support obligation.

44 c. When the child support recovery unit is
 45 involved in the enforcement of a support order, the
 46 clerk of the district court shall provide copies of
 47 court documents to the child support recovery unit as
 48 necessary to enforce the support obligation."

49 2. Page 34, by inserting after line 9, the
 50 following:

Page 4

1 "Sec. 108. Section 602.8102, Code 1993, is amended
 2 by adding the following new subsection:

3 NEW SUBSECTION. 47B. Perform duties related to
 4 support payment processing by the collection services
 5 center or the clerk as specified in sections 252B.14
 6 and 252B.16.

7 Sec. 109. Section 642.23, Code 1993, is amended to
 8 read as follows:

9 **642.23 SUPPORT DISBURSEMENTS BY THE CLERK.**

10 Notwithstanding the seventy-day period in section
 11 626.16 for the return of an execution in garnishment
 12 for the payment of a support obligation, the sheriff
 13 shall promptly deposit any amounts collected with the
 14 clerk of the district court, and the clerk shall
 15 disburse the amounts, after subtracting applicable
 16 fees, within ten two working days of deposit to the
 17 filing of an order condemning funds as follows:

18 a. To the person entitled to the support payments
 19 when the clerk of the district court is the official
 20 entity responsible for the receipt and disbursement of
 21 support payments pursuant to section 252B.14.

22 b. To the collection services center when the
 23 collection services center is the official entity
 24 responsible for the receipt and disbursement of
 25 support payments pursuant to section 252B.14."

26 3. Page 34, by inserting after line 11, the
 27 following:

28 "Sec. 110. REPEAL. 1990 Iowa Acts, chapter 1224,
 29 section 1, as amended by 1991 Iowa Acts, chapter 62,
 30 section 1, and 1992 Iowa Acts, chapter 1028, section
 31 1, is repealed.

32 Sec. 111. COLLECTION OF SUPPORT PAYMENTS --
 33 TRANSFER. The department of human services, in

34 cooperation with the judicial department, shall
 35 develop a plan to transfer all responsibilities for
 36 receipt and disbursement of support payments from the
 37 clerks of the district court to the collection
 38 services center. The plan shall be presented to the
 39 general assembly no later than January 1, 1998, and
 40 shall include reasonable time frames and the estimated
 41 fiscal impacts necessary to ensure an efficient
 42 transfer."

43 4. Page 34, by inserting after line 35, the
 44 following:

45 "Sec. 112. EFFECTIVE DATE. Unless otherwise
 46 specified, sections 101 through 112 of this Act, being
 47 deemed of immediate importance, take effect upon
 48 enactment."

49 5. By renumbering as necessary.

RICHARD VARN

S-3224

1 Amend Senate File 335 as follows:

2 1. Page 2, by striking line 10 and inserting the
 3 following: "business, and at least two shall be
 4 chosen from".

JAMES R. RIORDAN

S-3225

1 Amend Senate File 358 as follows:

2 1. Page 1, by inserting after line 32 the
 3 following:

4 "c. The annual racing dates, including the
 5 required live racing performances for the pari-mutuel
 6 racetracks are as follows:

7 (1) Prairie Meadows: The first Friday in May
 8 through the first Monday in September.

9 (2) Bluffs Run: The first day in January through
 10 the last day in December.

11 (3) Dubuque Greyhound Park: The fourth Tuesday in
 12 April through the fourth Sunday in October.

13 (4) Waterloo Greyhound Park: Two days following
 14 the close of the Dubuque Greyhound Park through two
 15 days before the opening of the Dubuque Greyhound Park
 16 in the succeeding calendar year."

MIKE CONNOLLY

S-3226

- 1 Amend Senate File 349 as follows:
- 2 1. Page 15, line 23, by striking the words "an
- 3 original" and inserting the following: "a de novo".

TOM VILSACK

S-3227

- 1 Amend Senate File 335 as follows:
- 2 1. Page 1, line 29, by striking the word "eleven"
- 3 and inserting the word "thirteen".
- 4 2. Page 1, by striking line 31 and inserting the
- 5 following:
- 6 a. One member each from the university of northern
- 7 Iowa, the state university of Iowa, and Iowa state
- 8 university."

ALLEN BORLAUG
O. GENE MADDOX
DERRYL McLAREN

S-3228

- 1 Amend the amendment, S-3205, to Senate File 3, as
- 2 follows:
- 3 1. Page 1, by striking lines 19 and 20 and
- 4 inserting the following: "safety and sanitation."
- 5 2. Page 1, by striking lines 33 and 34 and
- 6 inserting the following:
- 7 "___ . "Department" means the department of
- 8 inspections and appeals."
- 9 3. Page 1, line 50, by striking the word
- 10 "CERTIFICATION" and inserting the following:
- 11 "LICENSURE".
- 12 4. Page 2, line 8, by striking the word
- 13 "certification" and inserting the following:
- 14 "licensure".
- 15 5. Page 2, line 11, by striking the word
- 16 "Certification" and inserting the following:
- 17 "Licensure".
- 18 6. Page 2, line 14, by striking the word
- 19 "certification" and inserting the following:
- 20 "licensure".
- 21 7. Page 2, by striking lines 16 through 20, and
- 22 inserting the following:
- 23 "___ . An elder group home shall be owner-
- 24 occupied."
- 25 8. Page 2, line 50, by striking the word

- 26 "certified" and inserting the following: "licensed".
 27 9. Page 3, by striking lines 4 through 7, and
 28 inserting the following:
 29 " — . Inspections and licensure services shall be
 30 provided by the department."
 31 10. Page 3, line 9, by striking the word
 32 "UNCERTIFIED" and inserting the following:
 33 "UNLICENSED".
 34 11. Page 3, line 12, by striking the word
 35 "certified" and inserting the following: "licensed".
 36 12. Page 3, line 14, by striking the word
 37 "certification" and inserting the following:
 38 "licensure".
 39 13. Page 3, by striking lines 18 through 24.
 40 14. By renumbering as necessary.

JOE J. WELSH
 BERL E. PRIEBE

S-3229

- 1 Amend Senate File 335 as follows:
 2 1. Page 2, by striking lines 13 through 19.

ANDY McKEAN

S-3230

- 1 Amend Senate File 190 as follows:
 2 1. Page 1, by inserting after line 14 the
 3 following:
 4 "Sec. — . Section 35B.3, Code 1993, is amended to
 5 read as follows:
 6 35B.3 COUNTY COMMISSION OF VETERAN AFFAIRS.
 7 The county commission of veteran affairs shall
 8 consist of either three or five persons, as determined
 9 by the board of supervisors, all of whom shall be
 10 honorably discharged persons who served in the
 11 military or naval forces of the United States in any
 12 war, including World War I at any time between April
 13 6, 1917, and November 11, 1918, both dates inclusive;
 14 World War II at any time between December 7, 1941, and
 15 December 31, 1946, both dates inclusive; the Korean
 16 Conflict at any time between June 25, 1950, and
 17 January 31, 1955, both dates inclusive; the Vietnam
 18 Conflict at any time between December 22, 1961, and
 19 May 7, 1975, both dates inclusive; and the Persian
 20 Gulf Conflict at any time between August 2, 1990, and
 21 the date the president or the congress of the United
 22 States declares a permanent cessation of hostilities,

23 both dates inclusive. However, if congress enacts a
24 date different from August 2, 1990, as the beginning
25 of the Persian Gulf Conflict for purposes of
26 determining whether a veteran is entitled to receive
27 military benefits as a veteran of the Persian Gulf
28 Conflict, that date shall be substituted for August 2,
29 1990. If possible, each member of the commission
30 shall be a veteran of a different war or conflict, so
31 as to divide membership among the persons who served
32 in World War I, World War II, the Korean Conflict, the
33 Vietnam Conflict, and the Persian Gulf Conflict;
34 however, this qualification does not preclude
35 membership to a veteran who served in more than one of
36 the wars or conflicts.

37 Sec. ____ . Section 35B.4, Code 1993, is amended by
38 striking the section and inserting in lieu thereof the
39 following:

40 35B.4 APPOINTMENT -- VACANCIES.

41 Members of the commission of veteran affairs shall
42 be appointed by the board of supervisors to staggered
43 three-year terms at the regular meeting in June.
44 However, a member shall serve until a successor has
45 been appointed and qualifies. The board may remove an
46 appointee at any time for neglect of duty or
47 maladministration. A vacancy on the commission shall
48 be filled for the unexpired portion of the regular
49 term in the same manner as regular appointments are
50 made.

Page 2

1 If the board of supervisors increases the
2 commission of veteran affairs membership to five
3 members, the initial terms of the two new members
4 shall be two and three years respectively. However,
5 the new members shall serve until their successors are
6 appointed and qualify."

COMMITTEE ON STATE GOVERNMENT
MICHAEL E. GRONSTAL, Chairperson

S-3231

1 Amend Senate File 399 as follows:
2 1. Page 6, by striking lines 11 through 18, and
3 inserting the following: "charter shall be adopted."
4 2. By striking page 6, line 29 through page 7,
5 line 1, and inserting the following: "the general

6 election at which it is approved unless the charter
7 provides a later effective date.”

TONY BISIGNANO

S-3232

- 1 Amend Senate File 383 as follows:
- 2 1. By striking page 5, line 23 through page 6,
- 3 line 26.
- 4 2. Title page, line 6, by striking the words
- 5 “environmental toxins,”
- 6 3. By renumbering as necessary.

JOHN P. KIBBIE
DERRYL McLAREN
JIM KERSTEN
EMIL J. HUSAK

S-3233

- 1 Amend Senate File 268 as follows:
- 2 1. Page 9, by inserting after line 8 the
- 3 following:
- 4 “5. If an individual received aid to dependent
- 5 children in another state within one year of applying
- 6 for assistance in this state the requirements of this
- 7 subsection shall apply. Using the family size for
- 8 which the individual's eligibility is determined, the
- 9 department shall compare the standard grant payment
- 10 amount the individual would be paid in the other state
- 11 with the standard grant payment amount the individual
- 12 would be paid in this state. For the period of one
- 13 year from the date of applying for assistance in this
- 14 state, the individual's grant shall be the lesser of
- 15 the two amounts.”
- 16 2. By renumbering as necessary.

SHELDON RITTMER

S-3234

- 1 Amend Senate File 350 as follows:
- 2 1. Page 31, by inserting after line 21, the
- 3 following:
- 4 “Sec. ____ . Section 598.21, subsection 8, Code
- 5 1993, is amended by adding the following new
- 6 unnumbered paragraph after unnumbered paragraph 3:
- 7 NEW UNNUMBERED PARAGRAPH. Upon application for
- 8 modification of a child support order, the court may

9 enter a temporary order determining on a temporary
 10 basis the obligation of each parent towards the
 11 continuing education of a child between the ages of
 12 eighteen and twenty-two years, as provided in section
 13 598.1, subsection 6, pending a modification hearing.”
 14 2. By renumbering as necessary.

RANDAL J. GIANNETTO

S-3235

1 Amend Senate File 226 as follows:
 2 1. Page 9, by inserting after line 23 the
 3 following:
 4 “Sec. 201. 1992 Iowa Acts, chapter 1159, section
 5 6, is repealed.
 6 Sec. ____ . EFFECTIVE DATE. Section 201 of this
 7 Act, being deemed of immediate importance, takes
 8 effect upon enactment.”
 9 2. Title page, line 2, by inserting after the
 10 word “publication” the following: “and providing an
 11 effective date”.
 12 3. By renumbering as necessary.

MIKE CONNOLLY

S-3236

1 Amend Senate File 362 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 “Section 1. Section 513B.1, Code 1993, is amended
 5 to read as follows:
 6 513B.1 TITLE -- PURPOSE.
 7 1. This ~~chapter~~ subchapter shall be known and may
 8 be cited as the “Model Small Group Rating Law”.
 9 2. The intent of this ~~chapter~~ subchapter is to
 10 promote the availability of health insurance coverage
 11 to small employers, to prevent abusive rating
 12 practices, to require disclosure of rating practices
 13 to purchasers, to establish rules for continuity of
 14 coverage for employers and covered individuals, and to
 15 improve the efficiency and fairness of the small group
 16 health insurance marketplace.
 17 Sec. ____ . Section 513B.2, Code 1993, is amended by
 18 adding the following new unnumbered paragraph before
 19 subsection 1:
 20 NEW UNNUMBERED PARAGRAPH. As used in this
 21 subchapter, unless the context otherwise requires.”
 22 2. Page 5, by striking lines 27 and 28, and

23 inserting the following:

24 "a. A Upon the approval of a plan of operation by
25 the commissioner under section 513B.13, subsection".

26 3. Page 5, line 33, by inserting after the words
27 "reinsuring carrier." the following: "The
28 notification shall be made as deemed appropriate by
29 the commissioner."

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

32 "Sec. ____ . Section 513B.16, Code 1993, is amended
33 to read as follows:

34 513B.16 APPLICABILITY OF CERTAIN STATE LAWS.

35 The provisions of subchapter II of this chapter
36 ~~514H~~ shall not apply to basic health benefit plans and
37 standard health benefit plans as provided for in
38 subchapter I of this chapter, except for section
39 ~~514H.8~~ 513B.39.

40 Sec. ____ . Section 513B.17, Code 1993, is amended
41 by adding the following new subsection:

42 NEW SUBSECTION. 4. The commissioner may, with the
43 concurrence of the board of the Iowa small employer
44 health reinsurance program established in section
45 513B.13, extend the applicability of the provisions of
46 this chapter to employers employing up to fifty full-
47 time equivalent employees upon a finding that the
48 market for health insurance coverage for employer
49 groups employing between twenty-five and fifty
50 employees is constricted and not competitive, or upon

Page 2

1 a finding that the purpose of this chapter will be
2 furthered by such extension. The extension of the
3 applicability of this chapter may exclude section
4 513B.13 relating to reinsurance. Upon the extension
5 of the applicability to employers employing up to
6 fifty full-time equivalent employees the definition of
7 "small employer" is deemed to include employers of up
8 to fifty full-time equivalent employees."

9 5. Page 7, by inserting after line 13, the
10 following:

11 "Sec. ____ . Section 514H.1, unnumbered paragraph 1,
12 Code 1993, is amended to read as follows:

13 As used in this ~~chapter~~ subchapter, unless the
14 context otherwise requires:

15 Sec. ____ . Section 514H.9, Code 1993, is amended to
16 read as follows:

17 514H.9 PRESUMED ALLOWANCE OF COST-CONTAINMENT
18 PROCEDURES.

19 A cost-containment restriction otherwise imposed by

20 state law does not apply to a basic benefit coverage
 21 policy or subscription contract unless the
 22 commissioner finds after actuarial review that the
 23 restricted cost-containment measure is ~~not~~ cost-
 24 effective, and its exclusion is not in the best
 25 interests of affordable health care coverage."

26 6. Page 7, by inserting after line 28 the
 27 following:

28 "Sec. ____ . CODE EDITOR TRANSFERS.

29 1. The Code editor shall transfer sections 514H.1
 30 through 514H.12 to be a new subchapter II of chapter
 31 513B comprising new sections 513B.31 through 513B.43.

32 2. The Code editor shall designate sections 513B.1
 33 through 513B.29 as new subchapter I.

34 3. The Code editor shall correct all internal
 35 citations and references consistent with the transfer
 36 of the Code sections as provided in this section."

37 7. By renumbering as necessary.

RICHARD VARN

S-3237

1 Amend Senate File 380 as follows:

2 1. Page 1, by striking line 16 and inserting the
 3 following: "insurance purchasing cooperative pilot
 4 projects. The rules shall be drafted in consultation
 5 with the health care reform project. The rules shall
 6 include,".

7 2. Page 2, by striking lines 13 through 20 and
 8 inserting the following:

9 "2. Nothing in this section shall prevent the
 10 development of any other purchasing cooperative
 11 otherwise permitted by law."

12 3. Page 2, by striking line 24 and inserting the
 13 following: "delivery system pilot projects. The
 14 rules shall be drafted in consultation with the health
 15 care reform project. The rules shall include, at a
 16 minimum, all".

17 4. Page 3, by striking lines 28 through 34 and
 18 inserting the following:

19 "2. Nothing in this section shall prevent the
 20 development of any other health care delivery system
 21 or provider organization otherwise permitted by law."

RICHARD VARN

S-3238

- 1 Amend Senate File 377 as follows:
- 2 1. Page 2, by inserting after line 12 the
- 3 following:
- 4 "Sec. ____ . This Act, being deemed of immediate
- 5 importance, takes effect upon enactment."
- 6 2. Title page, line 2, by inserting after the
- 7 word "enrollment" the following: "and providing an
- 8 effective date".

RICHARD VARN

S-3239

- 1 Amend Senate File 268 as follows:
- 2 1. Page 10, by inserting after line 30 the
- 3 following:
- 4 "DIVISION ____
- 5 Sec. ____ . IOWA WORKS.
- 6 1. The department of human services, in
- 7 cooperation with the state human investment policy
- 8 council or similar policy development group, shall
- 9 analyze the welfare reform initiative known as "Iowa
- 10 Works", including but not limited to all of the
- 11 following components of the initiative:
- 12 a. The development of a guaranteed minimum income
- 13 plan for persons who agree to participate in work
- 14 training and employment, and who agree to transfer all
- 15 welfare benefits and income to the state.
- 16 b. The provision of investment accounts to
- 17 participating families, which become available when
- 18 families leave the program and which can only be used
- 19 for long-term investment purposes.
- 20 c. The decategorization of assistance programs
- 21 including but not limited to aid to dependent children
- 22 and food stamps.
- 23 d. The development of partnerships with local
- 24 communities to provide the nonfederal share of JOBS
- 25 funds.
- 26 e. The waiver of employers' unemployment taxes
- 27 associated with hiring workers who participate in the
- 28 initiative.
- 29 2. The components of the initiative described in
- 30 subsection 1 shall be analyzed for both policy and
- 31 fiscal implications and the analysis shall be
- 32 completed by March 1, 1994. In addition, the
- 33 department shall contact the United States department
- 34 of health and human services and other appropriate
- 35 federal agencies and departments to determine whether

36 the initiative or portions of the initiative may be
 37 acceptable as a waiver to current federal regulations
 38 and policy. The analysis and any correspondence
 39 between the department and the federal government
 40 shall be submitted to the chairpersons and ranking
 41 members of the joint appropriations subcommittee on
 42 human services and the standing committees on
 43 appropriations of the senate and house of
 44 representatives at the time the analysis is completed
 45 or at the time the correspondence is sent or received.
 46 If the department determines that any portion of the
 47 initiative would be acceptable to the federal
 48 government and implementation would not require any
 49 additional state funding, the department may submit
 50 the initiative or portions of the initiative as part

Page 2

1 of other waiver requests to the federal government.
 2 3. The department, in cooperation with the state
 3 human investment policy council or similar policy
 4 development group, shall continue to evaluate grants
 5 or waiver opportunities for other welfare reform
 6 initiatives such as child support assurance. The
 7 department may implement initiatives which are
 8 beneficial to the public if implementation does not
 9 require any additional state funding."
 10 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-3240

1 Amend Senate File 160 as follows:
 2 1. Page 4, by inserting after line 7 the
 3 following:
 4 "Sec. — . NEW SECTION. 272.25A ALTERNATIVE
 5 PRACTITIONER PREPARATION PROGRAM.
 6 Not later than January 1, 1994, the state board of
 7 education shall adopt rules pursuant to chapter 17A to
 8 implement the following for an approved alternative
 9 practitioner preparation program:
 10 1. The candidate selection process for the
 11 alternative practitioner preparation program shall
 12 include the following:
 13 a. Candidates shall possess at least a bachelor's
 14 degree from a regionally accredited institution with a
 15 major in the prospective teaching area.
 16 b. Candidates shall have been graduated for over
 17 five years prior to application to the program.

18 c. Candidates who have a record of felony
19 conviction or a record of child abuse shall not be
20 considered.

21 d. The superintendent and principal of a local
22 school district or the authorities in charge of a
23 nonpublic school shall select a mentor to supervise
24 and assist the candidate for the alternative
25 practitioner preparation program. The principal of a
26 participating school shall also give assistance and
27 guidance as needed.

28 e. The mentor shall be assigned by June 1 of the
29 school year preceding the year in which the candidate
30 for the alternative practitioner preparation program
31 will begin teaching.

32 f. Within three months before a candidate begins
33 teaching, the candidate shall satisfactorily complete
34 nine semester hours in appropriate teacher preparation
35 courses.

36 2. Individuals who are employed by a board of
37 directors of a local school district or by authorities
38 in charge of a local school district and who apply to
39 become mentors shall present evidence to the committee
40 of meeting the following prerequisites:

41 a. Possession of a valid Iowa teacher's license.

42 b. Employment as a classroom teacher, teaching
43 experience, and current employment by the
44 participating district or school.

45 c. Demonstration of effective teaching practice.

46 d. Ability to work cooperatively as a team member
47 to aid the professional growth of beginning teachers.

48 e. Professional commitment to improving the
49 induction of beginning teachers into the teaching
50 profession.

Page 2

1 f. Ability to relate effectively to adult
2 learners.

3 g. Ability to be reflective and articulate about
4 the craft of teaching.

5 h. Other criteria as deemed necessary by the board
6 of directors and the superintendent of the school
7 district, or the authorities in charge of a nonpublic
8 school and the principal of the participating school.

9 3. The board of directors of a school district or
10 the authorities in charge of a nonpublic school shall
11 review and approve or disapprove the recommendations
12 for mentors submitted to it by the superintendent of
13 the participating district and the principal of the
14 participating school.

- 15 4. The mentor's responsibilities shall include,
16 but are not limited to, the following:
- 17 a. Meeting weekly with the teacher candidate
18 during the school year and recording such activities.
- 19 b. Observing the teacher candidate and providing
20 classroom demonstrations for the teacher candidate on
21 at least eight occasions during the school year.
- 22 c. Providing support for the development of the
23 teacher candidate's skills, including the planning of
24 instruction, classroom management, instruction, and
25 assessment of teacher learning.
- 26 5. Each teacher candidate shall be placed with a
27 mentor by June 1 of the school year preceding the
28 school year in which the candidate is expected to
29 begin teaching. However, placement of a teacher
30 candidate with a mentor shall be made as soon as
31 possible after a teacher candidate is assigned to a
32 school building. School administrators shall place
33 teacher candidates with mentors who teach in the same
34 school building.
- 35 6. From the date of placement, mentors and
36 candidates shall meet no less than the equivalent of
37 five school days and shall hold no less than ten
38 meetings.
- 39 7. From the date of placement, the teacher
40 candidate shall have a full teaching contract, but
41 shall be assigned only five-sixths time.
- 42 8. During the second year, at least three
43 evaluations of the candidate shall be conducted.
44 Evaluations may be conducted by an accredited college,
45 or university or by other teachers employed in an
46 accredited school in a school district or nonpublic
47 school.
- 48 9. At the completion of the second year, a teacher
49 candidate who has taught two years under evaluation
50 shall be eligible for the five-year educational

Page 3

- 1 license. The student teaching requirement shall be
2 waived. The board of directors, the authorities in
3 charge of a nonpublic school, and the school
4 administrators shall determine whether the teacher is
5 competent to continue to teach and shall provide a
6 recommendation to the state board of educational
7 examiners.
- 8 10. Each candidate completing the alternative
9 practitioner preparation program shall be identified
10 for follow-up studies of the person's performance as a
11 classroom teacher and for the person's evaluation of

12 the alternative practitioner preparation program.
13 11. It is the intent of the general assembly to
14 provide an opportunity for persons making a career
15 change to enter the field of education. This program
16 is not designed or intended to circumvent the
17 currently established practitioner preparation
18 programs or rules for licensure.”
19 2. Title page, line 2, by inserting after the
20 word “schools” the following: “, and for an
21 alternative practitioner preparation program for
22 teacher candidates”.

RAY TAYLOR

S-3241

1 Amend Senate File 317 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 “Section 1. Section 321.384, subsection 1, Code
5 1993, is amended to read as follows:
6 1. Every motor vehicle upon a highway within the
7 state, at any time from sunset to sunrise, at any time
8 when the windshield wipers are in operation, and at
9 such other times when conditions such as fog, snow,
10 sleet, or rain provide insufficient lighting to render
11 clearly discernible persons and vehicles on the
12 highway at a distance of five hundred feet ahead,
13 shall display lighted head lamps as provided in
14 section 321.415, subject to exceptions with respect to
15 parked vehicles ~~as hereinafter stated.~~”
16 Sec. ____ . Section 321.393, Code 1993, is amended
17 by adding the following new unnumbered paragraph:
18 NEW UNNUMBERED PARAGRAPH. A motor truck, trailer,
19 tractor, or motor grader which is primarily used for
20 snow removal shall be equipped with a lighting device
21 which shall be visible from all directions when the
22 portion of the motor vehicle which is designed for
23 snow removal is not being used for snow removal and is
24 in a raised position.”
25 2. Page 1, by striking line 18 and inserting the
26 following: “an implement of husbandry that is a
27 trailer if the vehicle towing the trailer is equipped
28 with a visible amber flashing light as required by
29 this section.”
30 3. Title page, by striking line 1 and inserting
31 the following: “An Act concerning lights on vehicles

32 and making penalties applicable.”
33 4. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION
JEAN LLOYD-JONES, Chairperson

S-3242

- 1 Amend House File 382 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking line 4, and inserting the
- 4 following: “the installment, or a maximum of five ten
- 5 dollars.”
- 6 2. Page 1, by striking lines 5 through 16.

COMMITTEE ON COMMERCE
PATRICK J. DELUHERY, Chairperson

S-3243

- 1 Amend Senate File 399 as follows:
- 2 1. Page 9, by striking lines 7 and 8 and
- 3 inserting the following: “board of supervisors or
- 4 another officer. ~~This paragraph does not apply to the~~
- 5 ~~board of trustees of a county hospital.~~”
- 6 2. Page 10, by inserting after line 14 the
- 7 following:
- 8 “4. This section does not apply to the board of
- 9 trustees of a county hospital.”

ELAINE SZYMONIAK

HOUSE AMENDMENT TO
SENATE FILE 232

S-3244

- 1 Amend Senate File 232, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 6, by striking line 11 and inserting the
- 4 following:
- 5 “..... \$ 3,904,600”.
- 6 2. Page 6, by striking line 27 and inserting the
- 7 following:
- 8 “..... \$ 20,900,237
- 9 It is the intent of the general assembly that
- 10 \$250,000 of the appropriation in this paragraph shall
- 11 be used solely for implementation of the single state
- 12 insurance registration system for motor carriers. Any
- 13 unencumbered or unobligated funds remaining on June

14 30, 1994, from the \$250,000 of this appropriation,
15 shall revert to the road use tax fund on August 30,
16 1994."

17 3. Page 7, by inserting after line 11 the
18 following:

19 "8. For paving and grading necessary to replace
20 the scales at Missouri Valley:

21 \$ 175,000

22 The provisions of section 8.33 do not apply to the
23 funds appropriated by this subsection. The funds
24 shall remain available for expenditure for the
25 purposes designated until June 30, 1997. Unencumbered
26 and unobligated funds remaining on June 30, 1997, from
27 the funds appropriated in this subsection shall revert
28 to the fund from which appropriated on August 30,
29 1997."

30 4. Page 9, by striking lines 5 through 7 and
31 inserting the following:

32 "9. For the replacement or modification of field
33 facilities in Correctionville, Blainstown, Allison,
34 and Rock Rapids:

35 \$ 3,030,000".

36 5. Page 10, by inserting after line 3 the fol-
37 lowing:

38 "Sec. ____ . There is appropriated from the general
39 fund of the state to the veterans affairs
40 administration of the commission on veterans affairs
41 for the fiscal year beginning July 1, 1993, and ending
42 June 30, 1994, the sum of \$40,000 for the
43 computerization of veterans' records."

44 6. Page 10, by striking line 13 and inserting the
45 following:

46 " \$ 2,941,000
47 3,017,000".

48 7. Page 10, by inserting after line 26, the
49 following:

50 "Sec. ____ . Section 8.33 shall not apply to

Page 2

1 \$700,000 of the funds appropriated to the state
2 department of transportation for the fiscal year
3 beginning July 1, 1992, and ending June 30, 1993, in
4 1992 Iowa Acts, chapter 1238, section 9, subsection 1,
5 paragraph "a", for providing assistance for the
6 restoration, conservation, improvement, and
7 construction of railroad main lines, branch lines,
8 switching yards, and sidings as required in section
9 327H.18 and for use by the railway finance authority
10 as provided in chapter 307B, Code 1991 and Code

11 Supplement 1991."

12 8. Page 10, by inserting after line 26 the
13 following:

14 "Sec. ____ . Notwithstanding section 307.38, the Des
15 Moines metropolitan transit authority shall be
16 authorized to use \$55,000 of the moneys which were to
17 be repaid to the road use tax fund in the fiscal year
18 beginning July 1, 1993, and ending June 30, 1994,
19 pursuant to section 307.38, if the moneys are expended
20 only for matching federal moneys granted for the
21 purchase of new buses. If the moneys are used in
22 accordance with this section, the loan payment amount
23 up to \$55,000 for the fiscal year beginning July 1,
24 1993, and ending June 30, 1994, shall be repaid in the
25 following fiscal year. However, as of June 30, 1994,
26 if the \$55,000 has not been used to match federal
27 moneys granted for the purchase of new buses, the
28 moneys shall be allocated to the road use tax fund for
29 reimbursement of the loan due under section 307.38 for
30 the fiscal year beginning July 1, 1993, and ending
31 June 30, 1994."

32 9. By striking page 10, line 27 through page 11,
33 line 34.

34 10. Page 12, by striking lines 7 through 12.

35 11. Page 12, by inserting before line 7, the
36 following:

37 "Sec. ____ . Section 99F.10, subsection 4, Code
38 1993, is amended to read as follows:

39 4. In determining the license fees and state
40 admission fees to be charged as provided under section
41 99F.4 and this section, the commission shall use the
42 amount appropriated to the commission plus the cost of
43 auditing excursion gambling boat activities as the
44 basis for determining the amount of revenue to be
45 raised from the license fees and admission fees. The
46 costs of auditing shall include, but not be limited
47 to, salary and associated costs incurred by other
48 agencies of the state for personnel assigned to
49 enforcement of excursion boat gambling rules and
50 regulations adopted by the commission."

Page 3

1 12. Page 12, by inserting after line 21 the fol-
2 lowing:

3 "Sec. ____ . Section 321A.3, subsection 1, Code
4 1993, is amended to read as follows:

5 1. The department shall upon request furnish any
6 person a certified abstract of the operating record of
7 a person subject to chapter 321, 321J, or this

8 chapter. The abstract shall also fully designate the
9 motor vehicles, if any, registered in the name of the
10 person. If there is no record of a conviction of the
11 person having violated any law relating to the
12 operation of a motor vehicle or of any injury or
13 damage caused by the person, the department shall so
14 certify. A fee of five dollars shall be paid for each
15 abstract except by for state, county, or city or
16 officials, court officials, public transit officials,
17 or other officials of a political subdivision of the
18 state. The department shall transfer the moneys
19 collected under this section to the treasurer of state
20 who shall credit to the general fund all moneys
21 collected."

22 13. Page 12, by striking line 25.

23 14. Title page, by striking lines 5 through 7 and
24 inserting the following: "fund, and primary road
25 fund, and relating to abstract fees for operating
26 records and providing".

27 15. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

S-3245

1 Amend Senate File 174 as follows:

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

4 "Section 1. Section 103A.21, subsection 2, Code
5 1993, is amended to read as follows:

6 2. Violation of this chapter shall not impose any
7 disability upon or affect or impair the credibility as
8 a witness, or otherwise, of any person.

9 Violations of this section shall be simple
10 misdemeanors, except as provided by subsection 4.

11 Sec. ____ . Section 103A.21, Code 1993, is amended
12 by adding the following new subsection:

13 NEW SUBSECTION. 4. For violations of the federal
14 Americans with Disabilities Act as provided in section
15 104A.6, the commissioner may seek a civil penalty, in
16 addition to injunctive relief, pursuant to a civil
17 penalty schedule established by the civil rights
18 commission under section 216.5."

19 2. Page 1, by inserting after line 10, the
20 following:

21 "Sec. ____ . Section 216.5, Code 1993, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 15. To establish a civil penalty
24 schedule for certain violations of the federal
25 Americans with Disabilities Act as provided in section

26 103A.21."

27 3. By renumbering as necessary.

RALPH ROSENBERG
ANDY McKEAN

S-3246

1 Amend Senate File 399 as follows:

2 1. By striking page 11, line 29, through page 12,
3 line 5, and inserting the following: "government
4 shall issue a final report and proposal. If an
5 alternative form of government for a ~~community~~
6 ~~commonwealth regional service~~ form of local government
7 is proposed, approval of the ~~commonwealth regional~~
8 ~~service government~~ charter shall be a separate ballot
9 issue from approval of the alternative form of
10 government in those cities proposed to be included in
11 the ~~commonwealth regional service government~~. The
12 ~~commonwealth regional service government~~ charter shall
13 be effective in regard to a city government only if a
14 majority of the voters of the city voting on the
15 question voted for participation in the ~~commonwealth~~
16 ~~regional service government~~ charter.

17 The question of forming a ~~community commonwealth~~
18 ~~regional service government~~ shall be submitted to the
19 electorate in substantially the same form as provided
20 in section 331.252."

21 2. Page 14, by inserting after line 14 the
22 following:

23 "Upon adoption of the charter, the government shall
24 be reorganized as provided in the charter. The
25 regional service government shall thereafter provide
26 the services and programs as provided in the charter
27 and those required by law of a county and shall
28 exercise the powers and perform the duties of a
29 county, city, city utility, city enterprise, and other
30 special purpose district, and the services and
31 programs to be delivered by the regional service
32 government and those assumed after the charter is
33 adopted. The cities, city utilities, city
34 enterprises, and other special purpose districts
35 within the regional service government shall continue
36 to exist and provide the services and programs and
37 exercise the powers and perform the duties as provided
38 by law not transferred to the regional service
39 government in the charter or assumed after the charter
40 is adopted."

41 3. By striking page 15, line 22, through page 16,

42 line 15.

43 4. By renumbering as necessary.

O. GENE MADDOX
MARY E. KRAMER

S-3247

- 1 Amend Senate File 399 as follows:
- 2 1. Page 17, by striking lines 31 through 35 and
- 3 inserting the following: "effective date of this
- 4 Act."

O. GENE MADDOX
MARY E. KRAMER

S-3248

- 1 Amend Senate File 399 as follows:
- 2 1. Page 10, line 14, by striking the word
- 3 "partisan" and inserting the following: "partisan
- 4 nonpartisan".

MARY E. KRAMER
O. GENE MADDOX

S-3249

- 1 Amend Senate File 399 as follows:
- 2 1. Page 15, line 1, by striking the words
- 3 "seventy-five percent" and inserting the following:
- 4 "a majority".

MARY E. KRAMER
O. GENE MADDOX

S-3250

- 1 Amend House File 429, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 21, by inserting after line 12, the
- 4 following:
- 5 "c. An employee in the dietary and housekeeping
- 6 services of the Iowa veterans home who had been an
- 7 employee of the Iowa veterans home for the past seven
- 8 or more years shall not have the employee's salary or
- 9 rate of pay per hour reduced by more than 10 percent
- 10 as a result of being employed by a private manager of
- 11 dietary and housekeeping services. This paragraph

12 shall apply retroactively to pay scales in effect
13 prior to March 15, 1993."

MIKE CONNOLLY

S-3251

- 1 Amend Senate File 344 as follows:
- 2 1. Page 4, by striking lines 20 and 21.

JAMES B. KERSTEN

S-3252

- 1 Amend Senate File 350 as follows:
- 2 1. Page 32, by inserting after line 11, the
- 3 following:
- 4 "Sec. ____ . Section 598.22A, subsection 3, Code
- 5 1993, is amended to read as follows:
- 6 3. The court shall not enter an order for
- 7 satisfaction of payments not made through the clerk of
- 8 the district court or collection services center if
- 9 those payments have been assigned as a result of
- 10 public funds expended pursuant to chapter 234, 239, or
- 11 249A, or similar statutes in other states and the
- 12 support payments accrued during the months in which
- 13 public funds were expended. For any support payments
- 14 which accrued during the months in which public funds
- 15 were not expended, however, the court may enter an
- 16 order for satisfaction of payments not made through
- 17 the clerk of the district court or the collection
- 18 services center if documentation of the financial
- 19 instrument used in the payment of support is presented
- 20 to the court and the parties to the order submit a
- 21 written affidavit confirming that the financial
- 22 instrument was used as payment for support."
- 23 2. By renumbering as necessary.

WILLIAM D. PALMER

S-3253

- 1 Amend Senate File 343 as follows:
- 2 1. Page 2, line 25, by striking the word "three"
- 3 and inserting the following: "these".

JOE WELSH

S-3254

1 Amend Senate File 382 as follows:

- 2 1. Page 1, line 12, by striking the word and
3 figure "or II" and inserting the following: ", II, or
4 III".
- 5 2. Page 1, line 14, by striking the word and
6 figure "or II" and inserting the following: ", II, or
7 III".
- 8 3. Page 2, line 4, by striking the word and
9 figure "or II" and inserting the following: ", II, or
10 III".
- 11 4. Page 2, line 6, by striking the word and
12 figure "or II" and inserting the following: ", II, or
13 III".
- 14 5. Page 2, line 19, by striking the word and
15 figure "or II" and inserting the following: "or, II,
16 or III".
- 17 6. Page 2, line 33, by striking the word and
18 figure "or II" and inserting the following: "or, II,
19 or III".
- 20 7. Page 2, line 35, by striking the word and
21 figure "or II" and inserting the following: "or, II,
22 or III".

ANDY McKEAN

S-3255

1 Amend Senate File 382 as follows:

- 2 1. Page 1, line 13, by inserting after the word
3 "cocaine," the following: "or anabolic steroid under
4 section 124.208, subsection 6,".
- 5 2. Page 1, line 14, by inserting after the figure
6 "II" the following: ", or anabolic steroid under
7 section 124.208, subsection 6".
- 8 3. Page 2, line 4, by inserting after the word
9 "cocaine," the following: "or anabolic steroid under
10 section 124.208, subsection 6,".
- 11 4. Page 2, line 6, by inserting after the figure
12 "II" the following: ", or anabolic steroid under
13 section 124.208, subsection 6".
- 14 5. Page 2, line 19, by inserting after the word
15 "cocaine," the following: "or anabolic steroid under
16 section 124.208, subsection 6".
- 17 6. Page 2, line 33, by inserting after the word
18 "cocaine," the following: "or anabolic steroid under
19 section 124.208, subsection 6".
- 20 7. Page 2, line 35, by inserting after the figure

21 "II" the following: ", or anabolic steroid under
22 section 124.208, subsection 6.".

ANDY McKEAN

S-3256

1 Amend Senate File 358 as follows:

2 1. By striking page 1, line 33 through page 2,
3 line 5.

4 2. Page 2, by striking lines 9 through 12 and
5 inserting the following: "to read as follows:

6 4. To regulate the wagering structure for gambling
7 excursions including providing a maximum ~~wager~~ of five
8 ~~dollars per hand or play and maximum~~ loss of two not
9 more than five hundred dollars per individual player
10 per gambling excursion ~~as determined in section 99F.7,~~
11 subsection 10. The commission shall provide that each
12 excursion gambling boat has at least one type of table
13 gambling game for low stakes wagers as defined by rule
14 of the commission.

15 Sec. ____ . Section 99F.4, Code 1993, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 4A. To specify the excursion
18 season of at least six months and the off-season for
19 excursion gambling boats."

20 3. By striking page 2, line 28 through page 3,
21 line 13.

22 4. By striking page 3, line 30 through page 4,
23 line 23.

24 5. Page 4, by inserting before line 29 the
25 following:

26 "Sec. ____ . Section 99F.7, subsection 10, paragraph
27 c, Code 1993, is amended to read as follows:

28 c. If, after July 1, 1989, section 99F.4,
29 subsection 4 or 99F.9, subsection 2, is amended, the
30 board of supervisors of a county in which excursion
31 boat gambling has been approved before January 1,
32 1993, shall submit to the county electorate a
33 proposition to approve or disapprove the conduct of
34 gambling games pursuant to any amendment to the
35 subsections on excursion gambling boats at a special
36 election at the earliest practicable time. The amount
37 of the maximum loss per excursion, not exceeding five
38 hundred dollars, shall be specified by the licensee
39 who docks in the county and shall be included on the
40 ballot at the special election by the board of
41 supervisors. If more than one licensee docks in a
42 county, the maximum loss limit shall be specified by
43 agreement of the licensees. If agreement is not

44 reached before the ballot is made final, the board of
45 supervisors shall specify the amount of the maximum
46 loss per excursion. If excursion boat gambling
47 pursuant to the amendment is not approved at the
48 election, paragraph "b" does not apply to the licenses
49 and the commission shall cancel the licenses issued
50 for the county within sixty days of the unfavorable

Page 2

1 referendum."
2 6. Page 4, by striking line 30 and inserting the
3 following: "amended to read as follows:
4 2. Licensees shall only allow a maximum wager of
5 five dollars per hand or play and a maximum loss of
6 two not more than five hundred dollars per person
7 during each gambling excursion as determined in
8 section 99F.7, subsection 10. However, the commission
9 may adopt rules allowing additional wagers consistent
10 with generally accepted wagering options in the games
11 of twenty-one and dice.
12 Sec. ____ . Section 99F.9, subsection 7, Code 1993,
13 is amended by striking the subsection."
14 7. Title page, by striking lines 2 through 7 and
15 inserting the following: "gambling boats and pari-
16 mutuel wagering at racetracks, by changing limits on
17 wagering, by authorizing changes in excursion boat
18 capacity and gambling area, by reducing live racing
19 dates, by authorizing changes in excursion season and
20 off-season activities, and by providing for other
21 properly".
22 8. By renumbering sections as necessary.

EUGENE FRAISE

S-3257

1 Amend Senate File 376 as follows:
2 1. Page 1, by striking everything after the
3 enacting clause and inserting the following:
4 "Section 1. Section 256.7, subsection 18, Code
5 1993, is amended by striking the subsection.
6 Sec. 2. Section 260C.22B, Code 1993, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 4. Adopt the following interim
9 annual approval process, which shall be in effect for
10 community colleges until the implementation of section
11 260C.47.
12 a. For purposes of this section, "approval
13 standards" shall include standards for administration,

14 qualifications and assignment of personnel,
15 curriculum, facilities and sites, requirements for
16 awarding of diplomas and other evidence of educational
17 achievement, guidance and counseling, support services
18 for students with special needs, instruction,
19 instructional materials, maintenance, and library.

20 b. The department of education shall supervise and
21 evaluate the educational program in the several
22 community colleges of the state for the purpose of the
23 improvement and approval of such institutions.

24 c. The director of the department of education
25 shall make recommendations and suggestions in writing
26 to each community college if the department
27 determines, after due investigation, that deficiencies
28 exist.

29 d. The director of the department of education
30 shall maintain a list of approved community colleges,
31 and the director shall remove from the approved list
32 for cause, after due investigation and notice, a
33 community college which fails to comply with the
34 approval standards. A community college which is
35 removed from the approved list pursuant to this
36 section is ineligible to receive state financial aid
37 during the period of removal. The director shall
38 allow a reasonable period of time, which shall be at
39 least one year, for compliance with approval standards
40 if a community college is making a good faith effort
41 and substantial progress toward full compliance or if
42 failure to comply is due to factors beyond the control
43 of the board of directors of the merged area operating
44 the institution. In allowing time for compliance, the
45 director shall follow consistent policies, taking into
46 account the circumstances of each case. The
47 reasonable period of time for compliance may be, but
48 need not be, given prior to the one-year notice
49 requirement that is provided in this section.

50 e. The director of the department of education

Page 2

1 shall give a community college which is to be removed
2 from the approved list at least one year's notice.
3 The notice shall be given by registered or certified
4 mail addressed to the superintendent of the community
5 college and shall specify the reasons for removal.
6 The notice shall also be sent by ordinary mail to each
7 member of the board of directors of the community
8 college, and to the news media which serve the merged
9 area where the school is located; but any good faith
10 error or failure to comply with this sentence shall

11 not affect the validity of any action by the director.
12 If, during the year, the community college remedies
13 the reasons for removal and satisfies the director
14 that it will thereafter comply with the laws and
15 approval standards, the director shall continue the
16 community college on the approved list and shall
17 transmit to the community college notice of the action
18 by registered or certified mail.

19 f. At any time during the year after notice is
20 given, the board of directors of the community college
21 may request a public hearing before the director of
22 the department of education, by mailing a written
23 request to the director by registered or certified
24 mail. The director shall promptly set a time and
25 place for the public hearing, which shall be either in
26 Des Moines or in the affected merged area. At least
27 thirty days' notice of the time and place of the
28 hearing shall be given by registered or certified mail
29 addressed to the superintendent of the community
30 college. At least ten days before the hearing, notice
31 of the time and place of the hearing and the reasons
32 for removal shall also be published by the department
33 in a newspaper of general circulation in the merged
34 area where the community college is located.

35 g. At the hearing the community college may be
36 represented by counsel and may present evidence. The
37 director of the department of education may provide
38 for the hearing to be recorded or reported. If
39 requested by the community college at least ten days
40 before the hearing, the director shall provide for the
41 hearing to be recorded or reported at the expense of
42 the community college, using any reasonable method
43 specified by the community college. Within ten days
44 after the hearing, the director shall render a written
45 decision, and shall affirm, modify, or vacate the
46 action or proposed action to remove the community
47 college from the approved list. The board of
48 directors of the community college may request a
49 review of the decision of the director by the state
50 board. The state board may affirm, modify, or vacate

Page 3

1 the decision, or may direct a rehearing before the
2 director.

3 h. This subsection is void and shall be stricken
4 from the Code effective June 30, 1995, except as
5 provided in section 260C.47.

6 Sec. 3. Section 260C.23, subsection 15, Code 1993,
7 is amended to read as follows:

8 15. By July 1, 1991, develop a policy which
9 requires oral communication competence of persons who
10 provide instruction to students attending institutions
11 under the control of the board. The policy shall
12 include a student evaluation mechanism which requires
13 student evaluation of persons providing instruction at
14 the end of each academic period on at least an annual
15 basis.

16 Sec. 4. Section 260C.25, subsection 11, Code 1993,
17 is amended by striking the subsection.

18 Sec. 5. Section 260C.47, subsection 1, unnumbered
19 paragraph 1, Code 1993, is amended by striking the
20 unnumbered paragraph and inserting in lieu thereof the
21 following:

22 The state board of education shall establish an
23 accreditation process for community college programs
24 by July 1, 1994. The process shall be jointly
25 developed and agreed upon by the department of
26 education and the community colleges. The state
27 accreditation process shall be integrated with the
28 accreditation process of the north central association
29 of colleges and schools, including the evaluation
30 cycle, the self-study process, and the criteria for
31 evaluation, which shall incorporate the standards for
32 community colleges developed under section 260C.48;
33 and shall identify and make provision for the needs of
34 the state that are not met by the association's
35 accreditation process. If a joint agreement has not
36 been reached by July 1, 1994, the approval process
37 provided under section 260C.22B, subsection 4, shall
38 remain the required accreditation process for
39 community colleges. For the academic year commencing
40 July 1, 1995, and in succeeding school years, the
41 department of education shall use a two-component
42 process for the continued accreditation of community
43 college programs.

44 Sec. 6. Section 260C.47, subsection 1, paragraphs
45 a and b, Code 1993, are amended by striking the
46 paragraphs and inserting in lieu thereof the
47 following:

48 a. The first component consists of submission of
49 required data by the community colleges and annual
50 monitoring by the department of education of all

Page 4

1 community colleges for compliance with state program
2 evaluation requirements adopted by the state board.

3 b. The second component consists of the use of an
4 accreditation team appointed by the director of the

5 department of education, to conduct an evaluation,
6 including an on-site visit of each community college,
7 with a comprehensive evaluation to occur during the
8 same year as the evaluation by the north central
9 association of colleges and schools, and an interim
10 evaluation midway between comprehensive evaluations.
11 The number and composition of the accreditation team
12 shall be determined by the director, but the team
13 shall include members of the department of education
14 staff and community college staff members from
15 community colleges other than the community college
16 that conducts the programs being evaluated for
17 accreditation.

18 Sec. 7. Section 260C.48, subsection 1, Code 1993,
19 is amended to read as follows:

20 1. The state board shall develop standards and
21 rules for the accreditation of community college
22 programs. Standards developed shall be general in
23 nature so as to apply to more than one specific
24 program of instruction. ~~However, the state board may~~
25 ~~develop additional, specific criteria where appro-~~
26 ~~priate to the accreditation process.~~

27 Sec. 8. Section 260C.48, subsection 2, Code 1993,
28 is amended by striking the subsection.

29 Sec. 9. Section 272.33, unnumbered paragraph 1,
30 Code 1993, is amended to read as follows:

31 Effective July 1, 1990, in addition to licenses
32 required under rules adopted pursuant to this chapter,
33 an individual employed as an administrator,
34 supervisor, school service person, or teacher by a
35 school district, area education agency, or community
36 college, who conducts evaluations of the performance
37 of individuals holding licenses under this chapter,
38 shall possess an evaluator license. Individuals who
39 do not directly supervise licensed teaching faculty
40 are exempt from this section.

41 Sec. 10. 1990 Iowa Acts, chapter 1253, sections
42 115 through 117 and 127, are repealed.

43 Sec. 11. 1992 Iowa Acts, chapter 1040, is
44 repealed.

45 Sec. 12. Section 260C.33, Code 1993, is repealed."

46 2. Title page, by striking lines 1 through 8 and
47 inserting the following: "An Act relating to
48 community college athletic programs, community college
49 approval and accreditation standards, repealing
50 provisions for certain studies related to community

Page 5

1 colleges, and providing for other related matters.”

JOHN P. KIBBIE
MIKE CONNOLLY

S-3258

1 Amend Senate File 373 as follows:

2 1. Page 1, by inserting after line 23 the
3 following:

4 “Sec. ____ . NEW SECTION. 126.26 NOTICE OF
5 CONVICTION.

6 If a person enters a plea of guilty, or forfeits
7 bail or collateral deposited to secure the person's
8 appearance in court, and the forfeiture is not
9 vacated, or if a person is found guilty upon an
10 indictment or information alleging a violation of this
11 chapter, a copy of the minutes attached to the
12 indictment returned by the grand jury, or to the
13 county attorney's information, a copy of the judgment
14 and sentence, and a copy of the opinion of the judge
15 if one is filed, shall be sent by the clerk of the
16 district court or the judge to the state department of
17 transportation.”

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

20 “The department shall suspend or revoke for one
21 hundred eighty days the motor vehicle license of a
22 resident of this state upon receiving notice of
23 conviction in another state or under federal
24 jurisdiction for an offense enumerated under section
25 321.209, subsection 8.”

26 3. Page 2, line 5, by inserting after the figure
27 “124.401,” the following: “124.401A,”.

28 4. Page 2, by inserting after line 18 the follow-
29 ing:

30 “Sec. ____ . Section 321.213, Code 1993, is amended
31 to read as follows:

32 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
33 VIOLATIONS BY JUVENILE DRIVERS.

34 Upon the entering of an order at the conclusion of
35 an adjudicatory hearing under section 232.47 that the
36 child violated a provision of this chapter or chapter
37 124, 126, 321A, or chapter 321J, or 453B for which the
38 penalty is greater than a simple misdemeanor, the
39 clerk of the juvenile court in the adjudicatory
40 hearing shall forward a copy of the adjudication to
41 the department. Notwithstanding section 232.55, a

42 final adjudication in a juvenile court that the child
 43 violated a provision of this chapter or section
 44 124.401, 124.402, 124.403, a drug offense under
 45 section 126.3, or chapter 321A, or chapter 321J, or
 46 453B constitutes a final conviction of a violation of
 47 a provision of this chapter or section 124.401,
 48 124.402, 124.403, a drug offense under section 126.3,
 49 or chapter 321A, or chapter 321J, or 453B for purposes
 50 of section 321.189, subsection 8, paragraph "b", and

Page 2

1 sections 321.193, 321.194, 321.200, 321.209, 321.210,
 2 321.215, 321A.17, 321J.2, 321J.3, and 321J.4."

3 5. Page 3, by inserting after line 32 the
 4 following:

5 "Sec. ____ . NEW SECTION. 453B.16 NOTICE OF
 6 CONVICTION.

7 If a person enters a plea of guilty, or forfeits
 8 bail or collateral deposited to secure the person's
 9 appearance in court, and the forfeiture is not
 10 vacated, or if a person is found guilty upon an
 11 indictment or information alleging a violation of this
 12 chapter, a copy of the minutes attached to the
 13 indictment returned by the grand jury, or to the
 14 county attorney's information, a copy of the judgment
 15 and sentence, and a copy of the opinion of the judge
 16 if one is filed, shall be sent by the clerk of the
 17 district court or the judge to the state department of
 18 transportation."

19 6. By renumbering as necessary.

ANDY McKEAN
 RANDAL J. GIANNETTO

S-3259

1 Amend House File 429, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 21, by striking lines 5 through 12 and
 4 inserting the following: "admitted to the Iowa
 5 veterans home."

MAGGIE TINSMAN
 FLORENCE BUHR

S-3260

1 Amend the amendment, S-3164, to Senate File 268, as
 2 follows:

- 3 1. Page 1, line 6, by striking the figure "1."
 4 2. Page 1, line 9, by inserting after the word
 5 "districts" the following: ", community colleges, and
 6 labor, business, and industry interests. Initially
 7 the development of the system shall focus upon youth
 8 apprenticeship and as development continues shall
 9 incorporate additional recommendations regarding
 10 expansion of other school-to-work opportunities for
 11 high school youths".
 12 3. Page 1, line 11, by striking the word "a." and
 13 inserting the following: "1."
 14 4. Page 1, line 13, by striking the word "b." and
 15 inserting the following: "2."
 16 5. Page 1, line 15, by striking the word "c." and
 17 inserting the following: "3."
 18 6. Page 1, line 17, by striking the word "d." and
 19 inserting the following: "4."
 20 7. Page 1, line 21, by striking the word "e." and
 21 inserting the following: "5."
 22 8. Page 1, by striking lines 25 through 27 and
 23 inserting the following:
 24 "6. Provide a framework to position the state to
 25 access federal resources for state youth
 26 apprenticeship systems and local programs."

ELAINE SZYMONIAK

S-3261

- 1 Amend Senate File 116 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 347.15, Code 1993, is amended
 5 to read as follows:
 6 347.15 PECUNIARY INTEREST PROHIBITED.
 7 ~~No~~ A trustee shall not have, directly or
 8 indirectly, any pecuniary interest in the purchase or
 9 sale of any commodities or supplies procured for or
 10 disposed of by ~~said a county~~ hospital. This section
 11 does not apply to a purchase or sale of commodities or
 12 supplies which benefits a trustee if the benefit to
 13 the trustee does not exceed one thousand five hundred
 14 dollars in a fiscal year or to a purchase or sale made
 15 by a trustee of the board of hospital trustees through
 16 competitive bid which is issued in written form and is
 17 publicly invited and opened."
 18 2. Title page, line 1, by inserting after the
 19 word "Act" the following: "relating to county
 20 hospital provisions involving the pecuniary interest

- 21 of a county hospital trustee and".
22 3. By renumbering as necessary.

ELAINE SZYMONIAK

S-3262

- 1 Amend Senate File 356 as follows:
2 1. Page 2, line 6, by striking the figure
3 "503(c)(3)" and inserting the following: "501(c)(3)".

MICHAEL E. GRONSTAL

S-3263

- 1 Amend Senate File 350 as follows:
2 1. Page 32, by inserting after line 22 the fol-
3 lowing:
4 "Sec. ____ . 1990 Iowa Acts, chapter 1224, section
5 1, unnumbered paragraph 1, as amended by 1991 Iowa
6 Acts, chapter 62, section 1, and 1992 Iowa Acts,
7 chapter 1028, section 1, is amended to read as
8 follows:
9 In order to implement this Act, the department of
10 human services and the judicial department shall
11 mutually agree on a schedule to complete the transfer
12 of support payment collection and disbursement
13 responsibilities from the collection services center
14 to the clerks of the district court. The schedule
15 shall provide for the completion of the transfer of
16 the responsibilities for all affected orders by June
17 30, ~~1994~~ 1996. The following procedure shall be used
18 for any order affected by the initial transfer of
19 responsibilities:"
20 2. By renumbering as necessary.

JEAN LLOYD-JONES

S-3264

- 1 Amend the amendment, S-3212, to Senate File 367 as
2 follows:
3 1. Page 1, by inserting after line 5 the
4 following:
5 "____. Page 1, line 10, by striking the letter "a"
6 and inserting the following: "c".
7 ____ . Page 1, line 13, by inserting after the word
8 "required." the following: "If a member resigns, is
9 removed from office, or dies and the member had
10 selected the method of payment specified in subsection

11 5, paragraph "a", the member or the member's estate
 12 shall be paid the additional amount which the member
 13 would have been paid if the member had selected
 14 payment pursuant to subsection 5, paragraph "c".

15 ____ . Page 1, by inserting after line 16 the
 16 following:

17 "Sec. ____ . EFFECTIVE DATE. The portions of this
 18 Act which amend section 2.10, subsection 4, take
 19 effect on the first day of the first regular session
 20 of the Seventy-sixth General Assembly."

21 ____ . Title page, line 1, by inserting after the
 22 word "to" the following: "and providing an effective
 23 date pertaining to".

24 2. By renumbering as necessary.

SHELDON RITTMER

S-3265

1 Amend Senate File 367 as follows:

2 1. Page 1, line 5, by striking the word "a" and
 3 inserting the following: "the".

4 2. Page 1, line 6, by striking the words "or
 5 "c".

6 3. Page 1, line 10, by striking the letter "a"
 7 and inserting the following: "c".

8 4. Page 1, line 13, by inserting after the word
 9 "required." the following: "If a member resigns, is
 10 removed from office, or dies, and the member had
 11 selected the method of payment specified in subsection
 12 5, paragraph "a", the member or the member's estate
 13 shall be paid the additional amount which the member
 14 would have been paid if the member had selected
 15 payment pursuant to subsection 5, paragraph "c"."

16 5. Page 1, by inserting after line 16 the follow-
 17 ing:

18 "Sec. ____ . EFFECTIVE DATE. The portions of this
 19 Act which amend section 2.10, subsection 4, take
 20 effect on the first day of the first regular session
 21 of the Seventy-sixth General Assembly."

22 6. Title page, line 1, by inserting after the
 23 word "to" the following: "and providing an effective
 24 date pertaining to".

25 7. By renumbering as necessary.

SHELDON RITTMER

S-3266

1 Amend Senate File 268 as follows:

2 1. By striking page 15, line 25, through page 20,
3 line 13, and inserting the following:

4 "Sec. 500. Section 422.7, Code 1993, is amended by
5 adding the following new subsections:

6 NEW SUBSECTION. 28. If the taxpayer is owner of
7 an individual development account certified under
8 chapter 541A at any time during the tax year the
9 following adjustments shall be made:

10 a. Subtract, to the extent included, all of the
11 following:

12 (1) Contributions made to the account by persons
13 and entities, other than the taxpayer, as authorized
14 in chapter 541A.

15 (2) The amount of any refundable state tax credit
16 deposited to the account under section 541A.3,
17 subsection 1.

18 (3) Earnings from the account to the extent not
19 withdrawn.

20 b. If the taxpayer is not fifty-nine and one-half
21 years old at the end of the tax year, add, to the
22 extent not included, all of the following:

23 (1) Earnings from the account which are withdrawn.

24 (2) Amounts withdrawn which are not authorized by
25 section 541A.2, subsection 4, and which are
26 attributable to contributions by persons and entities,
27 other than the taxpayer, as provided in section
28 541A.2, subsection 4.

29 (3) If the account is closed, amounts received by
30 the taxpayer which have not previously been taxed
31 under this division, except amounts that are
32 redeposited in another individual development account,
33 or the state human investment reserve pool as provided
34 in section 541A.2, subsection 7, and including the
35 total amount of any refundable state tax credit
36 received.

37 NEW SUBSECTION. 29. Subtract, not to exceed five
38 hundred dollars in the aggregate, contributions made
39 directly to individual development accounts which have
40 been certified to be eligible for deduction for state
41 income tax purposes under section 541A.4, subsection
42 2, paragraph "g", subparagraph (2). However, married
43 persons filing jointly may subtract up to one thousand
44 dollars in the aggregate.

45 Sec. 501. Section 450.4, Code 1993, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 6. On property in an individual
48 development account in the name of the decedent that

49 passes to another individual development account or
50 the state human investment reserve pool created in

Page 2

1 section 541A.4. For purposes of this subsection,
2 "individual development account" means an account that
3 has been certified as an individual development
4 account pursuant to chapter 541A.

5 Sec. ____ . NEW SECTION. 541A.1 DEFINITIONS.

6 For the purposes of this chapter, unless the
7 context otherwise requires:

8 1. "Account holder" means an individual who is the
9 owner of an individual development account.

10 2. "Administrator" means the executive branch
11 agency selected by the governor to administer
12 individual development accounts.

13 3. "Charitable contributor" means a nonprofit
14 association described in section 501(c)(3) of the
15 Internal Revenue Code which makes a deposit to an
16 individual development account and which is exempt
17 from taxation under section 501(a) of the Internal
18 Revenue Code.

19 4. "Federal poverty level" means the first poverty
20 income guidelines published in the calendar year by
21 the United States department of health and human
22 services.

23 5. "Financial institution" means a financial
24 institution approved by the administrator as an
25 investment mechanism for individual development
26 accounts.

27 6. "Individual contributor" means an individual
28 who makes a deposit to an individual development
29 account and is not the account holder or a charitable
30 contributor.

31 7. "Individual development account" means a
32 financial instrument which is certified to have the
33 characteristics described in section 541A.2 by the
34 operating organization.

35 8. "Operating organization" means an agency
36 selected by the administrator for involvement in
37 operating individual development accounts directed to
38 a specific target population.

39 9. "Reserve pool" means the state human investment
40 reserve pool under the authority of the administrator
41 created in section 541A.4.

42 10. "Source of principal" means any of the sources
43 of a deposit to an individual development account
44 under section 541A.2, subsection 2.

45 Sec. ____ . NEW SECTION. 541A.2 INDIVIDUAL

46 DEVELOPMENT ACCOUNTS.

47 A financial instrument known as an individual
48 development account is established. An individual
49 development account shall have all of the following
50 characteristics:

Page 3

- 1 1. The account is kept in the name of an
2 individual account holder.
- 3 2. Deposits made to an individual development
4 account shall be made in any of the following manners
5 and are subject to the indicated conditions:
 - 6 a. Deposits made by the account holder or a member
7 of the account holder's immediate family.
 - 8 b. Deposits made by the state of a refundable
9 income tax credit due the account holder because of
10 the account holder's deposits in the account holder's
11 account.
 - 12 c. Deposits of individual development account
13 moneys which are transferred from another individual
14 account holder.
 - 15 d. A deposit made on behalf of the account holder
16 by an individual or a charitable contributor. This
17 type of deposit may include but is not limited to
18 moneys to match the account holder's deposits. A
19 deposit made under this paragraph shall be held in
20 trust for the account holder and shall only be used to
21 earn income in the account or to be withdrawn by the
22 account holder for a purpose provided in subsection 4.
- 23 3. The account earns income.
- 24 4. During a calendar year, an account holder may
25 withdraw without penalty from the account holder's
26 account the sum of the following:
 - 27 a. With the approval of the operating
28 organization, amounts withdrawn for any of the
29 following approved purposes:
 - 30 (1) Educational costs at an accredited institution
31 of higher education.
 - 32 (2) Training costs for an accredited or licensed
33 training program.
 - 34 (3) Purchase of a primary residence.
 - 35 (4) Capitalization of a small business start-up.
 - 36 Amounts withdrawn for purposes of this paragraph shall
37 be charged to the source of principal on a prorated
38 basis.
 - 39 b. At the account holder's discretion any income
40 earned by the account.
 - 41 c. At the account holder's discretion, if the
42 account holder is at least fifty-nine and one-half

43 years of age, any amount.

44 5. Any amount withdrawn during a calendar year
45 which is not authorized under subsection 4, is subject
46 to a penalty of fifteen percent. In addition, if at
47 any time the cumulative amount withdrawn by the
48 account holder over the life of the account that is
49 not authorized under subsection 4 exceeds fifty
50 percent of the amount of the adjusted account holder

Page 4

1 deposits, the contributions made by a charitable or
2 individual contributor held in trust in the account
3 holder's account shall be removed from the account and
4 redeposited in another individual development account
5 or the reserve pool as directed by the contributor.
6 The amount of the adjusted account holder deposits is
7 the amount remaining after subtracting from the
8 cumulative moneys deposited by the account holder all
9 amounts withdrawn pursuant to subsection 4, paragraph
10 "a". At the time a charitable or individual

11 contributor contributes moneys to an account the
12 contributor shall indicate the contributor's
13 directions for disposition of moneys which are
14 removed. If the designated choice of the contributor
15 does not exist the contributed moneys shall be
16 withdrawn and deposited in the reserve pool.

17 6. Penalty amounts collected pursuant to
18 subsection 5 shall be deposited in the reserve pool.

19 7. An adult account holder may transfer all or
20 part of the assets the adult account holder has
21 deposited in the account to any other account holder's
22 account. However, an account holder who is less than
23 eighteen years of age is prohibited from transferring
24 account assets to any other account holder. Moneys
25 contributed by a charitable or individual contributor
26 are not subject to transfer except as authorized by
27 the contributor. Amounts transferred in accordance
28 with this subsection are not subject to a penalty.

29 8. If approved by the federal government, moneys
30 in an individual development account and any earnings
31 on the moneys shall not be considered by the
32 department of human services for determining the
33 eligibility of an individual under the Iowa family
34 development plan under chapter 239 or the work and
35 training program under chapter 249C.

36 9. In the event of an account holder's death, the
37 account shall be transferred to a contingent
38 beneficiary. An account holder shall name contingent
39 beneficiaries at the time the account is established

40 and a named beneficiary may be changed at the
41 discretion of the account holder. If the named
42 beneficiary is deceased or otherwise cannot accept the
43 transfer, the moneys shall be transferred to the
44 reserve pool.

45 10. The total amount of sources of principal which
46 may be in an individual development account shall be
47 limited to one hundred thousand dollars.

48 Sec. ____ . NEW SECTION. 541A.3 INDIVIDUAL
49 DEVELOPMENT ACCOUNTS -- TAX PROVISIONS.

50 All of the following state income tax provisions

Page 5

1 shall apply to an individual development account:

2 1. Payment by the state of a refundable state tax
3 credit on amounts of up to two thousand dollars per
4 year that an account holder deposits in the account
5 holder's account. Payment shall be made directly to
6 the account. The tax credit shall be the indicated
7 percentage of the amount deposited:

8 a. For an account holder with a taxable income
9 which is equal to or less than one hundred fifty
10 percent of the federal poverty level, twenty percent.

11 b. For an account holder with a taxable income
12 which is greater than one hundred fifty percent but
13 less than two hundred percent of the federal poverty
14 level, between ten and twenty percent in accordance
15 with a sliding scale which declines as income
16 increases. The sliding scale shall be established by
17 rule adopted by the administrator.

18 2. State tax on income earned by an individual
19 development account which remains in the account is
20 not subject to tax until withdrawn.

21 3. Up to five hundred dollars of contributions
22 made to individual development accounts by an
23 individual contributor in any calendar year shall be
24 considered a deduction from income for state taxation
25 purposes. The total amount of deductible
26 contributions to an account in a calendar year shall
27 be limited to one thousand dollars. The operating
28 organization shall provide written certification of a
29 deductible contribution.

30 4. Amounts transferred between individual
31 development accounts are not subject to state tax.

32 5. The department of revenue and finance shall
33 work with the United States secretary of the treasury
34 and the state's congressional delegation as necessary
35 to secure an exemption from federal taxation for
36 individual development accounts and the earnings on

37 those accounts. The department shall report annually
38 to the governor and the general assembly concerning
39 the status of federal approval.

40 Sec. ____ . NEW SECTION. 541A.4 INDIVIDUAL
41 DEVELOPMENT ACCOUNT -- PILOT PHASE.

42 A state human investment reserve pool is created in
43 the state treasury. The governor shall name an
44 executive branch agency as administrator to have
45 authority over the reserve pool. Interest on moneys
46 in the reserve pool shall remain in the reserve pool
47 and notwithstanding sections 8.33 and 8.39, moneys in
48 the reserve pool are not subject to reversion or
49 transfer. Moneys in the reserve pool shall be used
50 for administrative expenses of the administrator and

Page 6

1 to match deposits in individual development accounts.
2 The administrator shall perform all of the following
3 duties or may delegate the performance of the duties
4 to a suitable entity in administering the individual
5 development accounts:

6 1. For the five-year pilot phase period beginning
7 March 1, 1994, and ending February 28, 1999, the total
8 number of individual development accounts shall be
9 limited to ten thousand accounts. The administrator
10 shall ensure that the family income status of account
11 holders at the time an account is opened
12 proportionately reflects the distribution of the
13 income status of the state's population up to three
14 hundred percent of the federal poverty level.

15 2. Issue a request for proposals for operating
16 organizations to be involved with the operation of
17 individual development accounts on behalf of a
18 specific target population. The administrator shall
19 determine the review criteria used to select operating
20 organizations. The initial review criteria used to
21 evaluate organizations' proposed projects and
22 requirements associated with operating organizations
23 shall include but are not limited to all of the
24 following:

25 a. Provision of a safe and secure investment
26 mechanism for the individual development accounts
27 utilizing a financial institution approved by the
28 administrator.

29 b. The proposed project has a strong relationship
30 to goals established by other initiatives deemed a
31 priority by the administrator.

32 c. The proposed project links the making of an
33 account holder's contributions to an individual

34 development account with other services or outcomes
35 identified by the operating organization in the
36 proposal. The proposed project includes mechanisms
37 for the operating organization to monitor and enforce
38 the identified outcomes and services.

39 d. The operating organization is capable of
40 performing the project as proposed. Minimum
41 capabilities shall include an ability to provide
42 financial counseling, familiarity and ability to work
43 with the proposed target population, and a strong
44 record of successful management.
45 e. The operating organization proposes to provide
46 a significant amount of matching funds for individual
47 development accounts.

48 f. The proposal includes a monitoring and
49 evaluation plan for certifying the proposed project's
50 outcomes.

Page 7

1 g. The responsibilities of an operating
2 organization shall include but are not limited to all
3 of the following:
4 (1) Certifying that a financial instrument is an
5 individual development account based upon its having
6 the characteristics described in section 541A.2.
7 (2) Certifying the amount of contributions to an
8 individual development account by individual
9 contributors during a tax year which are eligible for
10 deduction for state individual income tax purposes.
11 (3) Certifying the income status and the amount of
12 contributions to an individual development account by
13 an account holder during a tax year.
14 (4) Calculating the adjusted contribution
15 principal amounts for the account holder, state, and
16 individual and charitable contributors as required for
17 purposes of section 541A.2, subsections 4 and 5.
18 3. Utilizing guidelines established in law for
19 this purpose, the administrator shall contract for an
20 independent evaluation of the implementation of the
21 individual development accounts. The evaluation shall
22 consider the following: implementation and process
23 used for the implementation, program impact, and
24 financial effectiveness.

25 Sec. —. EFFECTIVE DATE AND APPLICABILITY
26 PROVISIONS. Sections 500 and 501 of this Act are
27 effective January 1, 1994. Section 500 applies to tax
28 years beginning on or after January 1, 1994. Section
29 501 applies to decedents dying on or after January 1,

30 1994.”

31 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-3267

1 Amend Senate File 268 as follows:

2 1. Page 4, line 25, by inserting after the word
3 “section.” the following: “The department may submit
4 a waiver request or requests to the United States
5 department of agriculture to make changes in the
6 federal food stamp program to correspond with the
7 policy changes provided in this section.”

8 2. Page 7, line 2, by inserting after the word
9 “vehicle.” the following: “Beginning July 1, 1994,
10 and continuing in succeeding fiscal years, the motor
11 vehicle equity value disregarded by the department
12 shall be increased by the latest increase in the
13 consumer price index for used vehicles during the
14 previous state fiscal year.”

15 3. Page 8, by inserting after line 34, the
16 following:

17 “f. INFORMATION DISCLOSURE. The department may
18 disclose confidential information described in section
19 217.30, subsection 1, to other state agencies or to
20 any other entity which is not subject to the
21 provisions of chapter 17A and is providing services to
22 recipients who are subject to a family development
23 agreement, if necessary in order for the recipients to
24 receive the services. The department shall adopt
25 rules establishing standards for disclosure of
26 confidential information if disclosure is necessary in
27 order for recipients to receive services.”

28 4. Page 10, be inserting after line 12, the
29 following:

30 DIVISION ____

31 JOBS PROGRAM INFORMATION

32 Sec. ____ . Section 217.30, subsection 4, Code 1993,
33 is amended by adding the following new paragraph:
34 NEW PARAGRAPH. e. The department may disclose
35 information described in subsection 1, to other state
36 agencies or to any other person who is not subject to
37 the provisions of chapter 17A and is providing
38 services to recipients under chapter 239 who are
39 participating in the federal-state job opportunities
40 and basic skills program administered under chapter
41 249C, if necessary for the recipients to receive the

42 services."

43 5. By renumbering and relettering as necessary.

ELAINE SZYMONIAK

S-3268

- 1 Amend Senate File 331 as follows:
- 2 1. Page 3, by inserting after line 5 the
- 3 following:
- 4 "Sec. ____ . NEW SECTION. 331.424B JOINT COMMUNITY
- 5 ECONOMIC DEVELOPMENT LEVY.
- 6 A group of counties or group of counties and cities
- 7 organized pursuant to chapter 28E may impose an
- 8 economic development levy under section 331.424A. The
- 9 levy shall be imposed and revenues distributed in
- 10 accordance with the provisions of the agreement
- 11 between the counties or counties and cities pursuant
- 12 to section 28E.4."
- 13 2. Page 5, by inserting after line 12 the
- 14 following:
- 15 "Sec. ____ . NEW SECTION. 384.12A JOINT COMMUNITY
- 16 ECONOMIC DEVELOPMENT LEVY.
- 17 A group of cities or group of cities and counties
- 18 organized pursuant to chapter 28E may also impose an
- 19 economic development levy under section 384.12,
- 20 subsection 22. The levy shall be imposed and revenues
- 21 distributed in accordance with the provisions of the
- 22 agreement between the cities or cities and counties
- 23 pursuant to section 28E.4."
- 24 3. By renumbering as necessary.

MERLIN E. BARTZ

S-3269

- 1 Amend Senate File 368 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 18.21, Code 1993, is amended
- 5 to read as follows:
- 6 18.21 CERTAIN POLYSTYRENE PACKAGING PRODUCTS --
- 7 RECYCLING - PROHIBITION.
- 8 The department of general services shall comply
- 9 with the recycling goal; and recycling schedule; and
- 10 ~~ultimate termination of the purchase and use of~~
- 11 ~~polystyrene products for the purpose of storing;~~
- 12 ~~packaging; or serving food for immediate consumption~~
- 13 pursuant to section 455D.16.
- 14 Sec. ____ . Section 216B.3, subsection 13, Code

15 1993, is amended to read as follows:

16 13. In conjunction with the recommendations made
17 by the department of natural resources, purchase and
18 use recycled printing and writing paper in accordance
19 with the schedule established in section 18.18;
20 establish a wastepaper recycling program, by January
21 1, 1990, in accordance with the recommendations made
22 by the department of natural resources and
23 requirements of section 18.20; comply with the
24 recycling goal; and recycling schedule; and ultimate
25 termination of purchase and use of polystyrene
26 products for the purpose of storing, packaging, or
27 servng food for immediate consumption pursuant to
28 section 455D.16; and, in accordance with section 18.6,
29 require product content statements, the provision of
30 information regarding on-site review of waste
31 management in product bidding and contract procedures,
32 and compliance with requirements regarding contract
33 bidding.

34 Sec. ____ . Section 262.9, subsection 5, Code 1993,
35 is amended to read as follows:

36 5. In conjunction with the recommendations made by
37 the department of natural resources, purchase and use
38 recycled printing and writing paper, with the
39 exception of specialized paper when no recyclable
40 product is available, in accordance with the schedule
41 established in section 18.18; establish a wastepaper
42 recycling program by January 1, 1990, for all
43 institutions governed by the board in accordance with
44 recommendations made by the department of natural
45 resources and the requirements of section 18.20;
46 comply with, and the institutions governed by the
47 board shall also comply with the recycling goal; and
48 recycling schedule; and ultimate termination of
49 purchase and use of polystyrene products for the
50 purpose of storing, packaging, or serving food for

Page 2

1 immediate consumption pursuant to section 455D.16;
2 shall, in accordance with the requirements of section
3 18.6, require product content statements, the
4 provision of information regarding on-site review of
5 waste management in product bidding and contract
6 procedures, and compliance with requirements regarding
7 procurement specifications; and shall comply with the
8 requirements for the purchase of lubricating oils and
9 industrial oils as established pursuant to section
10 18.22.

11 Sec. ____ . Section 307.21, subsection 4, paragraph

12 b, subparagraph (3), Code 1993, is amended to read as
13 follows:

14 (3) Comply with the recycling goal; and recycling
15 ~~schedule; and ultimate termination of purchase and use~~
16 ~~of polystyrene products for the purpose of storing,~~
17 ~~packaging; or serving food for immediate consumption~~
18 pursuant to section 455D.16."

19 2. Page 1, by inserting after line 20 the
20 following:

21 "Sec. ____ . Section 455D.16, Code 1993, is amended
22 to read as follows:

23 455D.16 PACKAGING PRODUCTS - RECYCLING -
24 PROHIBITION OF POLYSTYRENE PRODUCTS.

25 The department, in cooperation with businesses
26 involved in the manufacturing and use of packaging
27 products or food service items, shall establish a
28 recycling program to increase the recycling of
29 packaging products or food service items by twenty-
30 five percent by July 1, 1993, and by fifty percent by
31 July 1, 1994. ~~If the recycling goals are not reached;~~
32 ~~beginning January 1, 1995, a person shall not~~
33 ~~manufacture, offer for sale, sell, or use any~~
34 ~~polystyrene packaging products or food service items~~
35 ~~in this state."~~

36 3. Title page, line 1, by inserting after the
37 word "Act" the following: "relating to waste volume
38 reduction and recycling by removing the prohibition
39 against the manufacture, sale, and use of certain
40 polystyrene products and items and by".

41 4. By renumbering as necessary.

TONY BISIGNANO
EMIL J. HUSAK

S-3270

1 Amend Senate File 335 as follows:

2 1. By striking page 1, line 28, through page 2,
3 line 10 and inserting the following:

4 "1. The board of directors of the foundation shall
5 consist of nine voting members and ten ex officio
6 nonvoting members as follows:

7 a. Nine members appointed by the governor and
8 confirmed by the senate pursuant to section 2.32. Of
9 these nine members, two shall be chosen from the three
10 names submitted by the governing bodies of the three
11 statewide labor organizations representing building
12 trades and manufacturing employees, one shall be
13 chosen from production agriculture, at least one shall
14 be chosen from a food processing business, at least

15 one shall be chosen from a biotechnology business, and
 16 at least two shall be chosen from".

17 2. Page 2, line 13, by striking the words "e.

18 The following four" and inserting the following: "b.

19 The following ten".

20 3. Page 2, line 19, by inserting after the word

21 "senate" the following: ", the president, or the

22 president's designee, of the university of northern

23 Iowa, the state university of Iowa, and Iowa state

24 university, one person each, with a preference given

25 to persons with experience in manufacturing technology

26 transfer, chosen by the Iowa association of community

27 college presidents and the Iowa association of

28 independent colleges and universities, and the person

29 whose name was submitted by a statewide labor

30 organization representing building trades and

31 manufacturing employees to the governor but who was

32 not chosen by the governor to be a voting member".

33 4. Page 3, line 3, by inserting after the word

34 "department" the following: "after December 31,

35 1993".

JIM RIORDAN
 TONY BISIGNANO
 LARRY MURPHY
 JIM LIND
 BRAD BANKS
 ALLEN BORLAUG

S-3271

1 Amend Senate File 357 as follows:

2 1. Page 1, line 34, by inserting after the word

3 "assembly." the following: "However, this section

4 shall not apply to any services privatized in a bill

5 enacted during the first regular session of the

6 Seventy-fifth General Assembly."

DERRYL McLAREN
 MARY E. KRAMER
 MAGGIE TINSMAN

S-3272

1 Amend Senate File 357 as follows:

2 1. Page 1, by striking lines 32 through 34 and

3 inserting the following: "Act."

DERRYL McLAREN
MARY E. KRAMER
MAGGIE TINSMAN

S-3273

- 1 Amend the amendment, S-3252, to Senate File 350 as
- 2 follows;
- 3 1. Page 1, by striking line 4 and inserting the
- 4 following:
- 5 "Sec. 100. Section 598.22A, subsection 3, Code".
- 6 2. Page 1, by inserting after line 22 the
- 7 following:
- 8 "____. Page 33, by inserting after line 2, the
- 9 following:
- 10 "Sec. ____ . RETROACTIVITY. Section 100 of this Act
- 11 applies retroactively to January 1, 1986.""
- 12 3. Title page, by striking line 2 and inserting
- 13 the following: "penalties, an effective date, and a
- 14 retroactive applicability date."
- 15 4. By renumbering as necessary.

JIM RIORDAN
WILLIAM D. PALMER

S-3274

- 1 Amend Senate File 350 as follows:
- 2 1. Page 3, line 24, by inserting after the word
- 3 "section." the following: "A willful failure to
- 4 provide the information shall be punishable as
- 5 contempt."

TOM VILSACK

S-3275

- 1 Amend Senate File 211 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 256.25 I-SERVE --
- 5 SECONDARY SCHOOL COMMUNITY SERVICE PROGRAM.
- 6 1. A community service assistance program, which
- 7 together with the campus community service program
- 8 shall be known as "I-SERVE", is created within the
- 9 department of education to assist schools and school
- 10 districts in the development and implementation of
- 11 community service programs. The findings of the

12 general assembly in section 261D.1 apply to this
13 section. The department shall act as a clearinghouse
14 for model community service activities. The
15 department shall consult with and collect information
16 about potential activities from the department of
17 elder affairs, social service agencies, veterans
18 organizations, religious organizations, or
19 philanthropic organizations that support or encourage
20 community service within the state. Information
21 provided by the department shall include, but is not
22 limited to, the following: model community service
23 programs, teacher training courses, and community
24 service curricula and teaching materials for possible
25 use by school districts in their programs.

26 2. The department shall make every effort to apply
27 for, and accept, funds for the community service
28 program from businesses, government, nonprofit
29 associations, social service agencies, and
30 philanthropic organizations.

31 3. A separate community service assistance account
32 is established under the authority of the department
33 of education solely for the use of the secondary
34 school community service assistance program. All
35 funds received by the department for the purposes of
36 the program, including but not limited to
37 appropriations, gifts, grants, and endowments, shall
38 be credited to the community service assistance
39 account and are to be invested or used to support the
40 program. Notwithstanding section 8.33, any funds
41 received for purposes of the community service program
42 unencumbered or unexpended on June 30 of any fiscal
43 year shall not revert to the general fund of the
44 state.

45 4. Schools and school districts are strongly
46 encouraged to implement a community service program at
47 the secondary school level, and to urge students to
48 participate in community service.

49 5. For purposes of this section, "community
50 service" means work or service performed by students,

Page 2

1 either voluntarily or for some form of compensation or
2 academic credit, through nonprofit, governmental, and
3 community-based organizations, or schools, colleges,
4 or universities. In general, the work or service
5 should be designed to provide direct experience with
6 people or project planning, and should have the goal
7 of improving the quality of life in a local community.

8 Sec. 2. NEW SECTION. 261D.1 FINDINGS.

9 It is the intent of the general assembly that
10 greater volunteer opportunities to assist in local
11 communities be coordinated for and offered to school,
12 college, and university students. Current volunteer
13 efforts conducted by community organizations reach
14 only a fraction of the need. The demand for public
15 service is great because private, state, and federal
16 funding are insufficient to pay for all of the social
17 services necessary. Student volunteers are needed to
18 meet society's enormous unserved human needs and
19 social challenges. Existing community service
20 efforts, including the Iowa corps and the Iowa
21 heritage corps, have successfully demonstrated that
22 participation in public service is of mutual benefit
23 to participating students and the recipients of their
24 services. In encouraging student volunteer programs
25 at the secondary and postsecondary levels, the general
26 assembly intends to do all of the following:

27 1. Strengthen the school, college, or university
28 experience by encouraging students to take advantage
29 of opportunities to develop themselves and apply their
30 skills in real-world learning experiences.

31 2. Help nurture a sense of human community and
32 social responsibility in the state's high school,
33 university, and college students.

34 3. Invite the fullest possible cooperation between
35 secondary and postsecondary education institutions,
36 public, private, and nonprofit agencies, and
37 philanthropic organizations to plan, fund, and
38 implement expanded opportunities for student
39 participation in community life through public service
40 in organized programs.

41 4. Substantially increase school, college, and
42 university student participation in community
43 services.

44 Sec. 3. **NEW SECTION. 261D.2 I-SERVE -- CAMPUS**
45 **COMMUNITY SERVICE PROGRAM.**

46 1. A campus community service program, which
47 together with the community service secondary school
48 program, shall be known as "I-SERVE", is created to be
49 administered and coordinated by the department of
50 education for community colleges, by the state board

Page 3

1 of regents for institutions of higher education under
2 its control, and by the Iowa association to which the
3 majority of accredited private postsecondary
4 institutions belong in Iowa. The state agencies and
5 the association shall encourage the expanding of

6 community service programs on campuses of the
7 institutions, assist in development and implementation
8 of campus service activities, and serve as a
9 clearinghouse for information about model service
10 activities engaged in by students. The agencies and
11 association shall encourage state institutions of
12 higher education governed by the state board of
13 regents, the community colleges, and accredited
14 private institutions that accept state funds to
15 implement campus service programs. The goal of the
16 program is to provide each student with ongoing
17 opportunities throughout the student's college or
18 university career to participate in community service
19 programs. Colleges and universities shall encourage
20 full-time students, including both undergraduate and
21 graduate students, enrolled in an accredited
22 institution of higher education in Iowa to participate
23 in the campus community service program. The agencies
24 and association shall strongly encourage each
25 institution of higher education in the state to
26 develop flexible programs that permit the widest
27 possible student involvement, including participation
28 by part-time students and others for whom
29 participation may be difficult due to financial,
30 academic, personal, or other considerations.

31 2. Each participating institution is encouraged to
32 establish a campus community service task force
33 composed of students, faculty, administrators, and
34 community representatives from the following:
35 schools, local businesses, government, nonprofit
36 associations, social services agencies, and
37 philanthropic organizations. Each task force shall be
38 gender balanced and reflect the ethnic and racial
39 diversity of the institution and the surrounding
40 community. The purpose of the task force is to
41 strengthen, coordinate, and expand existing on-campus
42 and external community service opportunities; make new
43 service opportunities available; promote the campus
44 community service program and make students, community
45 groups, faculty, employment recruiters, and
46 administrators aware of the service goals. Task
47 forces shall recommend implementation strategies to
48 the institution. Each institution shall report
49 annually to the appropriate agency or association on
50 the progress, operation, and participation levels of

Page 4

1 the program.

2 3. It is the intent of the general assembly that

3 the campus community service task forces utilize
4 existing resources whenever possible to implement the
5 campus community service program. Campuses are also
6 encouraged to seek the resources of the private and
7 independent sectors, philanthropic organizations, and
8 the federal government to supplement state support for
9 the campus community service program.

10 4. Funds appropriated for purposes of this section
11 shall be used to offset the costs of administering the
12 campus community service program. Funds shall also be
13 allocated competitively for programs and not on a pro
14 rata basis for each campus. Preference in funding
15 should be given to strengthen and expand exemplary
16 efforts to implement the campus community service
17 program and to stimulate new efforts on campuses where
18 the establishment of student community service
19 programs has been limited.

20 5. Campuses may develop numerous approaches to
21 implement the campus community service program on each
22 campus. Activities eligible for funding may include a
23 wide variety of incentives for student participation
24 including but not limited to recognition programs,
25 fellowships, transportation costs, and matching
26 grants.

27 6. A separate campus community service fund is
28 created in the state treasury under the control of the
29 college student aid commission to be used solely for
30 the campus community service program. All funds
31 received for the purposes of the program, including
32 but not limited to state appropriations, gifts,
33 grants, and endowments, shall be credited to the
34 campus community service fund and invested or used to
35 support the program. Unless otherwise specified,
36 moneys deposited in the fund shall be equally
37 distributed to the department of education for
38 community colleges, to the state board of regents for
39 institutions of higher education under its control,
40 and to the college student aid commission for
41 accredited private institutions. Notwithstanding
42 section 8.33, any balance in the fund on June 30 of
43 any fiscal year shall not revert to the general fund
44 of the state.

45 7. Plans shall provide for students to perform
46 services under the program that will not supplant the
47 hiring of, result in the displacement of, or impair
48 any existing employment contract of an employee of a
49 private or governmental agency for which the services
50 are performed.

Page 5

1 8. For purposes of this section, "community
2 service" means work or service performed by students
3 in service to a local community, either voluntarily or
4 for some form of compensation or academic credit,
5 through nonprofit, governmental, and community-based
6 organizations, or schools, colleges, and universities.
7 In general, the work or service should be designed to
8 provide direct experience with people or project
9 planning, and should have the goal of improving the
10 quality of life in a local community.

11 9. The board of trustees of each community
12 college, the state board of regents, and the board
13 governing each accredited private institution as
14 defined in section 261.9, shall consider joining the
15 campus compact project of the education commission of
16 the states. The consideration and board vote on
17 whether to join the campus compact shall take place at
18 an open meeting held pursuant to chapter 21 before
19 July 1, 1995.

20 Sec. 4. NEW SECTION. 280.24 COMMUNITY SERVICE
21 PROGRAM REQUIREMENTS.

22 1. The purpose of a community service program is
23 to provide secondary school students with ongoing
24 opportunities to participate in activities to improve
25 the quality of life in a community. The board of
26 directors of a public school district and the
27 authorities in control of a nonpublic school are
28 strongly encouraged to include education courses
29 relating to community service in the educational
30 program of the district or school. The district or
31 school is further encouraged to establish a community
32 service advisory committee to develop and implement
33 plans for community service programs. Districts and
34 schools are encouraged to submit plans to the
35 department to be made available as models for other
36 school districts or schools.

37 2. If a school or school district establishes a
38 community service advisory committee, the membership
39 of the committee shall be gender balanced and shall
40 include students.

41 3. It is the intent of the general assembly that
42 the schools, school boards, and advisory committees
43 utilize existing resources to implement the community
44 service programs. This responsibility includes
45 seeking the resources of the private and independent
46 sectors, philanthropic organizations, and the federal
47 government to supplement state support for the
48 community service program.

49 4. Plans shall provide for students to perform
50 services under the plan that will not supplant the

Page 6

1 hiring of, result in the displacement of, or impair
2 any existing employment contract of an employee of a
3 private or governmental agency for which the services
4 are performed.

5 5. The board of directors of a public school and
6 the authorities in charge of a nonpublic school
7 integrating community service education into the
8 district's or school's curricula may grant school
9 credit for a community service education course if the
10 course offers sufficient opportunity, in a positive
11 setting for human development, for pupil volunteers to
12 develop general skills in preparation for employment,
13 to enhance self-esteem and self-worth, to give genuine
14 service to the community, and to integrate academic
15 learning with the service experience.

16 6. "Community service" means community service as
17 defined in section 256.25 for purposes of this
18 chapter.

19 Sec. 5. The department of education shall report
20 to the senate and house of representatives committees
21 on education and the joint education appropriations
22 committee of the general assembly not later than July
23 1, 1994, on the progress being made to establish a
24 community service assistance program, together with
25 recommendations for funding, continuation, and
26 expansion of the community service assistance program.

27 Sec. 6. The department of education, the state
28 board of regents, and the Iowa association of
29 independent colleges and universities shall report to
30 the committees on education and the joint education
31 appropriations committee of the general assembly not
32 later than July 1, 1994, on the progress being made to
33 establish a campus community service program,
34 including the number of campuses participating in the
35 campus community service program, together with
36 recommendations for funding, continuation, and
37 expansion of the campus community service program.

38 Sec. 7. Section 261D.2, subsection 8, as enacted
39 in this Act, is amended by striking the subsection.

40 Sec. 8. Section 7 of this Act takes effect July 1,
41 1995."

42 2. Title page, by striking lines 1 through 4 and
43 inserting the following: "An Act establishing I-
44 SERVE, including a community service program for
45 secondary school pupils, and a campus community

46 service program, to organize student volunteers in
 47 service to communities, and providing for the
 48 establishment of a fund and making of appropriations."

MIKE CONNOLLY

S-3276

1 Amend the amendment, S-3173, to Senate File 350 as
 2 follows:
 3 1. Page 1, line 15, by inserting after the word
 4 "section." the following: "A willful failure to
 5 provide the information shall be punishable as
 6 contempt."

TOM VILSACK

S-3277

1 Amend the amendment, S-3204, to Senate File 358 as
 2 follows:
 3 1. Page 1, line 3, by striking the words "at the"
 4 and inserting the following: "from".
 5 2. Page 1, line 4, by striking the word
 6 "facility" and inserting the following: "wagering".

MIKE CONNOLLY

S-3278

1 Amend the amendment, S-3213, to House File 429, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 15, by inserting after the figure
 5 "1994." the following: "Prior to July 1, 1994, a
 6 hospital with one hundred beds or more shall not be
 7 required to submit additional data beyond the data
 8 required to be submitted from the computerized
 9 severity-of-illness system as of January 1, 1993, and
 10 such a hospital shall not be required to expend
 11 additional moneys beyond the cost of operating a
 12 computerized severity-of-illness system as of January
 13 1, 1993."

FLORENCE BUHR
 MICHAEL E. GRONSTAL
 MAGGIE TINSMAN
 LARRY MURPHY
 WAYNE D. BENNETT

S-3279

- 1 Amend Senate File 331 as follows:
 2 1. Page 3, by inserting after line 5 the
 3 following:
 4 "Sec. ____ . **NEW SECTION. 331.424B JOINT COMMUNITY**
 5 **ECONOMIC DEVELOPMENT LEVY.**
 6 A group of counties or group of counties and cities
 7 organized pursuant to chapter 28E may impose an
 8 economic development levy under section 331.424A. The
 9 levy shall be imposed and revenues distributed in
 10 accordance with the provisions of the agreement
 11 between the counties or counties and cities pursuant
 12 to section 28E.4."
 13 2. Page 5, by inserting after line 12 the
 14 following:
 15 "Sec. ____ . **NEW SECTION. 384.12A JOINT COMMUNITY**
 16 **ECONOMIC DEVELOPMENT LEVY.**
 17 A group of cities or group of cities and counties
 18 organized pursuant to chapter 28E may also impose an
 19 economic development levy under section 384.12,
 20 subsection 22. The levy shall be imposed and revenues
 21 distributed in accordance with the provisions of the
 22 agreement between the cities or cities and counties
 23 pursuant to section 28E.4."
 24 3. By renumbering as necessary.

MERLIN E. BARTZ
 PATTY JUDGE

S-3280

- 1 Amend Senate File 350 as follows:
 2 1. Page 10, line 9, by inserting after the word
 3 "period" the following: "pursuant to section 600B.41,
 4 subsection 7".
 5 2. Page 10, by inserting after line 27 the
 6 following:
 7 "An action to establish paternity and support under
 8 this chapter may be brought within the time
 9 limitations set forth in section 614.8."

RANDAL J. GIANNETTO
 LINN FUHRMAN

S-3281

- 1 Amend Senate File 399 as follows:
 2 1. Page 9, line 8, by inserting after the word
 3 "hospital" the following: ", to the county

4 conservation board, or to the county commission of
5 veteran affairs".

JAMES R. RIORDAN
JOHN P. KIBBIE
WILLIAM W. DIELEMAN
JOHN W. JENSEN
O. GENE MADDOX
EMIL J. HUSAK
WILLIAM A. FINK

S-3282

1 Amend Senate File 399 as follows:

2 1. Page 5, by inserting after line 3 the
3 following:

4 "Sec. ____ . Section 331.234, subsection 3, Code
5 1993, is amended to read as follows:

6 3. The board shall make available to the
7 commission in-kind services such as office space,
8 printing, supplies, and equipment and shall pay the
9 other necessary expenses of the commission including
10 compensation for secretarial, clerical, professional,
11 and consultant services. The total annual amount of
12 public funds used to finance expenses relating to a
13 charter commission, or a proposed charter or charter
14 amendment, not including the value of in-kind
15 expenses, to be paid from public funds shall not
16 exceed one hundred thousand dollars or an amount equal
17 to thirty cents times the population of the commission
18 area, according to the most recent certified federal
19 census. The commission may employ staff as necessary.
20 No more than sixty percent of the public funds used to
21 finance expenses may be used to fund expenses of a
22 charter commission. The remaining forty percent shall
23 be made available to any group organized with the sole
24 purpose of opposing a charter or charter amendment and
25 may be used to pay only the actual expenses of such a
26 group."

27 2. By renumbering as necessary.

RAY TAYLOR

S-3283

1 Amend Senate File 350 as follows:

2 1. Page 33, by inserting after line 2, the
3 following:

4 "Sec. ____ . INTENT -- VISITATION RIGHTS. The
5 judicial department shall review the issue of

6 compliance with visitation rights awarded pursuant to
7 section 598.41 and shall make recommendations to the
8 committee on judiciary of the senate and the committee
9 on judiciary and law enforcement of the house of
10 representatives by January 15, 1994, regarding
11 improvements in enforcement of and compliance with the
12 visitation rights awarded under a child custody
13 order.”
14 2. By renumbering and correcting internal
15 references as necessary.

JIM KERSTEN
JEAN LLOYD-JONES

S-3284

1 Amend the amendment, S-3257, to Senate File 376, as
2 follows:
3 1. Page 4, by striking lines 27 and 28 and
4 inserting the following:
5 “Sec. ____ . Section 260C.48, subsection 2,
6 unnumbered paragraph 1, and paragraphs a and b, and
7 paragraph c, unnumbered paragraph 1, Code 1993, are
8 amended by striking the unnumbered paragraph, lettered
9 paragraphs, and unnumbered paragraph.”
10 2. By renumbering as necessary.

JOHN P. KIBBIE

S-3285

1 Amend Senate File 393 as follows:
2 1. Page 1, line 15, by striking the words
3 “qualified physicians” and inserting the following:
4 “physicians deemed qualified by the board of medical
5 examiners”.
6 2. Page 1, line 19, by inserting after the word
7 “program.” the following: “A health care facility, a
8 health care referral program, or a health care
9 provider participating in the program shall not bill
10 or charge a patient for any physician service provided
11 under the volunteer physician program.”

ELAINE SZYMONIAK

S-3286

1 Amend the amendment, S-3213, to House File 429, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking line 15, and inserting the
5 following: "before July 1, 1993 1994. Prior to July
6 1, 1994, a hospital with one hundred beds or more
7 shall not be required to expend additional moneys
8 beyond the cost of operating a computerized severity-
9 of-illness system as of January 1, 1993."

RICHARD VARN

S-3287

1 Amend Senate File 163 as follows:
2 1. Page 2, by striking lines 30 through 33 and
3 inserting the following: "fighter shall be held under
4 the direction of and as specified in accordance with
5 medical protocols established by the boards board of
6 trustees of the fire or police retirement systems
7 system established by section 411.5 and the. The
8 commission may shall conduct a medical examination of
9 an applicant for the position of police officer,
10 police matron, or fire fighter".

TOM VILSACK

S-3288

1 Amend Senate File 383 as follows:
2 1. Page 8, by inserting after line 17, the
3 following:
4 "Sec. ____ . Section 142B.1, subsection 3, Code
5 1993, is amended to read as follows:
6 3. "Public place" means any enclosed indoor area
7 used by the general public or serving as a place of
8 work containing two hundred fifty or more square feet
9 of floor space, including, but not limited to, all
10 restaurants with a seating capacity greater than
11 fifty, all retail stores, lobbies and malls, offices,
12 including waiting rooms, and other commercial
13 establishments; public conveyances with departures,
14 travel, and destination entirely within this state;
15 educational facilities; hospitals, clinics, nursing
16 homes, and other health care and medical facilities;
17 licensed child care centers, as defined in section
18 237A.1; and auditoriums, elevators, theaters,
19 libraries, art museums, concert halls, indoor arenas,
20 and meeting rooms. "Public place" does not include a
21 retail store at which fifty percent or more of the
22 sales result from the sale of tobacco or tobacco
23 products, the portion of a retail store where tobacco
24 or tobacco products are sold, a private, enclosed

25 office occupied exclusively by smokers even though the
26 office may be visited by nonsmokers, a room used
27 primarily as the residence of students or other
28 persons at an educational facility, a sleeping room in
29 a motel or hotel, or each resident's room in a health
30 care facility. The person in custody or control of
31 the facility shall provide a sufficient number of
32 rooms in which smoking is not permitted to accommodate
33 all persons who desire such rooms.

34 Sec. ____ . Section 142B.2, subsection 3, unnumbered
35 paragraph 1, Code 1993, is amended to read as follows:

36 ~~Where smoking areas are designated, existing~~
37 ~~physical barriers and existing ventilation systems~~
38 ~~shall be used to minimize the toxic effect of smoke in~~
39 ~~adjacent nonsmoking areas. In the case of public~~
40 ~~places consisting of a single room, the provisions of~~
41 ~~this law shall be considered met if one side of the~~
42 ~~room is reserved and posted as a no-smoking area. A~~
43 ~~designated smoking area shall only be designated if~~
44 ~~transmission of environmental tobacco smoke to~~
45 ~~adjacent areas can be completely eliminated.~~ No
46 public place other than a bar shall be designated as a
47 smoking area in its entirety. If a bar has within its
48 premises a nonsmoking area, this designation shall be
49 posted on all entrances normally used by the public.

50 Sec. ____ . Section 142B.6, unnumbered paragraph 3,

Page 2

1 Code 1993, is amended to read as follows:

2 The Iowa department of public health shall adopt
3 rules to enforce this chapter. Enforcement of this
4 chapter shall be implemented in an equitable manner
5 throughout the state. For the purpose of equitable
6 and uniform implementation, application, and
7 enforcement of state and local laws and regulations,
8 the provisions of this chapter shall supersede any
9 local law or regulation which is inconsistent with or
10 conflicts with the provisions of this chapter."

11 2. Title page, line 4, by inserting after the
12 word "abatement," the following: "indoor air,".

13 3. By renumbering as necessary.

ELAINE SZYMONIAK

HOUSE AMENDMENT TO
SENATE CONCURRENT RESOLUTION 5

S-3289

1 Amend Senate Concurrent Resolution 5, as passed by
2 the Senate, as follows:

3 1. Page 1, line 6, by inserting after the words
4 "Iowa, the" the following: "Black Squirrel Capital of
5 Iowa, and Shelby, Iowa, the".

6 2. Page 1, by striking lines 14 through 22.

7 3. By striking page 1, line 30, through page 2,
8 line 5.

9 4. Page 2, by striking line 8 and inserting the
10 following: "beneficial to the community; and

11 WHEREAS, the black, or melanistic, fox squirrel
12 population makes up less than 10 percent of the total
13 fox squirrel population in Iowa; and

14 WHEREAS, the majority of the state's black
15 squirrels have found a home in Council Bluffs, to the
16 delight of the citizens of Council Bluffs; and

17 WHEREAS, Interstate 80 provides the state's
18 tourists with easy access to picturesque locations to
19 encounter purple martins and black squirrels; NOW
20 THEREFORE,"

21 5. Page 2, line 16, by inserting after the word
22 "the" the following: "official Black Squirrel Capital
23 of Iowa.

24 BE IT FURTHER RESOLVED, That the Iowa General
25 Assembly designate Shelby, Iowa, as the".

26 6. Page 2, line 20, by inserting after the word
27 "Iowa," the following: "to the Mayor of the City of
28 Shelby, Iowa,".

S-3290

1 Amend Senate File 357 as follows:

2 1. Page 1, by inserting after line 34 the
3 following:

4 "This section shall not apply to services which the
5 state and a political subdivision of the state or a
6 nonprofit corporation agree shall be provided by the
7 political subdivision either directly or by contract
8 between the political subdivision and a private
9 entity."

TOM VILSACK

S-3291

- 1 Amend the amendment, S-3275, to Senate File 211, as
- 2 follows:
- 3 1. Page 6, line 38, by striking the figure "8"
- 4 and inserting the following: "9".

MIKE CONNOLLY

S-3292

- 1 Amend Senate File 393 as follows:
- 2 1. Page 1, by inserting after line 30 the
- 3 following:
- 4 " ____ . This Act also applies to physician
- 5 assistants licensed under chapter 148C and advanced
- 6 registered nurse practitioners licensed under chapter
- 7 152."

JOHN W. JENSEN
JAMES R. RIORDAN

S-3293

- 1 Amend the amendment, S-3257, to Senate File 376, as
- 2 follows:
- 3 1. Page 3, by striking line 17 and inserting the
- 4 following: "is amended to read as follows:
- 5 11. Adopt rules prohibiting the last area
- 6 vocational school to become a comprehensive community
- 7 college that does not provide intercollegiate
- 8 athletics as a part of its program on July 1, 1987,
- 9 from adding intercollegiate athletics to its program
- 10 after that date."

JIM LIND
HARRY SLIFE

S-3294

- 1 Amend Senate File 359 as follows:
- 2 1. Page 1, line 3, by striking the word "three"
- 3 and inserting the following: "three five".
- 4 2. Page 1, line 7, by striking the words "two
- 5 copies" and inserting the following: "two three
- 6 copies and".
- 7 3. Page 2, line 7, by striking the words "as
- 8 provided in this Act no later than January 1, 1994,"

9 and inserting the following: "as soon as
10 practicable".

RICHARD VARN
BERL E. PRIEBE

S-3295

1 Amend Senate File 356 as follows:

2 1. Page 1, by striking lines 1 through 9 and
3 inserting the following:

4 "Section 1. Section 99B.1, subsection 2, Code
5 1993, is amended by striking the subsection and
6 inserting in lieu thereof the following:

7 2. "Amusement device" means an electrical or
8 mechanical device possessed and used in accordance
9 with section 99B.10. An amusement device is a coin,
10 currency, or token adapted device that provides audio,
11 video screen, or mechanical result when possessed and
12 used in accordance with that section. An amusement
13 device is not a game of chance as defined in section
14 99B.1, and is not a gambling device as defined in
15 section 725.9, or a gambling game authorized under
16 chapter 99F."

17 2. Page 1, by striking line 19 through 26 and
18 inserting the following:

19 "Sec. ____ . Section 99B.1, subsection 15, Code
20 1993, is amended by striking the subsection and
21 inserting in lieu thereof the following:

22 15. "Game of skill" means a game in which the
23 result is determined by the player directing,
24 throwing, or maneuvering light, objects, balls, pucks,
25 water, air, or characters to designated areas or
26 targets by electrical or mechanical means. A game of
27 skill includes but is not limited to a device that
28 uses a dragline device to pick up particular items, a
29 pinball machine, billiards, electronic darts, or by
30 shooting a gun or rifle, or a game that is activated
31 by photo light emission. A game of skill is not a
32 game of chance, nor is it a gambling device. A game
33 of skill may be designed and intended for use as an
34 amusement device."

35 3. Page 1, by inserting after line 33 the
36 following:

37 "Sec. ____ . Section 99B.1, Code 1993, is amended by
38 adding the following new subsection:

39 **NEW SUBSECTION. 24.** "Slot machine" means a
40 mechanical, electronic, or video gambling device into
41 which a player deposits coins, tokens, or currency and
42 from which credits, tickets, or tokens or coins are

43 paid out when a particular, random configuration of
44 symbols appears on the reels, simulated reels, or
45 screen of the device. The slot machine may have a
46 lever, buttons, or other means to activate or stop the
47 play.

48 Sec. ____ . Section 99B.2, subsection 2, Code 1993,
49 is amended to read as follows:

50 2. A licensee other than one issued a license

Page 2

1 pursuant to section 99B.3, 99B.6, 99B.7A, or 99B.9
2 shall maintain proper books of account and records
3 showing in addition to any other information required
4 by the department, gross receipts and the amount of
5 the gross receipts taxes collected or accrued with
6 respect to gambling activities; all expenses, charges,
7 fees and other deductions, and the cash amounts, or
8 the cost to the licensee of goods or other noncash
9 valuables, distributed to participants in the licensed
10 activity. If the licensee is a qualified
11 organization, the amounts dedicated and the date and
12 name and address of each person to whom distributed
13 also shall be kept in the books and records. The
14 books of account and records shall be made available
15 to the department or a law enforcement agency for
16 inspection at reasonable times, with or without
17 notice. A failure to permit inspection is a serious
18 misdemeanor."

19 4. Page 2, line 6, by striking the figure
20 "503(c)(3)" and inserting the following: "501(c)(3)".

21 5. Page 2, by striking lines 12 through 17 and
22 inserting the following:

23 "(3) The organization does not have a self-
24 perpetuating governing body and officers.

25 This paragraph does not apply to a political party,
26 as defined in section 43.2, to a nonparty political
27 organization that has qualified to place a candidate
28 as its nominee for statewide office pursuant to
29 chapter 44, or to a candidate's committee as defined
30 in section 56.2."

31 6. Page 3, by striking lines 2 through 14.

32 7. Page 3, by inserting after line 28 the
33 following:

34 "Sec. 100. Section 99B.10, Code 1993, is amended
35 by adding the following new subsection:

36 NEW SUBSECTION. 4. An amusement device shall have
37 an identification tag or plate with the name, address,
38 and current sales tax permit number of the owner. The
39 identification tag or plate must be no less than two

40 and one-half inches by one inch in size and must be
41 affixed in a visible or easily accessible location on
42 the device."

43 8. Page 4, by striking lines 1 through 16.

44 9. Page 4, by inserting before line 17 the
45 following:

46 "Sec. ____ . Section 725.9, Code 1993, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 1A. "Slot machine" means a
49 mechanical, electronic, or video gambling device into
50 which a player deposits coins, tokens, or currency and

Page 3

1 from which credits, tickets, or tokens or coins are
2 paid out when a particular, random configuration of
3 symbols appears on the reels, simulated reels, or
4 screen of the device. The slot machine may have a
5 lever, buttons, or other means to activate or stop the
6 play."

7 10. Page 5, by inserting after line 5 the
8 following:

9 "Sec. 101. Section 725.16, Code 1993, is amended
10 to read as follows:

11 725.16 GAMBLING PENALTY.

12 A person who commits an offense declared in chapter
13 99B, except section 99B.10, to be a misdemeanor ~~shall~~

14 ~~be is~~ guilty of a serious misdemeanor ~~except if~~. If
15 an owner of an electrical or mechanical amusement
16 device commits an offense in violation of section
17 99B.10, the owner is guilty of a class "D" felony.

18 However, if an owner violates section 99B.10,
19 subsection 4, only the owner is guilty of a serious
20 misdemeanor."

21 11. Page 5, by inserting after line 5 the
22 following:

23 "Sec. ____ . EFFECTIVE DATE. Sections 100 and 101
24 take effect January 1, 1994."

25 12. Title page, line 2, by inserting after the
26 word "devices" the following: ", providing an
27 effective date."

MICHAEL GRONSTAL

S-3296

1 Amend Senate File 354 as follows:

2 1. Page 11, by inserting after line 27, the
3 following:

4 "Sec. ____ . Section 123.95, Code 1993, is amended

5 by striking the section and inserting in lieu thereof
6 the following:

7 123.95 PREMISES MUST BE LICENSED -- EXCEPTION AS
8 TO CONVENTIONS AND SOCIAL GATHERINGS.

9 1. A person shall not allow the dispensing or
10 consumption of alcoholic liquor, except wines and
11 beer, in any establishment unless the establishment is
12 licensed under this chapter or except as otherwise
13 provided in this section. The holder of a class "B"
14 liquor control license or a class "C" liquor control
15 license may act as the agent of a private social host
16 for the purpose of providing and serving alcoholic
17 liquor, wine, and beer as part of a food catering
18 service for a private social gathering in a private
19 place. The private social host or the licensee shall
20 not solicit donations in payment for the food or
21 alcoholic beverages from the guests, and the alcoholic
22 beverages and food shall be served without cost to the
23 guests. Section 123.92 shall apply to a liquor
24 control licensee who acts in accordance with this
25 section when the liquor control licensee is providing
26 and serving food and alcoholic beverages as an agent
27 of a private social host at a private social gathering
28 in a private place which is not on the licensed
29 premises.

30 2. An applicant for a class "B" liquor control
31 license or class "C" liquor control license shall
32 state on the application for the license that the
33 licensee intends to engage in catering food and
34 alcoholic beverages for private social gatherings and
35 the catering privilege shall be noted on the license
36 or permit. A licensee who engages in catering food
37 and alcoholic beverages for private social gatherings
38 shall maintain a record on the licensed premises which
39 includes the name and address of the host of the
40 private social gathering, and the date for which
41 catering was provided. The record maintained pursuant
42 to this section shall be open to inspection pursuant
43 to section 123.30, subsection 1, during normal
44 business hours of the licensee.

45 3. However, bona fide conventions or meetings may
46 bring their own legal liquor onto the licensed
47 premises if the liquor is served to delegates or
48 guests without cost. All other provisions of this
49 chapter shall be applicable to such premises. The
50 provisions of this section shall have no application

Page 2

- 1 to private social gatherings of friends or relatives
 2 in a private home or a private place which is not of a
 3 commercial nature nor where goods or services may be
 4 purchased or sold nor any charge or rent or other
 5 thing of value is exchanged for the use of such
 6 premises for any purpose other than for sleeping
 7 quarters."
 8 2. By renumbering as necessary.

JAMES B. KERSTEN
 TONY BISIGNANO

S-3297

- 1 Amend Senate File 357 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. The legislative council is requested
 5 to authorize a study committee on privatization of
 6 state functions. The committee would consider the
 7 recommendations of the Fisher commission, the senate
 8 appropriations subcommittee on privatization, receive
 9 information and testimony from other sources, and make
 10 recommendations.
 11 The committee membership would be as follows:
 12 1. Five senators, three appointed by the majority
 13 leader, two appointed by the minority leader.
 14 2. Five representatives, three appointed by the
 15 speaker of the house of representatives, two appointed
 16 by the minority leader.
 17 3. One member each representing the departments of
 18 management and personnel and two other departments, to
 19 be chosen by the governor.
 20 4. Five public members, two representing private
 21 business, two representing labor organizations, and
 22 one member whose only interest in privatization stems
 23 from the person's status as an Iowa resident and
 24 taxpayer. One member from each of the first two
 25 categories shall be appointed by the majority leader
 26 of the senate and one member from each of the first
 27 two categories shall be appointed by the speaker of
 28 the house of representatives. The fifth member shall
 29 be appointed by the governor. Members will be
 30 entitled to receive their actual expenses for
 31 attending meetings of the committee.
 32 The committee shall present its recommendations by
 33 November 15, 1993."
 34 2. Title page, by striking lines 1 through 3 and

35 inserting the following: "An Act requesting a
36 privatization of state functions study."

DERRYL McLAREN
MARY E. KRAMER
MAGGIE TINSMAN

S-3298

- 1 Amend Senate File 383 as follows:
- 2 1. By striking page 2, line 27, through page 5,
- 3 line 22.
- 4 2. Page 10, by striking lines 25 through 29.
- 5 3. Title page, line 4, by striking the words
- 6 "lead abatement,".
- 7 4. By renumbering as necessary.

RAY TAYLOR

S-3299

- 1 Amend Senate File 380 as follows:
- 2 1. Page 3, by striking lines 10 and 11.
- 3 2. By renumbering as necessary.

RICHARD VARN

HOUSE AMENDMENT TO
SENATE FILE 267

S-3300

- 1 Amend Senate File 267, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by striking the figure
- 4 "110,000" and inserting the following: "139,215".
- 5 2. Page 1, line 16, by striking the figure "4.00"
- 6 and inserting the following: "4.75".
- 7 3. Page 3, line 5, by striking the figure
- 8 "1,359,812" and inserting the following: "1,330,597".
- 9 4. Page 7, by inserting after line 5 the
- 10 following:
- 11 "The department of corrections shall analyze and
- 12 compare policies and guidelines directed to inmates at
- 13 the correctional facilities. The department shall
- 14 revise the policies and guidelines as necessary to
- 15 ensure that inmates at the Mitchellville correctional
- 16 facility, as compared to inmates at other correctional
- 17 facilities controlled by the department, have
- 18 equitable opportunities for education, vocational

19 education, and treatment and that other requirements
 20 applicable to inmates at the Mitchellville
 21 correctional facility, including but not limited to
 22 requirements for funeral leave, are equivalent to the
 23 requirements applicable to inmates of other
 24 correctional facilities. The department's analysis
 25 and comparison of the policies and guidelines and any
 26 changes made in the policies and guidelines shall be
 27 reported to the chairpersons and ranking members of
 28 the joint appropriations subcommittee on the justice
 29 system and the legislative fiscal bureau on or before
 30 December 15, 1993."

31 5. Page 7, line 8, by inserting after the word
 32 "system" the following: "and the joint appropriations
 33 subcommittee on education, the chairpersons and
 34 ranking members of the senate and house standing
 35 committees on education,".

36 6. Page 17, line 10, by inserting after the word
 37 "county." the following: "However, in counties with a
 38 population of three hundred thousand or greater, as
 39 determined pursuant to the 1990 federal census, the
 40 offices of the clerks of the district court shall be
 41 kept open at least five days a week, excluding days
 42 which are paid holidays as specified in section 1C.2,
 43 subsections 1 through 9."

44 7. Page 20, line 6, by inserting after the word
 45 "designee" the following: ", the deputy director of
 46 the division of community services or the deputy
 47 director's designee, the deputy director of the
 48 division of administration or the deputy director's
 49 designee, and a warden or superintendent of a
 50 correctional institution listed in section 904.102,

Page 2

1 appointed by the director of the department".

2 8. Page 21, by inserting after line 33 the
 3 following:

4 "___ . The plan shall consider whether a boot camp
 5 program should be established to meet the needs of
 6 youthful offenders with intensive programming needs,
 7 and make recommendations as to how a boot camp program
 8 should be structured."

9 9. By striking page 22, line 23 through page 26,
 10 line 14.

11 10. Page 28, by inserting after line 12 the
 12 following:

13 "Sec. ___ . NEW SECTION. 909.10 COLLECTION OF
 14 DELINQUENT AMOUNTS BY THE COURT.

15 1. As used in this section, unless the context

16 otherwise requires, "delinquent amounts" means a fine,
 17 court-imposed court costs in a criminal proceeding, or
 18 criminal surcharge imposed pursuant to section 911.2,
 19 which remains unpaid after two years from the date
 20 that the fine, court costs, or surcharge was imposed,
 21 and which is not collected by the county attorney
 22 pursuant to section 909.9. However, if the fine may
 23 be paid in installments pursuant to section 909.3, the
 24 fine is not a delinquent amount unless the installment
 25 remains unpaid after two years from the date the
 26 installment was due.

27 2. Notwithstanding the disposition sections of
 28 sections 602.8106 and 911.3, upon the collection of
 29 delinquent amounts, the clerks of the district court
 30 shall remit the delinquent amounts to the treasurer of
 31 state for deposit into the revolving fund established
 32 pursuant to section 602.1302, to be used for the
 33 payment of jury and witness fees and mileage."

34 11. By renumbering, relettering, or redesignating
 35 and correcting internal references as necessary.

S-3301

1 Amend Senate File 171 as follows:

2 1. Page 2, line 32, by striking the word "motion"
 3 and inserting the following: "the petition".

4 2. Page 3, by striking lines 8 through 10, and
 5 inserting the following: "rule 118. If the court".

6 3. Page 3, line 11, by striking the word
 7 "appropriate" and inserting the following:

8 "appropriate".

9 4. Page 3, by striking lines 12 and 13, and
 10 inserting the following: "it shall cause an order to
 11 be entered".

RANDAL J. GIANNETTO

S-3302

1 Amend Senate File 354 as follows:

2 1. Page 10, by inserting after line 19, the
 3 following:

4 "Sec. ____ . Section 123.47A, subsection 1, Code
 5 1993, is amended to read as follows:

6 1. A person shall not sell, give, or otherwise
 7 supply alcoholic liquor, wine, or beer to any person
 8 knowing or having reasonable cause to believe that the
 9 person is age eighteen, nineteen, or twenty. A person
 10 age eighteen, nineteen, or twenty shall not ~~purchase~~
 11 ~~or~~ possess alcoholic liquor, wine, or beer. However,

12 a person age eighteen, nineteen, or twenty may possess
13 alcoholic liquor, wine, or beer given to the person
14 within a private home with the knowledge and consent
15 of the person's parent or guardian, and a person age
16 eighteen, nineteen, or twenty may handle alcoholic
17 liquor, wine, and beer during the course of the
18 person's employment by a liquor control licensee, or
19 wine or beer permittee. A person, other than a
20 licensee or permittee, who commits a first offense
21 under this section commits a scheduled violation of
22 section 805.8, subsection 10. A person, other than a
23 licensee or permittee, who commits a second or
24 subsequent violation of this section, commits a simple
25 misdemeanor. A licensee or permittee who violates
26 this section with respect to a person who is age
27 nineteen or twenty is guilty of a simple misdemeanor
28 punishable by a fine of not more than fifty dollars.
29 The penalty provided under this section against a
30 licensee or permittee who violates this section with
31 respect to a person who is age nineteen or twenty is
32 the only penalty which shall be imposed against a
33 licensee or permittee who violates this section. A
34 licensee or permittee who violates this section with
35 respect to a person who is age eighteen commits a
36 simple misdemeanor, and is subject to the criminal and
37 civil penalties provided pursuant to sections 123.49
38 and 123.50 with respect to selling, giving, or
39 otherwise supplying alcoholic beverages, liquor, wine,
40 or beer to persons under legal age.
41 Sec. — . NEW SECTION. 123.48 PURCHASE OR
42 ATTEMPTED PURCHASE PROHIBITED BY PERSONS UNDER
43 TWENTY-
44 ONE YEARS -- PENALTY.
45 1. A person who is under twenty-one years of age
46 shall not purchase or attempt to purchase alcoholic
47 liquor, wine, or beer.
48 2. A person who violates this section shall be
49 fined one hundred dollars for the first offense. A
50 person who commits a second violation of this section
shall be fined two hundred fifty dollars, and for a

Page 2

1 third or subsequent violation of this section, a
2 person shall be fined five hundred dollars.”
3 2. Title page, line 8, by inserting after the
4 word “beverages,” the following: “by providing a
5 penalty for the purchase or attempted purchase of

6 alcoholic beverages by certain persons.”

7 3. By renumbering as necessary.

JOHN W. JENSEN
TONY BISIGNANO
JOE J. WELSH

S-3303

1 Amend the amendment, S-3297, to Senate File 357 as
2 follows:

3 1. Page 1, by striking lines 4 through 36 and
4 inserting the following:

5 “”Section 1. The legislative council shall
6 authorize a study committee on privatization of state
7 functions. The committee would consider the
8 recommendations of the Fisher commission, the senate
9 appropriations subcommittee on privatization, receive
10 information and testimony from other sources, and make
11 recommendations.

12 The committee membership would be as follows:

13 1. Five senators, three appointed by the majority
14 leader, two appointed by the minority leader.

15 2. Five representatives, three appointed by the
16 speaker of the house of representatives, two appointed
17 by the minority leader.

18 3. One ex officio, nonvoting member each
19 representing the departments of management and
20 personnel and two other departments, to be chosen by
21 the governor.

22 4. Four public members, two representing private
23 business and two representing labor organizations.
24 One member from each category shall be appointed by
25 the majority leader of the senate and one member from
26 each category shall be appointed by the speaker of the
27 house of representatives. Members appointed under
28 this subsection will be entitled to receive their
29 actual expenses for attending meetings of the
30 committee.

31 The committee shall present its recommendations by
32 November 15, 1993.

33 Sec. 2. PRIVATIZATION -- STATE EMPLOYEE
34 CONSULTATION. A state agency or department shall
35 consult with and consider alternatives proposed by
36 employees of the department or organizations
37 representing state employees prior to privatizing
38 functions provided by the agency or department.”

39 2. Title page, by striking lines 1 through 3 and
40 inserting the following: “An Act relating to

41 privatization of state functions and providing for a
42 study."

TOM VILSACK
PATTY JUDGE
RANDAL J. GIANNETTO
DERRYL McLAREN
MARY E. KRAMER
MICHAEL E. GRONSTAL

S-3304

1 Amend Senate File 359 as follows:
2 1. Page 1, line 3, by striking the word "three"
3 and inserting the following: "three five".
4 2. Page 1, line 7, by striking the words "two
5 copies" and inserting the following: "two three
6 copies and".
7 3. Page 2, line 7, by striking the words "as
8 provided in this Act no later than January 1, 1994,"
9 and inserting the following: "as soon as
10 practicable".

COMMITTEE ON RULES AND ADMINISTRATION
WALLY HORN, Chairperson

S-3305

1 Amend Senate File 354 as follows:
2 1. Page 7, line 17, by inserting after the word
3 "or" the following: "may request".
4 2. Page 7, by striking line 21 and inserting the
5 following: "The administrator may affirm, reverse, or
6 modify the proposed decision."
7 3. Page 8, line 4, by inserting after the word
8 "or" the following: "may request".
9 4. Page 8, line 32, by inserting after the word
10 "or" the following: "may request".

JOE J. WELSH

S-3306

1 Amend Senate File 356 as follows:
2 1. Page 3, by inserting after line 35 the
3 following:
4 "Sec. ____ . Section 99B.10, Code 1993, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. This section does not

- 7 apply to an amusement device owned, possessed, and
8 used for personal, noncommercial purposes.”

MERLIN E. BARTZ

S-3307

- 1 Amend Senate File 399 as follows:
2 1. Page 10, line 23, by inserting after the word
3 “question.” the following: “However, the following
4 shall require an affirmative vote of sixty percent of
5 the votes cast on the proposed amendment:
6 a. An amendment changing the charter provisions
7 relating to services or programs adopted pursuant to
8 section 331.261, subsection 3.
9 b. An amendment changing the maximum tax rate to
10 be levied or the method to determine that rate by the
11 regional service government adopted pursuant to
12 section 331.261, subsection 4 or 5.
13 c. An amendment changing the method for assumption
14 of bonded indebtedness or the extent to which the
15 regional service government may issue bonds or incur
16 indebtedness adopted pursuant to section 331.261,
17 subsection 6 or 7.
18 d. An amendment changing whether a city, city
19 utility, city enterprise, or special purpose district
20 will receive compensation for assets and property
21 transferred to the regional service government and the
22 disposition of any existing liabilities for the assets
23 transferred, adopted pursuant to section 331.261,
24 subsection 8.
25 PARAGRAPH DIVIDED.”

MARY E. KRAMER
O. GENE MADDOX

S-3308

- 1 Amend Senate File 399 as follows:
2 1. Page 10, line 13, by inserting after the word
3 “government” the following: “provided for in section
4 331.231, subsection 1, 2, 3, 4, or 6.”
5 2. Page 10, line 14, by inserting after the word
6 “officers.” the following: “An alternative form of
7 county government provided for in section 331.231,
8 subsection 5 or 7, shall provide for the nonpartisan
9 election of its officers.”

MARY E. KRAMER
O. GENE MADDOX

S-3309

1 Amend Senate File 383 as follows:

2 1. Page 8, by inserting after line 17, the
3 following:

4 "Sec. ____ section 141.23A, Code 1993, is amended
5 to read as follows:

6 141.23A HUMAN IMMUNODEFICIENCY VIRUS
7 EPIDEMIOLOGICAL ~~BLINDED STUDY STUDIES~~.

8 1. Notwithstanding section 141.8 regarding
9 informed consent and reporting requirements, and
10 section 141.22 regarding informed consent and
11 preliminary and posttest counseling, the Iowa
12 department of public health or its agent, with the
13 approval of the state board of health, may conduct
14 through the expenditure of federal grant moneys
15 allocated for this purpose an blinded epidemiological
16 blinded study of newborns studies to determine the
17 incidence and prevalence of the human immunodeficiency
18 virus infection. ~~All~~ In blinded studies, all personal
19 identifiers shall be permanently stripped from the
20 specimens selected prior to testing for the human
21 immunodeficiency virus infection.

22 For the purposes of this ~~section~~ subsection,
23 "~~epidemiological~~ blinded epidemiological study" means
24 a study in which blood specimens which were collected
25 for other purposes are selected according to
26 established criteria, are permanently stripped of
27 personal identifiers, and are then tested.

28 2. ~~The Iowa department of public health, with the~~
29 ~~approval of the state board of health, may conduct~~
30 ~~nonblinded epidemiological studies to determine the~~
31 ~~incidence and prevalence of the human immunodeficiency~~
32 ~~virus infection. For the purposes of this subsection,~~
33 ~~"nonblinded epidemiological study" means a study in~~
34 ~~which specimens are collected, for the express purpose~~
35 ~~of testing for the human immunodeficiency virus~~
36 ~~infection, from persons who are selected in accordance~~
37 ~~with established criteria, subject to section 141.8~~
38 ~~regarding informed consent and reporting requirements~~
39 ~~and section 141.22 regarding informed consent and~~
40 ~~preliminary and posttest counseling."~~

41 2. Title page, line 6, by inserting after the
42 word "toxins," the following: "epidemiological
43 studies,".

44 3. By renumbering as necessary.

ELAINE SZYMONIAK

S-3310

- 1 Amend Senate File 367 as follows:
- 2 1. Page 1, line 5, by striking the word "a" and
- 3 inserting the following: "the".
- 4 2. Page 1, line 6, by striking the words "or
- 5 "c".
- 6 3. Page 1, line 10, by striking the letter "a"
- 7 and inserting the following: "c".
- 8 4. Page 1, line 13, by inserting after the word
- 9 "required." the following: "If a member resigns, is
- 10 removed from office, or dies, and the member had
- 11 selected the method of payment specified in subsection
- 12 5, paragraph "a", the member or the member's estate
- 13 shall be paid the additional amount which the member
- 14 would have been paid if the member had selected
- 15 payment pursuant to subsection 5, paragraph "c"."

SHELDON RITTMER

S-3311

- 1 Amend the amendment, S-3212, to Senate File 367 as
- 2 follows:
- 3 1. Page 1, by inserting after line 5 the
- 4 following:
- 5 " — . Page 1, line 10, by striking the letter "a"
- 6 and inserting the following: "c".
- 7 — . Page 1, line 13, by inserting after the word
- 8 "required." the following: "If a member resigns, is
- 9 removed from office, or dies and the member had
- 10 selected the method of payment specified in subsection
- 11 5, paragraph "a", the member or the member's estate
- 12 shall be paid the additional amount which the member
- 13 would have been paid if the member had selected
- 14 payment pursuant to subsection 5, paragraph "c"."
- 15 2. By renumbering as necessary.

SHELDON RITTMER

S-3312

- 1 Amend Senate File 358 as follows:
- 2 1. Page 2, by striking lines 8 through 10 and in-
- 3 serting the following:
- 4 "Sec. — . Section 99F.4, Code 1993, is amended by
- 5 adding the following new subsection:"
- 6 2. Page 2, line 11, by striking the figure "4"

7 and inserting the following: "NEW SUBSECTION. 4A".
8 3. Page 4, by striking lines 29 and 30.

ANDY McKEAN

S-3313

1 Amend Senate File 399 as follows:
2 1. Page 9, by inserting before line 9 the
3 following: "This paragraph does not apply to the
4 county conservation board, or to the county commission
5 of veteran affairs".

JAMES R. RIORDAN

S-3314

1 Amend House File 430, 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. There is appropriated from the general
6 fund of the state to the following named agencies for
7 the fiscal year beginning July 1, 1993, and ending
8 June 30, 1994, the following amounts, or so much
9 thereof as is necessary, to be used for the purposes
10 designated:

11 1. COMMISSION ON UNIFORM STATE LAWS
12 For support of the commission and expenses of the
13 members:

14 \$ 18,316

15 2. NATIONAL CONFERENCE OF STATE LEGISLATURES

16 For support of the membership assessment for the
17 Senate:

18 \$ 41,297

19 Sec. 2. REVIEW OF PROFESSIONAL, SCIENTIFIC, OR
20 EDUCATIONAL DUES. The executive council shall review
21 dues paid by state agencies of the executive
22 department of state government for membership in
23 professional, scientific, and educational
24 organizations with the goal of reducing membership
25 costs by one third. The executive council shall give
26 first consideration to reductions by state agencies
27 which have multiple memberships.

28 Sec. 3. There is appropriated from the general
29 fund of the state to the department of general
30 services for the fiscal year beginning July 1, 1993,
31 and ending June 30, 1994, the following amounts, or so
32 much thereof as is necessary, to be used for the
33 purposes designated:

34 1. ADMINISTRATION DIVISION

35 For salaries, support, maintenance, miscellaneous
36 purposes, and for not more than the following full-
37 time equivalent positions:

38	.....	\$	462,386
39	.....	FTEs	10.35

40 2. COMMUNICATIONS DIVISION

41 For salaries, support, maintenance, miscellaneous
42 purposes, and for not more than the following full-
43 time equivalent positions:

44	.....	\$	164,942
45	.....	FTEs	13.00

46 3. INFORMATION SERVICES DIVISION

47 For salaries, support, maintenance, miscellaneous
48 purposes, and for not more than the following full-
49 time equivalent positions:

50	\$	5,343,907
----	-------	----	-----------

Page 2

1	FTEs	132.50
---	-------	------	--------

2 4. PROPERTY MANAGEMENT DIVISION

3 For salaries, support, maintenance, miscellaneous
4 purposes, and for not more than the following full-
5 time equivalent positions:

6	.....	\$	3,528,274
7	.....	FTEs	115.00

8 5. PRINTING AND MAIL DIVISION

9 For salaries, support, maintenance, miscellaneous
10 purposes, and for not more than the following full-
11 time equivalent positions:

12	.....	\$	820,381
13	.....	FTEs	28.25

14 The department of general services shall not change
15 the appropriations for the purposes designated in
16 subsections 1 through 5 from the amounts appropriated
17 under those subsections unless notice of the revisions
18 is given prior to their effective date to the
19 legislative fiscal bureau. The notice shall include
20 information on the department's rationale for making
21 the changes.

22 The department of general services shall report
23 quarterly regarding the construction and financial
24 status of the Iowa communications network project to
25 the chairpersons and ranking members of the joint
26 appropriations subcommittee on administration and to
27 the legislative fiscal bureau. The report shall also
28 include any changes from the scheduled progress or
29 expenditures.

30 Savings achieved in providing telecommunications

31 services shall be used by the department of general
 32 services to increase efficiencies in the provision of
 33 those services. The department of general services
 34 shall report semiannually to the chairpersons and the
 35 ranking members of the joint appropriations
 36 subcommittee on administration and to the legislative
 37 fiscal bureau. The reports shall include a listing of
 38 the projects and efficiencies undertaken, the cost of
 39 each project, and the benefits, including the
 40 projected savings on an annual basis and for the life
 41 of the efficiency improvement.

42 Sec. 4. There is appropriated from the general
 43 fund of the state to the department of general
 44 services for the fiscal year beginning July 1, 1993,
 45 and ending June 30, 1994, the following amounts, or so
 46 much thereof as is necessary, to be used for the
 47 purposes designated:

48 1. CAPITOL PLANNING COMMISSION

49 For expenses of the members in carrying out their
 50 duties under chapter 18A:

Page 3

1	\$	1,256
2 2. RENTAL SPACE		
3 For payment of lease or rental costs of buildings		
4 and office space at the seat of government as provided		
5 in section 18.12, subsection 9, notwithstanding		
6 section 18.16:		
7	\$	522,034
8 3. UTILITY COSTS		
9 For payment of utility costs:		
10	\$	1,900,000
11 The department of general services may use funds		
12 appropriated in this subsection for utility costs to		
13 fund energy conservation projects in the state capitol		
14 complex which will have a 100 percent payback within a		
15 24-month period. In addition, notwithstanding		
16 sections 8.33 and 18.12, subsection 11, any excess		
17 funds appropriated for utility costs in this		
18 subsection shall not revert to the general fund of the		
19 state on June 30, 1994, and these funds shall be used		
20 for implementation of energy conservation projects		
21 having a payback of 100 percent within a two-year to		
22 six-year period. The department of general services		
23 shall report semiannually on the projects having 100		
24 percent payback within a six-year period to the		
25 chairpersons and ranking members of the joint		
26 appropriations subcommittee on administration and to		
27 the legislative fiscal bureau. The reports shall		

28 include a listing of the projects undertaken, the cost
 29 of each project, and the projected savings on an
 30 annual basis and for the life of the project.

31 Sec. 5. There is appropriated from the designated
 32 revolving funds to the department of general services
 33 for the fiscal year beginning July 1, 1993, and ending
 34 June 30, 1994, the following amounts, or so much
 35 thereof as is necessary, to be used for the purposes
 36 designated:

37 1. From the centralized printing permanent
 38 revolving fund established by section 18.57 for
 39 salaries, support, maintenance, miscellaneous
 40 purposes, and for not more than the following full-
 41 time equivalent positions:

42	\$	870,062
43	FTEs	25.00

44 2. The remainder of the centralized printing
 45 permanent revolving fund is appropriated for the
 46 expense incurred in supplying paper stock, offset
 47 printing, copy preparation, binding, distribution
 48 costs, original payment of printing and binding claims
 49 and contingencies arising during the fiscal year
 50 beginning July 1, 1993, and ending June 30, 1994,

Page 4

1 which are legally payable from this fund.

2 3. From the centralized purchasing permanent
 3 revolving fund established by section 18.9 for
 4 salaries, support, maintenance, miscellaneous
 5 purposes, and for not more than the following full-
 6 time equivalent positions:

7	\$	609,430
8	FTEs	15.00

9 4. The remainder of the centralized purchasing
 10 permanent revolving fund is appropriated for the
 11 payment of expenses incurred through purchases by
 12 various state departments and for contingencies
 13 arising during the fiscal year beginning July 1, 1993,
 14 and ending June 30, 1994, which are legally payable
 15 from this fund.

16 5. From the vehicle dispatcher revolving fund
 17 established by section 18.119 for salaries, support,
 18 maintenance, miscellaneous purposes, and for not more
 19 than the following full-time equivalent positions:

20	\$	598,696
21	FTEs	15.00

22 6. The remainder of the vehicle dispatcher
 23 revolving fund is appropriated for the purchase of
 24 gasoline, gasohol, oil, tires, repairs, and all other

25 maintenance expenses incurred in the operation of
26 state-owned motor vehicles and for contingencies
27 arising during the fiscal year beginning July 1, 1993,
28 and ending June 30, 1994, which are legally payable
29 from this fund.

30 The vehicle dispatcher shall report, not later than
31 February 15, 1994, to the chairpersons and the ranking
32 members of the joint appropriations subcommittee on
33 administration and to the legislative fiscal bureau
34 regarding the efficiencies of the vehicle fleet and
35 the changes in the efficiencies. The report shall
36 include the cost per mile, fuel efficiencies,
37 maintenance costs, useful life, the costs of extending
38 the useful life, and other measures which the vehicle
39 dispatcher or the legislative fiscal bureau finds
40 appropriate. The information shall be reported for
41 each general type of vehicle. The overhead costs
42 shall also be reported with the total costs of the
43 vehicle dispatcher operations.

44 In addition, the vehicle dispatcher shall report
45 each fleet purchase proposal at least one month before
46 executing a contract or a purchase agreement for any
47 vehicles to be purchased for the state vehicle fleet.
48 The report shall include, but is not limited to, the
49 department receiving the vehicles, the total cost, the
50 vehicles to be replaced, and the rationale for

Page 5

1 replacing the vehicles. The vehicle dispatcher shall
2 report by October 1, 1993, for the total depreciation
3 of the fleet by department and by vehicle for the
4 preceding fiscal year.

5 The department of general services shall report to
6 the chairpersons and ranking members of the joint
7 appropriations subcommittee on administration and the
8 legislative fiscal bureau semiannually in January and
9 July, the results of the project testing the potential
10 for burning an 85 percent ethanol mixture in the
11 state's test vehicles. The report shall include, but
12 is not limited to, purchase costs, maintenance costs,
13 average mileage, vehicle life, problems encountered,
14 and likely benefits.

15 Sec. 6. GOVERNOR. There is appropriated from the
16 general fund of the state to the offices of the
17 governor and the lieutenant governor for the fiscal
18 year beginning July 1, 1993, and ending June 30, 1994,
19 the following amounts, or so much thereof as is
20 necessary, to be used for the purposes designated:

21 1. For salaries, support, maintenance, and

22	miscellaneous purposes for the general office of the		
23	governor and the general office of the lieutenant		
24	governor, and for not more than the following full-		
25	time equivalent positions:		
26	.....	\$	955,524
27	.....	FTEs	17.25
28	The annual salary paid to the administrative		
29	assistant who deals with agricultural issues for the		
30	office of the governor for the fiscal year beginning		
31	July 1, 1993, shall be the same annual salary which		
32	was paid to the administrative assistant's		
33	predecessor.		
34	2. For the governor's expenses and the lieutenant		
35	governor's expenses connected with office:		
36	.....	\$	2,416
37	3. For salaries, support, maintenance, and		
38	miscellaneous purposes for the governor's quarters at		
39	Terrace Hill, and for not more than the following		
40	full-time equivalent positions:		
41	.....	\$	46,206
42	.....	FTEs	1.50
43	4. For salaries, support, maintenance,		
44	miscellaneous purposes, for the operation of Terrace		
45	Hill, and for not more than the following full-time		
46	equivalent positions:		
47	.....	\$	161,258
48	.....	FTEs	4.25
49	5. For the payment of expenses of ad hoc		
50	committees, councils, and task forces appointed by the		

Page 6

1	governor to research and analyze a particular subject		
2	area relevant to the problems and responsibilities of		
3	state and local government, including the employment		
4	of professional, technical, and administrative staff		
5	and the payment of per diem and actual expenses of		
6	committee, council, or task force members as specified		
7	pursuant to section 7E.6:		
8	.....	\$	1,610
9	The ad hoc committees, councils, and task forces		
10	appointed by the governor are subject to chapters 21		
11	and 22 and the members and the staff shall be informed		
12	of these requirements. A member shall not receive a		
13	per diem if the member is receiving a salary as a		
14	full-time public employee, but members shall be		
15	reimbursed for actual and necessary expenses.		
16	6. For salaries, support, maintenance, and		
17	miscellaneous purposes for the office of		
18	administrative rules coordinator, and for not more		

19 than the following full-time equivalent positions:

20	\$	89,598
21	FTEs	2.00

22 7. For payment of Iowa's membership in the
23 national governors' conference:

24	\$	66,992
----------	----	--------

25 Sec. 7. DRUG ENFORCEMENT AND ABUSE COORDINATOR.

26 There is appropriated from the general fund of the
27 state to the office of the drug enforcement and abuse
28 prevention coordinator for the fiscal year beginning
29 July 1, 1993, and ending June 30, 1994, the following
30 amounts, or so much thereof as is necessary, to be
31 used for the purposes designated:

32 1. For salaries, support, maintenance,

33 miscellaneous purposes, and for not more than the
34 following full-time equivalent positions:

35	\$	214,427
36	FTEs	10.00

37 2. The drug enforcement and abuse prevention
38 coordinator shall use the amount appropriated in this
39 subsection to match and obtain available federal
40 funds, the total amount of these funds to be used for
41 the costs of the clearinghouse.

42 For the Iowa substance abuse clearinghouse in Cedar
43 Rapids for staff, materials, and operating expenses:

44	\$	32,894
----------	----	--------

45 Sec. 8. DEPARTMENT OF MANAGEMENT. There is

46 appropriated from the general fund of the state to the
47 department of management for the fiscal year beginning
48 July 1, 1993, and ending June 30, 1994, the following
49 amount, or so much thereof as is necessary, to be used
50 for the purposes designated:

Page 7

1 For salaries, support, maintenance, miscellaneous
2 purposes, and for not more than the following full-
3 time equivalent positions:

4	\$	1,493,320
5	FTEs	27.00

6 Sec. 9. There is appropriated from the road use
7 tax fund to the department of management for the
8 fiscal year beginning July 1, 1993, and ending June
9 30, 1994, the following amount, or so much thereof as
10 is necessary, to be used for the purposes designated:

11 For salaries, support, maintenance, and
12 miscellaneous purposes:

13	\$	56,000
----------	----	--------

14 The department of management shall report to the
15 chairpersons and ranking members of the senate and

16 house committees on appropriations, the chairpersons
 17 and ranking members of the joint appropriations
 18 subcommittee on administration, and the legislative
 19 fiscal bureau, the number of furloughs and the number
 20 of layoffs that occur in each state agency, the
 21 savings associated with those furloughs and layoffs,
 22 the effect of the furloughs and layoffs on services
 23 provided by the state agency, and other relevant
 24 information. The department shall provide a year-end
 25 report summarizing the information for fiscal year
 26 1992-1993 on or before September 1, 1993. The
 27 department shall continue this reporting for fiscal
 28 year 1993-1994. A report on the first five months of
 29 the fiscal year is due by January 2, 1994, and a year-
 30 end report is due by September 1, 1994.

31 When addressing staffing targets for state
 32 agencies, the department of management shall state the
 33 number of staff authorized for a state agency in terms
 34 of full-time equivalent positions.

35 Sec. 10. There is appropriated from the general
 36 fund of the state to the department of management for
 37 the fiscal year beginning July 1, 1993, and ending
 38 June 30, 1994, the following amount, or so much
 39 thereof as is necessary, to be used for the purpose
 40 designated:

41 COUNCIL OF STATE GOVERNMENTS

42 For support of the membership assessment:
 43 \$ 57,575

44 Sec. 11. There is appropriated from the general
 45 fund of the state to the department of personnel for
 46 the fiscal year beginning July 1, 1993, and ending
 47 June 30, 1994, the following amounts, or so much
 48 thereof as is necessary, to be used for the purposes
 49 designated including the filing of quarterly reports
 50 as required in this section:

Page 8

1 1. ADMINISTRATION

2 For salaries, support, maintenance, and
 3 miscellaneous purposes for the director's staff,
 4 office services, data-word processing, and employment
 5 law and labor relations, and for not more than the
 6 following full-time equivalent positions:

7 \$ 1,297,439
 8 FTEs 23.00

9 2. FIELD SERVICES

10 For salaries for the personnel services and for not
 11 more than the following full-time equivalent
 12 positions:

13	.....	\$	667,516
14	.....	FTEs	23.00
15	3. PROGRAM MANAGEMENT		
16	a. For salaries for employment and training, and		
17	for not more than the following full-time equivalent		
18	positions:		
19	.....	\$	653,031
20	.....	FTEs	18.00
21	b. For salaries for compensation and benefits and		
22	for the administration of the workers' compensation		
23	fund and for not more than the following full-time		
24	equivalent positions:		
25	.....	\$	811,188
26	.....	FTEs	22.00
27	Any funds received by the department for workers'		
28	compensation purposes other than the funds		
29	appropriated in paragraph "b" shall be used only for		
30	the payment of workers' compensation claims.		
31	The funds for support, maintenance, and		
32	miscellaneous purposes for personnel assigned to field		
33	services under subsection 2 and program management		
34	under subsection 3 are payable from the appropriation		
35	made in subsection 1.		
36	The department of personnel shall report quarterly		
37	to the chairpersons and ranking members of the joint		
38	appropriations subcommittee on administration		
39	concerning the number of vacancies in existing full-		
40	time equivalent positions and the average time taken		
41	to fill the vacancies. The reports shall include		
42	quarterly and annual averages organized according to		
43	state agency and general occupational category as		
44	established by the federal equal employment		
45	opportunity commission. All departments and agencies		
46	of the state shall cooperate with the department in		
47	the preparation of the reports.		
48	Sec. 12. IPERS. There is appropriated from the		
49	Iowa public employees' retirement system fund to the		
50	department of personnel for the fiscal year beginning		

Page 9

1 July 1, 1993, and ending June 30, 1994, the following
2 amounts, or so much thereof as is necessary, to be
3 used for the purposes designated:

4 1. For salaries, support, maintenance, and other
5 operational purposes to pay the costs of the Iowa
6 public employees' retirement system:

7 \$ 3,447,852

8 2. It is the intent of the general assembly that
9 the Iowa public employees' retirement system employ

10 sufficient staff within the appropriation provided in
11 this section to meet the developing requirements of
12 the investment program.

13 3. The department of personnel shall report on or
14 before January 1, 1994, and each six months thereafter
15 until the data information system is fully implemented
16 to the chairpersons and ranking members of the joint
17 appropriations subcommittee on administration and to
18 the legislative fiscal bureau, on the progress made in
19 implementing the data information system. The report
20 shall include, but is not limited to, moneys spent and
21 encumbered, progress made relative to the scheduled
22 implementation, and benefits or anticipated benefits
23 of the system.

24 4. The department of personnel shall submit,
25 annually, a report to the chairpersons and ranking
26 members of the joint appropriations subcommittee on
27 administration and to the legislative fiscal bureau
28 regarding the results of the state's top achievement
29 recognition program. The reports submitted shall
30 include, but are not limited to, identification of the
31 recipients, a description of the meritorious
32 achievements, and the awards conferred.

33 Sec. 13. There is appropriated from the primary
34 road fund to the department of personnel for the
35 fiscal year beginning July 1, 1993, and ending June
36 30, 1994, the following amount, or so much thereof as
37 is necessary, to be used for the purposes designated:

38 For salaries, support, maintenance, and
39 miscellaneous purposes to provide personnel services
40 for the state department of transportation:

41 \$ 303,953

42 Sec. 14. There is appropriated from the road use
43 tax fund to the department of personnel for the fiscal
44 year beginning July 1, 1993, and ending June 30, 1994,
45 the following amount, or so much thereof as is
46 necessary, to be used for the purposes designated:

47 For salaries, support, maintenance, and
48 miscellaneous purposes to provide personnel services
49 for the state department of transportation:

50 \$ 49,481

Page 10

1 Sec. 15. There is appropriated from the general
2 fund of the state to the department of revenue and
3 finance for the fiscal year beginning July 1, 1993,
4 and ending June 30, 1994, the following amounts, or so
5 much thereof as is necessary, to be used for the
6 purposes designated, and for not more than the

7 following full-time equivalent positions used for the
8 purposes designated in subsections 1 through 6:

9	.....	FTEs	587.43
10	1. ADMINISTRATION		
11	For salaries, support, maintenance, and		
12	miscellaneous purposes:		
13	.....	\$	1,095,810
14	2. AUDIT AND COMPLIANCE		
15	For salaries, support, maintenance, and		
16	miscellaneous purposes:		
17	.....	\$	10,001,507
18	3. FINANCIAL MANAGEMENT		
19	For salaries, support, maintenance, and		
20	miscellaneous purposes:		
21	.....	\$	7,053,882
22	4. INFORMATION AND MANAGEMENT SYSTEMS		
23	For salaries, support, maintenance, and		
24	miscellaneous purposes:		
25	.....	\$	2,349,305
26	5. LOCAL GOVERNMENT SERVICES		
27	For salaries, support, maintenance, and		
28	miscellaneous purposes:		
29	.....	\$	1,287,758
30	6. TECHNICAL SERVICES		
31	For salaries, support, maintenance, and		
32	miscellaneous purposes:		
33	.....	\$	2,581,000
34	7. RECORDING FEES		
35	For payment of recording fees pursuant to section		
36	422.26:		
37	.....	\$	45,008
38	8. a. The department of revenue and finance shall		
39	not change the appropriations for the purposes		
40	designated in subsections 1 through 6 from the amounts		
41	appropriated in those subsections unless notice of the		
42	revisions is given prior to their effective date to		
43	the legislative fiscal bureau. The notice shall		
44	include information on the department's rationale for		
45	making the changes.		
46	b. The director shall report annually to the		
47	legislative fiscal committee, the legislative fiscal		
48	bureau, and the chairpersons and ranking members of		
49	the joint appropriations subcommittee on		
50	administration concerning the effectiveness of the tax		

1 audits and investigations conducted, the moneys
2 expended, the tax obligations established, and taxes
3 collected as a result of the tax collection and

4 enforcement efforts of the department.

5 c. The department of revenue and finance shall
6 report quarterly to the legislative fiscal bureau
7 concerning progress in the implementation of generally
8 accepted accounting principles, including
9 determination of reporting entities, fund
10 classifications, modification of the Iowa financial
11 accounting system, progress on preparing a
12 comprehensive annual financial report, and the most
13 current estimate of the general fund balance based on
14 current generally accepted accounting principles.

15 Sec. 16. There is appropriated from the lottery
16 fund to the department of revenue and finance for the
17 fiscal year beginning July 1, 1993, and ending June
18 30, 1994, the following amount, or so much thereof as
19 is necessary, to be used for the purposes designated:

20 For salaries, support, maintenance, miscellaneous
21 purposes, and for not more than the following full-
22 time equivalent positions:

23 \$ 7,264,362
24 FTEs 120.00

25 Sec. 17. There is appropriated from the motor
26 vehicle fuel tax fund created by section 452A.77 to
27 the department of revenue and finance for the fiscal
28 year beginning July 1, 1993, and ending June 30, 1994,
29 the following amount, or so much thereof as is
30 necessary, to be used for the purposes designated:

31 For salaries, support, maintenance, and
32 miscellaneous purposes for administration and
33 enforcement of the provisions of chapter 452A and the
34 motor vehicle use tax program:

35 \$ 918,727

36 Sec. 18. There is appropriated from the general
37 fund of the state to the department of revenue and
38 finance for the fiscal year beginning July 1, 1993,
39 and ending June 30, 1994, the following amount, or so
40 much thereof as is necessary, for the following
41 purpose:

42 To reimburse, under section 427B.12, the taxing
43 districts of Monroe county for machinery and computer
44 equipment tax replacement pursuant to sections 427B.10
45 through 427B.12 and 427B.14:

46 \$ 331,269

47 Sec. 19. There is appropriated from the general
48 fund of the state to the office of the secretary of
49 state for the fiscal year beginning July 1, 1993, and
50 ending June 30, 1994, the following amounts, or so

Page 12

1 much thereof as is necessary, to be used for the
2 purposes designated:

3 1. ADMINISTRATION AND ELECTIONS

4 For salaries, support, maintenance, relocation of
5 office facilities outside of the state capitol
6 building, miscellaneous purposes, and for not more
7 than the following full-time equivalent positions:

8	.....	\$	446,902
9	.....	FTEs	10.00

10 2. BUSINESS SERVICES

11 For salaries, support, maintenance, miscellaneous
12 purposes, and for not more than the following full-
13 time equivalent positions:

14	.....	\$	1,473,435
15	.....	FTEs	40.00

16 Sec. 20. STATE-FEDERAL RELATIONS. There is

17 appropriated from the general fund of the state to the
18 office of state-federal relations for the fiscal year
19 beginning July 1, 1993, and ending June 30, 1994, the
20 following amount, or so much thereof as is necessary,
21 to be used for the purposes designated:

22 For salaries, support, maintenance, miscellaneous
23 purposes, and for not more than the following full-
24 time equivalent positions:

25	.....	\$	204,524
26	.....	FTEs	2.83

27 Sec. 21. TREASURER. There is appropriated from
28 the general fund of the state to the office of
29 treasurer of state for the fiscal year beginning July
30 1, 1993, and ending June 30, 1994, the following
31 amount, or so much thereof as is necessary, to be used
32 for the purposes designated:

33 For salaries, support, maintenance, relocation of
34 office facilities outside of the state capitol
35 building, miscellaneous purposes, and for not more
36 than the following full-time equivalent positions:

37	.....	\$	772,133
38	.....	FTEs	28.80

39 The office of treasurer of state shall supply
40 clerical and secretarial support for the executive
41 council.

42 Sec. 22. ELIMINATION OF VACANT UNFUNDED JOBS. The
43 state departments, agencies, or offices receiving
44 appropriations under this Act shall eliminate, within
45 thirty days after the beginning of a fiscal year, all
46 vacant unfunded positions on the table of organization
47 of the state department, agency, or office.

48 Sec. 23. IOWA SPECIAL OLYMPICS FUND. There is

49 appropriated from the general fund of the state to the
50 Iowa special olympics fund for the fiscal year

Page 13

1 beginning July 1, 1993, and ending June 30, 1994, the
2 following amount, or so much thereof as is necessary,
3 to be used for the purpose designated:

4 For the Iowa special olympics fund established in
5 the office of the treasurer of state:

6 \$ 4,737

7 The moneys in the Iowa special olympics fund shall
8 be expended at the request of the honorary chairperson
9 of the Iowa special olympics.

10 Sec. 24. STATE WORKERS' COMPENSATION CLAIMS.

11 There is appropriated from the general fund of the
12 state to the department of personnel for the fiscal
13 year beginning July 1, 1993, and ending June 30, 1994,
14 the following amount, or so much thereof as is
15 necessary, to be used for the purpose designated:

16 For distribution, subject to approval of the
17 department of management, to various state departments
18 to fund the premiums for paying workers' compensation
19 claims which are assessed to and collected from the
20 state department by the department of personnel based
21 upon a rating formula established by the department of
22 personnel:

23 \$ 5,884,740

24 The premiums collected by the department of
25 personnel shall be segregated into a separate workers'
26 compensation fund in the state treasury to be used for
27 payment of state employees' workers' compensation
28 claims. Notwithstanding section 8.33, unencumbered or
29 unobligated moneys remaining in this workers'
30 compensation fund at the end of the fiscal year shall
31 not revert but shall be available for expenditure for
32 purposes of the fund for subsequent fiscal years.

33 Sec. 25. IMPLEMENTATION OF FUNDING REDUCTIONS --

34 INTENT OF GENERAL ASSEMBLY. It is the intent of the
35 general assembly that the departments, agencies, and
36 offices of the executive department of state
37 government shall implement funding reductions through
38 organizational changes which reduce supervisory
39 positions, vertically and horizontally, and increase
40 the span of control of the remaining supervisors as
41 recommended by the governor's committee on government
42 spending reform.

43 In addition, state departments, agencies, and
44 offices receiving appropriations under this Act shall
45 reduce expenditures for dues for organizational

46 memberships and travel costs associated with the
47 organizational memberships which are payable from the
48 operations budget of the state department, agency, or
49 office by a total of 10 percent during the fiscal year
50 beginning July 1, 1993. The state departments,

Page 14

1 agencies, and offices shall report to the
2 chairpersons, vice-chairpersons, and ranking members
3 of the joint appropriations subcommittee on
4 administration and the legislative fiscal bureau
5 regarding the reductions by January 1, 1994, and shall
6 submit a final report by June 30, 1994.

7 Sec. 26. Section 556.5, subsection 1, unnumbered
8 paragraph 1, Code 1993, is amended to read as follows:

9 1. Except as provided in subsections 2 and 5,
10 stock or other intangible ownership interest in a
11 business association, the existence of which is
12 evidenced by records available to the association, is
13 presumed abandoned and, with respect to the interest,
14 the association is the holder, if a dividend,
15 distribution, or other sum payable as a result of the
16 interest has remained unclaimed by the owner for ~~seven~~
17 three years and the owner within ~~seven~~ three years has
18 not:

19 Sec. 27. Section 556.5, subsections 2, 3, and 5,
20 Code 1993, are amended to read as follows:

21 2. At the expiration of a ~~seven-year~~ three-year
22 period following the failure of the owner to claim a
23 dividend, distribution, or other sum payable to the
24 owner as a result of the interest, the interest is not
25 presumed abandoned unless there have been at least
26 seven dividends, distributions, or other sums paid
27 during the period, none of which has been claimed by
28 the owner. If ~~seven~~ three dividends, distributions,
29 or other sums are paid during the ~~seven-year~~ three-
30 year period, the period leading to a presumption of
31 abandonment commences on the date payment of the first
32 unclaimed dividend, distribution, or other sum became
33 due and payable. If ~~seven~~ three dividends,
34 distributions, or other sums are not paid during the
35 presumptive period, the period continues to run until
36 there have been ~~seven~~ three dividends, distributions,
37 or other sums that have not been claimed by the owner.

38 3. The running of the ~~seven-year~~ three-year period
39 of abandonment ceases immediately upon the occurrence
40 of a communication referred to in subsection 1. If
41 any future dividend, distribution, or other sum
42 payable to the owner as a result of the interest is

43 subsequently not claimed by the owner, a new period of
44 abandonment commences and relates back to the time a
45 subsequent dividend, distribution, or other sum became
46 due and payable.

47 5. This section does not apply to any stock or
48 other intangible ownership of interest enrolled in a
49 plan that provides for the automatic reinvestment of
50 dividends, distributions, or other sums payable as a

Page 15

1 result of the interest unless the records available to
2 the treasurer of state show, with respect to any
3 intangible ownership interest not enrolled in the
4 reinvestment plan, that the owner has not within ~~seven~~
5 three years communicated in any manner described in
6 subsection 1.

7 Sec. 28. Section 556.25, subsection 1, Code 1993,
8 is amended to read as follows:

9 1. A person who fails to pay or deliver property
10 within the time prescribed by this chapter shall pay
11 the treasurer of state interest at the annual rate of
12 ~~eighteen~~ ten percent on the property or value of the
13 property from the date the property should have been
14 paid or delivered but in no event prior to July 1,
15 1984.

16 Sec. 29. Section 556.25, Code 1993, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 3. The interest or penalty or any
19 part of the interest or penalty as imposed in
20 subsections 1 or 2, may be waived or remitted by the
21 treasurer of state if the person's failure to pay
22 abandoned funds or deliver property is satisfactorily
23 explained to the treasurer of state and if the failure
24 has resulted from a mistake by the person in
25 understanding or applying the law or the facts which
26 require that person to pay abandoned funds or deliver
27 property as provided in this chapter."

28 2. Title page, lines 6 and 7, by striking the
29 words "and providing an effective date".

COMMITTEE ON APPROPRIATIONS
LARRY MURPHY, Chairperson

S-3315

- 1 Amend Senate File 165 as follows:
- 2 1. Page 1, line 7, by inserting after the word

3 "county," the following: "the county auditor shall be
4 known as "county auditor and recorder" and".

AL STURGEON

S-3316

1 Amend Senate File 382 as follows:
2 1. Page 1, line 12, by inserting before the words
3 "a narcotic" the following: "methamphetamine,".
4 2. Page 1, line 14, by inserting before the words
5 "a narcotic" the following: "methamphetamine,".
6 3. Page 2, line 4, by inserting before the words
7 "a narcotic" the following: "methamphetamine,".
8 4. Page 2, line 5, by inserting before the words
9 "a narcotic" the following: "methamphetamine,".
10 5. Page 2, line 19, by inserting before the words
11 "a narcotic" the following: "methamphetamine,".
12 6. Page 2, line 33, by inserting before the words
13 "a narcotic" the following: "methamphetamine,".
14 7. Page 2, line 34, by inserting before the words
15 "a narcotic" the following: "methamphetamine,".

LINN FUHRMAN
RANDAL J. GIANNETTO

S-3317

1 Amend Senate File 281 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 455B.304, Code 1993, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 18. The commission shall adopt
7 rules which prohibit a person from directly or
8 indirectly acquiring ownership or control of the
9 sanitary disposal projects so that the sanitary
10 disposal projects provide for the management or
11 disposal, in the aggregate, of more than thirty-three
12 and one-third percent, of the solid waste managed in
13 the state as determined by the department."
14 2. By renumbering as necessary.

BERL E. PRIEBE
JAMES R. RIORDAN
EMIL J. HUSAK
LARRY MURPHY
H. KAY HEDGE
RALPH ROSENBERG
RAY TAYLOR

JIM KERSTEN
TOM VILSACK
WILLIAM D. PALMER

S-3318

- 1 Amend Senate File 331 as follows:
- 2 1. Page 2, line 1, by striking the words "those
- 3 voting" and inserting the following: "the votes cast
- 4 in the county".
- 5 2. Page 2, line 2, by striking the word "favors"
- 6 and inserting the following: "favor".
- 7 3. Page 2, line 28 by striking the words "those
- 8 voting" and inserting the following: "the votes cast
- 9 in the county".
- 10 4. Page 2, line 29 by striking the word "favors"
- 11 and inserting the following: "favor".
- 12 5. Page 4, line 7, by striking the words "those
- 13 voting" and inserting the following: "the votes cast
- 14 in the city".
- 15 6. Page 4, line 8, by striking the word "favors"
- 16 and inserting the following: "favor".
- 17 7. Page 5, line 1, by striking the words "those
- 18 voting" and inserting the following: "the votes cast
- 19 in the city".
- 20 8. Page 5, line 2, by striking the word "favors"
- 21 and inserting the following: "favor".

ANDY McKEAN

S-3319

- 1 Amend the amendment, S-3295, to Senate File 356 as
- 2 follows:
- 3 1. Page 2, line 24, by striking the word
- 4 "officers." and inserting the following: "officers.""
- 5 2. Page 2, by striking lines 25 through 30.

JIM LIND

S-3320

- 1 Amend Senate File 358 as follows:
- 2 1. Page 4, by inserting before line 31, the
- 3 following:
- 4 "Sec. ____ . Section 99F.10, subsection 4, Code
- 5 1993, is amended to read as follows:
- 6 4. In determining the license fees and state
- 7 admission fees to be charged as provided under section
- 8 99F.4 and this section, the commission shall use the

9 amount appropriated to the commission plus the cost of
 10 auditing excursion gambling boat activities as the
 11 basis for determining the amount of revenue to be
 12 raised from the license fees and admission fees. The
 13 costs of auditing shall include, but are not limited
 14 to, salary and associated costs incurred by other
 15 agencies of the state for personnel assigned to
 16 enforcement of excursion boat gambling rules and
 17 regulations adopted by the commission."

ANDY McKEAN
 WILLIAM W. DIELEMAN

S-3321

1 Amend the amendment, S-3155, to Senate File 281 as
 2 follows:
 3 1. Page 1, line 9, by inserting after the figure
 4 "1992." the following: "The tonnage fee existing on
 5 July 1, 1992, shall continue in effect thereafter."

RALPH ROSENBERG
 BERL E. PRIEBE

S-3322

1 Amend the amendment, S-3161, to Senate File 82, as
 2 follows:
 3 1. Page 1, line 11, by inserting after the word
 4 "dollars" the following: "for each facility
 5 submitting a report beginning in 1993".

RALPH ROSENBERG

S-3323

1 Amend House File 301, as passed by the House, as
 2 follows:
 3 1. Page 2, by inserting after line 28, the
 4 following:
 5 "Sec ____ . Section 602.10123, Code 1993, is amended
 6 to read as follows:
 7 602.10123 PROCEEDINGS.
 8 The proceedings to remove or suspend an attorney
 9 may be commenced by the direction of the court or on
 10 ~~motion~~ the petition of any individual. In the former
 11 case, the court must direct some attorney to draw up
 12 the accusation; in the latter, the accusation must be

13 drawn up and sworn to by the person making it."

14 2. By numbering and renumbering as necessary.

AL STURGEON

S-3324

1 Amend Senate File 406 as follows:

2 1. Page 8, by striking lines 5 through 17 and

3 inserting the following: "block grant. The

4 department of economic development shall".

JIM RIORDAN

ALLEN BORLAUG

S-3325

1 Amend Senate File 317 as follows:

2 1. Page 1, by inserting before line 1 the

3 following:

4 "Section 1. Section 321.384, subsection 1, Code

5 1993, is amended to read as follows:

6 1. Every motor vehicle upon a highway within the

7 state, at any time from sunset to sunrise, at any time

8 when the windshield wipers are in continuous

9 operation, and at such other times when conditions

10 such as fog, snow, sleet, or rain provide insufficient

11 lighting to render clearly discernible persons and

12 vehicles on the highway at a distance of five hundred

13 feet ahead, shall display lighted head lamps as

14 provided in section 321.415, subject to exceptions

15 with respect to parked vehicles as hereinafter

16 stated."

17 2. Page 1, by inserting before line 1, the

18 following:

19 "Sec. ____ . Section 321.393, Code 1993, is amended

20 by adding the following new unnumbered paragraph:

21 NEW UNNUMBERED PARAGRAPH. A motor truck, trailer,

22 tractor, or motor grader which is primarily used for

23 snow removal shall be equipped with a lighting device

24 which shall be visible from all directions when the

25 portion of the motor vehicle which is designed for

26 snow removal is not being used for snow removal and is

27 in a raised position."

28 3. Page 1, by striking line 18 and inserting the

29 following: "an implement of husbandry that is a

30 trailer if the vehicle towing the trailer is equipped

31 with a visible amber flashing light as required by

32 this section."

33 4. Page 1, by inserting after line 18, the

34 following:

- 35 "Sec. ____ . WARNING CITATIONS. During the six-
 36 month period from July 1, 1993, through December 31,
 37 1993, peace officers shall issue only warning
 38 citations for motor vehicles not displaying lighted
 39 head lamps at any time when the windshield wipers are
 40 in continuous operation as required by section
 41 321.384, subsection 1, as amended in this Act."
 42 5. Title page, by striking line 1 and inserting
 43 the following: "An Act concerning lights on vehicles
 44 and making penalties applicable."
 45 6. By renumbering as necessary.

JEAN LLOYD-JONES

S-3326

1 Amend Senate File 346 as follows:

- 2 1. By striking page 1, line 33 through page 2,
 3 line 1.
 4 2. Page 2, by inserting after line 27 the
 5 following:
 6 " ____ . The state geographic information systems
 7 coordinator shall be appointed by the executive
 8 council."
 9 3. Page 2, lines 29 and 30, by striking the words
 10 "-- DATA STANDARDS IMPLEMENTATION".
 11 4. Page 2, line 31, by striking the figure "1."
 12 5. Page 3, by striking lines 4 through 6.
 13 6. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
 MICHAEL E. GRONSTAL, Chairperson

S-3327

1 Amend House File 369, as passed by the House, as
 2 follows:

- 3 1. Page 1, by striking lines 7 through 16, and
 4 inserting the following: "part, the enucleation of
 5 eyes being the exception. A licensed funeral
 6 director, as defined in chapter 156, staff members of
 7 the Iowa Lions eye bank, and members of the Iowa
 8 statewide organ and tissue procurement organization,
 9 upon successfully completing a course in eye
 10 enucleation and receiving a certificate of competence
 11 from the department of ophthalmology, college of

12 medicine, of the university of Iowa, may enucleate the
13 eyes of a donor."

COMMITTEE ON LOCAL GOVERNMENT
ALBERT SORENSEN, Chairperson

S-3328

- 1 Amend the House amendment, S-3244, to Senate File
2 232, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 3, by inserting before line 1, the
5 following:
6 " ____ . Page 12, by inserting before line 13, the
7 following:
8 "Sec. 100. Section 312.2, subsection 18, Code
9 1993, is amended by striking the subsection."
10 2. Page 3, line 22, by inserting after the figure
11 "25" the following: "and inserting the following:
12 " ____ . Section 100 of this Act takes effect on July
13 1, 1994."
14 3. By renumbering as necessary.

JOHN W. JENSEN
EUGENE FRAISE

S-3329

- 1 Amend House File 354, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 14 the
4 following:
5 "Sec. 100. Section 321H.2, subsection 3, Code
6 1993, is amended to read as follows:
7 3. "Extension" means a place of business of ~~an~~
8 ~~authorized vehicle recycler~~ other than the principal
9 place of business within the county of the principal
10 place of business.
11 Sec. 101. Section 321H.2, Code 1993, is amended by
12 adding the following new subsection:
13 **NEW SUBSECTION. 4A.** "Salvage pool" means the
14 business of selling at auction wrecked or salvage
15 vehicles, as defined in section 321.52.
16 Sec. 102. Section 321H.3, unnumbered paragraph 1,
17 Code 1993, is amended to read as follows:
18 Except for educational institutions, people
19 licensed as new vehicle dealers under chapter 322,
20 people engaged in a hobby not for profit, people
21 engaged in the business of purchasing bodies, parts of
22 bodies, frames or component parts of vehicles only for

23 sale as scrap metal or a person licensed under the
24 provisions of this chapter as an authorized vehicle
25 recycler, a person in this state shall not engage in
26 the business of:

27 Sec. 103. Section 321H.3, Code 1993, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 5. Purchasing more than two motor
30 vehicles from a salvage pool in a calendar year. A
31 person who purchases more than two motor vehicles from
32 a salvage pool is considered to be engaging in the
33 business for purposes of this section.

34 Sec. 104. Section 321H.4, subsection 1, Code 1993,
35 is amended by striking the subsection and inserting in
36 lieu thereof the following:

37 1. Upon initial application or renewal and upon
38 payment of a fee, a person may apply for a license to
39 engage in business as either an authorized vehicle
40 recycler or a salvage pool. A person who applies for
41 an authorized vehicle recycler license may apply to
42 engage in one or more of the following businesses:

- 43 a. Vehicle rebuilder.
- 44 b. Used vehicle parts dealer.
- 45 c. Vehicle salvager.

46 Sec. 105. Section 321H.4, subsection 2, unnumbered
47 paragraph 1, Code 1993, is amended to read as follows:

48 Application for a license as an authorized vehicle
49 recycler or salvage pool shall be made to the
50 department on forms provided by the department. The

Page 2

1 application shall be accompanied by a fee of seventy
2 dollars for a two-year license, one hundred forty
3 dollars for a four-year license, or two hundred ten
4 dollars for a six-year license. The license shall be
5 approved or disapproved within thirty days after
6 application for the license. A license is valid for
7 two years, four years, or six years and expires on the
8 last day of the last month of the two-year, four-year,
9 or six-year period, as applicable. A separate license
10 shall be obtained for each county in which an
11 applicant conducts operations."

12 2. Title page, line 4, by inserting after the
13 word "application," the following: "requiring salvage
14 pool licenses,".

15 3. By renumbering as necessary.

S-3330

1 Amend Senate File 405 as follows:

2 1. Page 1, line 3, by inserting after the word

3 "RECYCLING." the following: "a."

4 2. Page 1, by striking lines 14 and 15 and

5 inserting the following: "1970 and this exemption

6 shall only apply to recycling property pursuant to an

7 ordinance as provided in paragraph "b.""

8 3. Page 3, by inserting after line 6 the follow-

9 ing:

10 "b. A city governing body or county board of

11 supervisors may provide by ordinance an exemption from

12 taxation for recycling property defined in this

13 section, which is acquired after December 31, 1993,

14 and which is used primarily in a process that converts

15 waste plastic, wastepaper products, or waste

16 paperboard into new raw materials or products composed

17 primarily of recycled material. The ordinance may be

18 enacted not less than thirty days after a public

19 hearing on the ordinance is held. Notice of the

20 hearing shall be published in accordance with section

21 331.305 in the case of a county, or section 362.3 in

22 the case of a city. The exemption shall not apply to

23 any property acquired or initially leased prior to the

24 enactment of the ordinance unless the ordinance

25 specifically allows for retroactive application.

26 If in the opinion of the city governing body or the

27 county board of supervisors continuation of the

28 exemption granted under this subsection for recycling

29 property ceases to be of benefit to the city or

30 county, the city governing body or the county board of

31 supervisors may repeal the ordinance authorized by

32 this paragraph. Exemptions allowed prior to repeal of

33 the ordinance shall continue until their expiration.

34 Sec. ____ . Section 427B.17, Code 1993, is amended

35 to read as follows:

36 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

37 1. For property defined in section 427A.1,

38 subsection 1, paragraphs "e" and "j" acquired or

39 initially leased after January 1, 1985 the taxpayer's

40 valuation shall be limited to thirty percent of the

41 net acquisition cost of the property. For purposes of

42 this section, "net acquisition cost" means the

43 acquired cost of the property including all

44 foundations and installation cost less any excess cost

45 adjustment.

46 2. For purposes of this section:

47 1 a. Property assessed by the department of

48 revenue and finance pursuant to sections 428.24 to

49 428.29, or chapters 433, 434 and 436 to 438 shall not
50 receive the benefits of this section.

Page 2

1 2 b. Property acquired on or before January 1,
2 1985 which was owned or used on or before January 1,
3 1985 by a related person shall not receive the
4 benefits of this section.

5 3 c. Property acquired after January 1, 1985 which
6 was owned and used by a related person shall not
7 receive any additional benefits under this section.

8 4 d. Property which was owned or used on or before
9 January 1, 1985 and subsequently acquired by an
10 exchange of like property shall not receive the
11 benefits of this section.

12 5 e. Property which was acquired after January 1,
13 1985 and subsequently exchanged for like property
14 shall not receive any additional benefits under this
15 section.

16 6 f. Property acquired on or before January 1,
17 1985 which is subsequently leased to a taxpayer or
18 related person who previously owned the property shall
19 not receive the benefits of this section.

20 7 g. Property acquired after January 1, 1985 which
21 is subsequently leased to a taxpayer or related person
22 who previously owned the property shall not receive
23 any additional benefits under this section.

24 h. For purposes of this section, "related "Related
25 person" means a person who owns or controls the
26 taxpayer's business and another business entity from
27 which property is acquired or leased or to which
28 property is sold or leased. Business entities are
29 owned or controlled by the same person if the same
30 person directly or indirectly owns or controls fifty
31 percent or more of the assets or any class of stock or
32 who directly or indirectly has an interest of fifty
33 percent or more in the ownership or profits.

34 3. Property assessed pursuant to this section
35 shall not be eligible to receive a partial exemption
36 under sections 427B.1 to 427B.6.

37 4. a. A city governing body or county board of
38 supervisors may provide by ordinance an exemption from
39 taxation for property defined in this section whose
40 valuation is computed pursuant to subsection 1, and
41 which is acquired after December 31, 1992. The
42 ordinance may be enacted not less than thirty days
43 after a public hearing on the ordinance is held.
44 Notice of the hearing shall be published in accordance
45 with section 331.305 in the case of a county, or

46 section 362.3 in the case of a city. The exemption
 47 shall not apply to any property acquired or initially
 48 leased prior to the enactment of the ordinance unless
 49 the ordinance specifically allows for retroactive
 50 application.

Page 3

1 b. If in the opinion of the city governing body or
 2 the county board of supervisors continuation of the
 3 exemption granted under this subsection ceases to be
 4 of benefit to the city or county, the city governing
 5 board or the county board of supervisors may repeal
 6 the ordinance authorized by this subsection.
 7 Exemptions allowed prior to repeal of the ordinance
 8 shall continue until their expiration."

WAYNE BENNETT
 RANDAL J. GIANNETTO
 MAGGIE TINSMAN
 WILMER RENSINK
 BRAD BANKS

S-3331

1 Amend Senate File 358 as follows:
 2 1. Page 1, by inserting before line 33 the
 3 following:
 4 "Sec. ____ . Section 99D.15, subsection 3, paragraph
 5 d, Code 1993, is amended by striking the paragraph."

WILLIAM W. DIELEMAN

S-3332

1 Amend Senate File 277 as follows:
 2 1. Page 1, line 23, by inserting after the word
 3 "chapter" the following: "relating to rate-of-return
 4 regulation".
 5 2. Page 1, line 28, by inserting after the word
 6 "include" the following: "provisions for".
 7 3. Page 2, line 13, by inserting after the word
 8 "just" the following: ", nondiscriminatory".
 9 4. Page 3, by inserting after line 1 the
 10 following:
 11 "6. Notwithstanding the provisions of a plan for
 12 alternative regulation, the board shall have authority
 13 over both of the following:
 14 a. The level, extent, scope, and timing of the
 15 unbundling of services by the local exchange utility.

16 b. Appropriate methods for ensuring against cross
 17 subsidization of nonessential services through charges
 18 made for essential services.

19 7. Nothing in this section shall interfere with
 20 the right of any person or body politic to file a
 21 complaint pursuant to section 476.3, subsection 1,
 22 regarding a utility's operation under a plan of
 23 alternative regulation."

24 5. Page 3, by striking line 7 and inserting the
 25 following: "services in the pricing of, or by
 26 refusing or delaying access to, essential network
 27 services of the participating".

28 6. Page 3, by inserting after line 10 the
 29 following:

30 "3. Fail to disclose in a timely manner, upon
 31 request and pursuant to a protective agreement
 32 concerning proprietary information, all information
 33 reasonably necessary for the design of network
 34 interface equipment or network interface services that
 35 will meet the specifications of the participating
 36 utility's local exchange network."

COMMITTEE ON COMMERCE
 PATRICK J. DELUHERY, Chairperson

S-3333

1 Amend Senate File 358 as follows:

2 1. Page 4, by inserting before line 31, the
 3 following:

4 "Sec. ____ . Section 99D.15, subsection 2, Code
 5 1993, is amended by adding the following new
 6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. If the licensed horse
 8 racetrack facility is sold or leased on or after April
 9 1, 1993, or if the public agency originally
 10 guaranteeing the repayment of the indebtedness
 11 incurred in the construction of the licensed facility
 12 is no longer obligated to retire the indebtedness, the
 13 tax credits authorized under this subsection shall
 14 cease."

15 2. Title page, line 4, by inserting after the
 16 word "wagering," the following: "by limiting certain
 17 tax credits,".

WILLIAM W. DIELEMAN

S-3334

1 Amend Senate File 358 as follows:

2 1. Page 4, by inserting before line 31 the
3 following:

4 "Sec. ____ . Section 99D.15, subsection 2, Code
5 1993, is amended to read as follows:

6 2. A tax credit of up to five percent of the gross
7 sum wagered per year shall be granted to licensees
8 licensed for horse races and paid into a special fund
9 to be used for debt retirement ~~or operating expenses~~
10 only. However, the tax credit is equal to six percent
11 of the gross sum wagered in a year when the gross sum
12 wagered is less than ninety million dollars. Any
13 portion of the credit not used in a particular year
14 shall be retained by the commission. A tax credit
15 shall first be assessed against any share going to a
16 city, then to the share going to a county, and then to
17 the share going to the state."

18 2. Title page, line 4, by inserting after the
19 word "wagering," the following: "by providing for the
20 use of certain tax credits."

WILLIAM DIELEMAN

S-3335

1 Amend House File 144, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 11, by inserting after the word
4 "state" the following: "but does not include any
5 agricultural commodity promotional board, which is
6 subject to a producer referendum".

7 2. Page 1, line 17, by inserting after the word
8 "agency" the following: "but does not include any
9 agricultural commodity promotional board, which is
10 subject to a producer referendum".

11 3. Page 1, by striking lines 24 through 30 and
12 inserting the following: "designated by the a
13 candidate for a state, county, city, or school office,
14 as provided under chapter 56, to receive
15 contributions, expend funds, or incur indebtedness on
16 behalf of the candidate in excess of five hundred
17 dollars in the aggregate as follows:

18 a. For a state or county office, in excess of two
19 hundred fifty dollars in any calendar year.

20 b. For a city or school office, in excess of five
21 hundred dollars in any calendar year."

22 4. Page 6, line 27, by striking the word "Agency"
23 and inserting the following: "Agency State executive

24 branch agency".

25 5. Page 6, by striking lines 30 and 31, and
26 inserting the following: "state executive branch
27 agency."

28 6. Page 7, by inserting after line 2, the
29 following:

30 "() Persons whose activities are limited to
31 submitting data, views, or arguments in writing, or
32 requesting an opportunity to make an oral presentation
33 under section 17A.4, subsection 1."

34 7. Page 7, by striking line 26 and inserting the
35 following: "board adopted in consultation with the
36 department or agency and pursuant to chapter 17A."

37 8. Page 7, line 31, by striking the word "or".

38 9. Page 7, line 34, by inserting after the figure
39 "7E.4" the following: ", or members of any
40 agricultural commodity promotional board, if the board
41 is subject to a producer referendum".

42 10. Page 8, by inserting after line 35, the
43 following:

44 "— . Is personally, or is the agent of a person
45 who is, the subject of or party to a matter which is
46 pending before a subunit of a regulatory agency and
47 over which the donee has discretionary authority as
48 part of the donee's official duties or employment
49 within the regulatory agency subunit."

50 11. Page 9, line 7, by striking the word "or" and

Page 2

1 inserting the following: "or".

2 12. Page 9, line 8, by inserting after the word
3 "state" the following: ", or an employee of any
4 agricultural commodity promotional board, if the board
5 is subject to a producer referendum".

6 13. Page 9, by inserting after line 9, the
7 following:

8 ". "Statewide elected official" means the
9 governor, lieutenant governor, secretary of state,
10 auditor of state, treasurer of state, secretary of
11 agriculture, and attorney general of the state of
12 Iowa."

13 14. Page 12, by striking lines 4 through 15, and
14 inserting the following: "government, or a member of
15 the".

16 15. Page 12, by inserting after line 20, the
17 following:

18 "1A. The head of a major subunit of a department
19 or independent state agency, full-time employee of an
20 office of a statewide elected official or the office

21 of the governor, or a legislative employee whose
22 position involves a substantial exercise of
23 administrative discretion or the expenditure of public
24 funds shall not, during the time in which the person
25 serves or is employed by the state, act as a lobbyist
26 before the agency in which the person is employed or
27 before state agencies, officials, or employees with
28 whom the person has substantial or regular contact as
29 part of the person's duties.

30 1B. A state or legislative employee, who is not
31 subject to the requirements of subsection 1A shall not
32 act as a lobbyist in relation to any particular case,
33 proceeding, or application with respect to which the
34 person is directly concerned and personally
35 participates as part of the person's employment."

36 16. Page 12, by striking lines 26 through 28, and
37 inserting the following:

38 "3. The head of a major subunit of a department or
39 independent state agency, full-time employee of an
40 office of a statewide elected official or the office
41 of the governor, or a legislative employee whose
42 position".

43 17. Page 12, by inserting after line 35, the
44 following:

45 "3A. A state or legislative employee, who is not
46 subject to the requirements of subsection 1A shall not
47 act as a lobbyist in relation to any particular case,
48 proceeding, or application with respect to which the
49 person was directly concerned and personally
50 participated as part of the person's employment."

Page 3

1 18. Page 13, by striking lines 3 and 4 and
2 inserting the following: "assembly, or legislative
3 employee who, within two".

4 19. Page 13, line 21, by striking the words
5 "department or agency" and inserting the following:
6 "board, in consultation with the department or
7 agency."

8 20. Page 14, by inserting after line 5, the
9 following:

10 "Sec. ____ . Section 68B.7, unnumbered paragraph 1,
11 Code 1993, is amended by striking the unnumbered
12 paragraph."

13 21. Page 15, by inserting after line 20, the
14 following:

15 "____ . Items received from a bona fide charitable,
16 professional, educational, or business organization to
17 which the donee belongs as a dues paying member, if

18 the items are given to all members of the organization
 19 without regard to individual members' status or
 20 positions held outside of the organization and if the
 21 dues paid are not inconsequential when compared to the
 22 items received.”
 23 22. Page 15, line 29, by striking the words “of
 24 food and drink” and inserting the following: “or
 25 services”.
 26 23. Page 16, line 17, by inserting after the word
 27 “flowers” the following: “or memorials to a church or
 28 nonprofit organization”.
 29 24. Page 16, line 31, by striking the words
 30 “state or” and inserting the following: “state,”.
 31 25. Page 16, line 33, by inserting after the word
 32 “state” the following: “, or to develop markets for
 33 Iowa businesses or products”.
 34 26. Page 16, line 34, by inserting after the word
 35 “business” the following: “or businesses”.
 36 27. Page 17, line 1, by inserting after the word
 37 “business” the following: “or businesses”.
 38 28. Page 17, line 5, by inserting after the word
 39 “business” the following: “or businesses”.
 40 29. Page 18, by striking lines 3 through 5 and
 41 inserting the following: “person value in excess of
 42 three dollars.”
 43 30. Page 22, by striking lines 3 through 7 and
 44 inserting the following: “1994, the board shall
 45 administer this chapter and set standards for,
 46 investigate complaints relating to, and monitor the
 47 ethics of officials, employees, lobbyists, and
 48 candidates for office in the executive branch of state
 49 government. The board shall also administer and set
 50 standards for, investigate complaints relating to, and

Page 4

1 monitor the campaign finance practices of candidates
 2 for public office. The board shall consist of six
 3 members and”.
 4 31. Page 23, by striking lines 1 through 3, and
 5 inserting the following: “board, and shall advise the
 6 board on all legal matters relating to the
 7 administration of this chapter and chapter 56. The
 8 state may be represented by the board’s legal counsel
 9 in any civil action regarding the enforcement of this
 10 chapter or chapter 56, or, at the board’s request, the
 11 state may be represented by the office of the attorney
 12 general. Notwithstanding section 19A.3, all of the”.
 13 32. Page 23, by striking line 32 and inserting
 14 the following:

15 "4. Receive and file registration and reporting
16 from lobbyists of the executive branch of state
17 government,".

18 33. Page 23, line 33, by inserting after the
19 words "client disclosure" the following: "from
20 clients of lobbyists of the executive branch of state
21 government".

22 34. Page 23, line 34, by inserting after the word
23 "information" the following: "from officials and
24 employees in the executive branch of state government
25 who are required to file personal financial disclosure
26 information under this chapter".

27 35. Page 25, line 10, by inserting after the
28 words "opinions to" the following: "local officials
29 and employees and to".

30 36. Page 25, line 17, by inserting after the word
31 "office" the following: "in the executive branch of
32 state government".

33 37. Page 26, line 1, by inserting after the word
34 "office" the following: "in the executive branch of
35 state government".

36 38. Page 28, line 8, by striking the word "shall"
37 and inserting the following: "may".

38 39. Page 29, line 28, by striking the words "A
39 preponderance of the" and inserting the following:
40 "Clear and convincing".

41 40. Page 29, line 30, by striking the word
42 "board." and inserting the following: "board pursuant
43 to this chapter. A preponderance of the evidence
44 shall be required to support a finding that a person
45 has violated chapter 56 or any rules adopted by the
46 board pursuant to chapter 56."

47 41. Page 30, by striking lines 26 through 28 and
48 inserting the following:

49 "1. The board, after a hearing and upon a finding
50 that a violation of this chapter, chapter 56, or

Page 5

1 rules".

2 42. By striking page 33, line 15, through page
3 36, line 9, and inserting the following:

4 "Sec. 21. Section 68B.35, Code 1993, is amended by
5 striking the section and inserting in lieu thereof the
6 following:

7 68B. 35 FINANCIAL DISCLOSURE -- CERTAIN OFFICIALS,
8 MEMBERS OF THE GENERAL ASSEMBLY, AND CANDIDATES.

9 1. The persons specified in subsection 2, shall
10 file a financial statement at times and in the manner
11 provided in this section that contains all of the

12 following:

13 a. A list of each business, occupation, or
 14 profession in which the person is engaged and the
 15 nature of that business, occupation, or profession,
 16 unless already apparent.
 17 b. A list of any other sources of income if the
 18 source produces more than one thousand dollars
 19 annually in gross income. Such sources of income
 20 listed pursuant to this paragraph may be listed under
 21 any of the following categories, or under any other
 22 categories as may be established by rule:

23 (1) Securities.
 24 (2) Instruments of financial institutions.
 25 (3) Trusts.
 26 (4) Real estate.
 27 (5) Retirement systems.
 28 (6) Other income categories specified in state and
 29 federal income tax regulations.

30 2. The financial statement required by this
 31 section shall be filed by the following persons:

32 a. The governor and the lieutenant governor.
 33 b. Any statewide elected official.
 34 c. The executive or administrative head or heads
 35 of any agency of state government.
 36 d. The deputy executive or administrative head or
 37 heads of an agency of state government.
 38 e. The head of a major subunit of a department or
 39 independent state agency whose position involves a
 40 substantial exercise of administrative discretion or
 41 the expenditure of public funds as defined under rules
 42 adopted by the board, pursuant to chapter 17A, in
 43 consultation with the department or agency.
 44 f. Members of the banking board, the ethics and
 45 campaign disclosure board, the credit union review
 46 board, the economic development board, the employment
 47 appeal board, the environmental protection commission,
 48 the health facilities council, the Iowa business
 49 investment corporation board of directors, the Iowa
 50 finance authority, the Iowa product development

Page 6

1 corporation, the Iowa public employees' retirement
 2 system investment board, the lottery board, the
 3 natural resource commission, the board of parole, the
 4 petroleum underground storage tank fund board, the
 5 public employment relations board, the state racing
 6 and gaming commission, the state board of regents, the
 7 tax review board, the transportation commission, the
 8 office of consumer advocate, the utilities board, and

9 any full-time members of other boards and commissions
10 as defined under section 7E.4 who receive an annual
11 salary for their service on the board or commission.

12 g. Members of the general assembly.

13 h. Candidates for state office.

14 i. Legislative employees who are the head or
15 deputy head of a legislative agency or whose position
16 involves a substantial exercise of administrative
17 discretion or the expenditure of public funds.

18 3. The board in consultation with each executive
19 department or independent agency, shall adopt rules
20 pursuant to chapter 17A to implement the requirements
21 of this section that provide for the time and manner
22 for the filing of financial statements by persons in
23 the department or independent agency.

24 4. The ethics committee of each house of the
25 general assembly shall recommend rules for adoption by
26 each house for the time and manner for the filing of
27 financial statements by members or employees of the
28 particular house. The rules shall provide for the
29 filing of the financial statements with either the
30 chief clerk of the house, the secretary of the senate,
31 or other appropriate person or body.

32 5. A candidate for statewide office shall file a
33 financial statement with the ethics and campaign
34 disclosure board, a candidate for the office of state
35 representative shall file a financial statement with
36 the chief clerk of the house of representatives, and a
37 candidate for the office of state senator shall file a
38 financial statement with the secretary of the senate
39 concerning the year preceding the year in which the
40 election is to be held and concerning so much of the
41 year in which the election is to be held as has
42 elapsed by the date specified in section 43.11 for the
43 filing of nomination papers for state office. The
44 statement shall be filed no later than thirty days
45 after the date on which a person is required to file
46 nomination papers for state office under section
47 43.11. The ethics and campaign disclosure board shall
48 adopt rules pursuant to chapter 17A providing for the
49 filing of the financial statements with the board and
50 for the deposit, retention, and availability of the

Page 7

1 financial statements. The ethics committees of the
2 house of representatives and the senate shall
3 recommend rules for adoption by the respective house
4 providing for the filing of the financial statements
5 with the chief clerk of the house or the secretary of

6 the senate and for the deposit, retention, and
7 availability of the financial statements.

8 Sec. ____ . NEW SECTION. 68B.35A PERSONAL

9 FINANCIAL DISCLOSURE BY LOCAL OFFICIALS AND LOCAL
10 EMPLOYEES.

11 The governing body of each political subdivision
12 may prescribe rules providing for the disclosure of
13 the financial interests of persons who hold office or
14 are employed by the political subdivision. Rules
15 adopted may provide for differing levels of disclosure
16 based upon the size of the political subdivision and
17 the level of policy-making or spending authority or
18 discretion possessed by the individual, as a result of
19 holding office or employment by the political
20 subdivision. Any rules adopted shall provide for
21 public access to the information, a central filing
22 system for the information, and a system through which
23 persons subject to personal financial disclosure may
24 receive advice regarding the nature and extent of
25 required disclosure.

26 Sec. ____ . NEW SECTION. 68B.35B PERSONAL

27 FINANCIAL DISCLOSURE STATEMENTS OF STATE OFFICIALS AND
28 EMPLOYEES.

29 Personal financial disclosure statements filed with
30 the board, chief clerk of the house, and the secretary
31 of the senate shall be forwarded to the secretary of
32 state for the recording of the information through
33 electronic means. The board and the general assembly
34 shall execute agreements with the secretary of state
35 which provide for public access to and copying of the
36 information, and include a site in the board offices
37 for public viewing and copying of information,
38 contained in personal financial disclosure statements
39 filed with the board, the chief clerk of the house,
40 and the secretary of the senate."

41 43. Page 37, by striking lines 31 and 32, and
42 inserting the following: "shall be filed not later
43 than twenty-five days following any month in which the
44 general assembly is in session and thereafter".

45 44. Page 38, lines 10 and 11, by striking the
46 words ", or after the time of cancellation of a
47 lobbyist's registration,".

48 45. Page 38, line 13, by inserting after the word
49 "items." the following: "A lobbyist who cancels the
50 person's lobbyist registration before January 1 of a

Page 8

1 year shall file a report listing all reportable items
2 for the year in which the cancellation was filed. A

- 3 lobbyist who cancels the person's lobbyist
4 registration between January 1 and January 15 of a
5 year shall file a report listing all reportable items
6 for the preceding year and so much of the month of
7 January as has expired at the time of cancellation.”
8 46. Page 38, line 28, by striking the words
9 “~~general assembly or~~” and inserting the following:
10 “general assembly or”.
- 11 47. Page 38, by striking lines 32 through 34 and
12 inserting the following: “calendar months. Reports
13 by lobbyists' clients shall be filed with the same
14 entity with which the lobbyist filed the lobbyist's
15 report and registration.”
- 16 48. Page 39, line 4, by striking the word “~~board~~”
17 and inserting the following: “secretary of the
18 senate, chief clerk of the house, and the board”.
- 19 49. Page 39, line 23, by striking the words “or
20 the executive council”.
- 21 50. Page 39, line 31, by striking the words “or
22 the executive council”.
- 23 51. Page 40, by inserting after line 3 the
24 following:
25 “Sec. ____ . Section 56.2, subsection 4, Code 1993,
26 is amended to read as follows:
27 4. “Candidate's committee” means the committee
28 designated by the candidate for a state, county, city,
29 or school office to receive contributions, expend
30 funds, or incur indebtedness on behalf of the
31 candidate in excess of five hundred dollars in the
32 aggregate as follows:
33 a. ~~For federal, state, or county office, in excess~~
34 ~~of two hundred fifty dollars~~ in any calendar year on
35 ~~behalf of the candidate.~~
36 b. ~~For city or school office, in excess of five~~
37 ~~hundred dollars in any calendar year on behalf of the~~
38 ~~candidate.”~~
- 39 52. Page 42, by striking lines 10 through 14, and
40 inserting the following:
41 “c. Notwithstanding section 68B.5A, subsection 1,
42 as amended by this Act, persons who are lobbyists as
43 of the”.
- 44 53. Page 42, by striking line 18, and inserting
45 the following: “July 1, 1994.”
- 46 54. Page 43, by inserting after line 4, the
47 following:
48 “ ____ . It is the intent of the general assembly
49 that at least two members of the ethics and campaign
50 disclosure board established in this Act be members of

Page 9

1 the campaign finance disclosure commission,
 2 established under section 56.9, immediately prior to
 3 the effective date of this Act.
 4 ____ . Notwithstanding section 68B.35, financial
 5 statements filed under section 68B.35 as amended in
 6 section 21 of this Act shall not be required to be
 7 filed until the rules provided under that section are
 8 adopted or prescribed by the entities required to
 9 establish rules. Disclosure statements filed during
 10 1993, after the adoption or prescribing of rules under
 11 section 21 shall cover the period beginning with the
 12 effective date of this Act through December 31, 1993.”
 13 55. Page 43, by striking lines 5 through 11.
 14 56. Page 43, by inserting after line 15 the
 15 following:
 16 “Sec. ____ . SEVERABILITY. If any provision of this
 17 Act or the application thereof to any person is
 18 invalid, the invalidity shall not affect the
 19 provisions or application of this Act which can be
 20 given effect without the invalid provisions or
 21 application, and to this end the provisions of this
 22 Act are severable.
 23 Sec. ____ . The Code editor shall change names in
 24 the Code, as necessary, which refer to the campaign
 25 finance disclosure commission to names which refer to
 26 the ethics and campaign disclosure board as
 27 established in this Act.”
 28 57. By renumbering, relettering, or redesignating
 29 and correcting internal references as necessary.

COMMITTEE ON ETHICS
 DON E. GETTINGS, Chairperson

S-3336

1 Amend Senate File 358 as follows:
 2 1. Page 4, by inserting before line 31, the
 3 following:
 4 “Sec. ____ . Section 99D.15, subsection 4, Code
 5 1993, is amended to read as follows:
 6 4. A tax of ~~two~~ five percent is imposed on the
 7 gross sum wagered by the pari-mutuel method on horse
 8 races and dog races which are simultaneously telecast.
 9 The tax imposed by this subsection is in lieu of the
 10 taxes imposed pursuant to subsection 1 or 3, but the
 11 tax revenue from simulcast horse races shall be
 12 distributed as provided in subsection 1 and the tax
 13 revenue from simulcast dog races shall be distributed

14 as provided in subsection 3.”
15 2. Title page, line 7, by inserting after the
16 word “days” the following: “by increasing a tax on
17 simulcast pari-mutuel races.”

WILLIAM W. DIELEMAN

S-3337

1 Amend Senate File 358 as follows:
2 1. Page 4, by inserting before line 31, the
3 following:
4 “Sec. ____ . Section 99D.15, subsection 2, Code
5 1993, is amended by adding the following new
6 unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Before the tax credits
8 are used for debt retirement annually, the commission
9 shall certify that the state has been reimbursed from
10 the tax collected in subsection 1, an amount equal to
11 the difference between the fees collected by the
12 commission under this chapter and the total cost of
13 regulating the licensed facility including, but not
14 limited to, the costs of enforcing racing laws and
15 rules at the licensed facility and drug testing, and
16 administrative costs of the commission which may be
17 apportioned to the licensed facility.”
18 2. Title page, line 4, by inserting after the
19 word “wagering,” the following: “by limiting certain
20 tax credits.”

WILLIAM W. DIELEMAN

S-3338

1 Amend the House amendment, S-3244, to Senate File
2 232, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 29 the
5 following:
6 “ ____ . Page 8, line 1, by inserting after the word
7 “maintenance.” the following: “The department may
8 issue a request for proposals as part of the study,
9 but shall not award a contract for the maintenance of
10 rest areas until the study has been reported to the
11 general assembly.””

EUGENE FRAISE
LARRY MURPHY

S-3339

1 Amend the House amendment, S-3244, to Senate File
2 232, as amended, passed, and reprinted by the Senate,
3 as follows:

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

6 " ____ . Page 1, by striking line 22 and inserting
7 the following:

8 " \$ 3,732,034".

9 ____ . Page 1, by inserting after line 34 the
10 following:

11 "It is the intent of the general assembly that
12 \$21,500 of the appropriation made in this subsection
13 shall be allocated to the veterans affairs
14 administration of the commission on veterans affairs
15 to be used for the computerization of veterans'
16 records. The commission on veterans affairs shall be
17 authorized one additional FTE for the fiscal year
18 beginning July 1, 1993, and ending June 30, 1994, to
19 computerize veterans' records."

20 2. Page 1, by striking lines 6 through 16.

21 3. Page 1, by striking lines 33 through 35 and
22 inserting the following: "facilities in Blairstown
23 and Rock Rapids:

24 \$ 1,700,000".

25 4. Page 1, by striking lines 36 through 43.

26 5. Page 2, by striking lines 32 and 33 and
27 inserting the following:

28 " ____ . Page 10, line 29, by striking the words "A
29 pilot" and inserting the following: "One pilot"."

30 6. Page 2, by striking lines 35 through 50.

31 7. Page 3, by inserting after line 2, the
32 following:

33 ""Sec. ____ . Section 321.109, subsection 1,
34 unnumbered paragraph 2, Code 1993, is amended by
35 striking the unnumbered paragraph and inserting in
36 lieu thereof the following:

37 The annual registration fee for a multipurpose
38 vehicle with handicapped registration plates issued
39 under section 321.34, subsection 7, with a handicapped
40 identification sticker affixed to the registration
41 plates under section 321L.2, subsection 3, or whose
42 owner or a member of the owner's household has been
43 issued a permanent handicapped identification device
44 under section 321L.3, subsection 1, shall be seventy-
45 five dollars for the first through fifth model years
46 and shall be fifty-five dollars for each model year
47 thereafter.

48 Sec. ____ . Section 321.124, subsection 3, paragraph

49 h, subparagraph (6), Code 1993, is amended by striking
50 the subparagraph and inserting in lieu thereof the

Page 2

1 following:

2 (6) The annual registration fee for a vehicle with
3 handicapped registration plates issued under section
4 321.34, subsection 7, with a handicapped
5 identification sticker affixed to the registration
6 plates under section 321L.2, subsection 3, or whose
7 owner or a member of the owner's household has been
8 issued a permanent handicapped identification device
9 under section 321L.3, subsection 1, shall be seventy-
10 five dollars for the first through fifth model years
11 and shall be fifty-five dollars for each model year
12 thereafter."

13 8. Page 3, by inserting after line 21, the
14 following:

15 "Sec. ____ . Section 321L.6, subsection 3, Code
16 1993, is amended to read as follows:

17 3. The handicapped parking sign may shall include
18 a sign stating that the fine for improperly using the
19 handicapped parking space provided under section
20 321L.4, subsection 2 is fifty dollars."

21 9. Page 3, by striking line 22.

22 10. Page 3, line 26, by inserting after the word
23 "records" the following: "and to registration fees
24 for certain multipurpose vehicles and handicapped
25 parking signs".

26 11. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary.

EUGENE FRAISE
JIM KERSTEN
LARRY MURPHY
DERRYL McLAREN

S-3340

1 Amend Senate File 149 as follows:

2 1. Page 1, by striking lines 1 through 11.

3 2. By striking page 1, line 32 through page 3,
4 line 15.

5 3. Title page, by striking lines 1 through 3 and
6 inserting the following: "An Act relating to the
7 religious exemption to provisions concerning the

- 8 immunization of school children.”
 9 4. By renumbering as necessary.

LINN FUHRMAN

S-3341

- 1 Amend Senate File 325 as follows:
 2 1. Page 2, by striking lines 1 through 9, and
 3 inserting the following: “groundwater. The
 4 department shall adopt by rule criteria for allowing a
 5 person required to be certified to complete either a
 6 written or oral examination. The department shall
 7 administer the instructional courses, by either
 8 teaching the courses or selecting persons to teach the
 9 courses, according to criteria as provided by rules
 10 adopted by the department. The department shall, to
 11 the extent possible, select persons to teach the
 12 courses in each county. The department is not
 13 required to compensate persons selected to teach the
 14 courses. In selecting persons, the department shall
 15 rely upon organizations interested in the application
 16 of pesticides, including associations representing
 17 pesticide applicators and associations representing
 18 agricultural producers. The Iowa cooperative
 19 extension service in agriculture and home economics of
 20 Iowa state university of science and technology shall
 21 cooperate with the department in administering the
 22 instructional courses. The Iowa cooperative extension
 23 service may teach courses, train persons selected to
 24 teach courses, or distribute informational materials
 25 to persons teaching the courses.”

BERL E. PRIEBE
 DERRYL McLAREN
 MERLIN E. BARTZ
 BRAD BANKS
 LARRY MURPHY
 EUGENE S. FRAISE
 RANDAL J. GIANNETTO
 EMIL J. HUSAK

S-3342

- 1 Amend Senate File 406 as follows:
 2 1. Page 12, line 11, by striking the figure
 3 “1,534,720” and inserting the following: “1,734,720”.
 4 2. By striking page 12, line 25 through page 13,
 5 line 1, and inserting the following:
 6 “a. Field operations:

7	.....	\$ 12,189,823
8	b. Child and family services:	
9	.....	\$ 14,177,228
10	c. Child care assistance:	
11	.....	\$ 1,317,735
12	d. Local administrative costs and other local	
13	services:	
14	.....	\$ 1,170,281
15	e. Volunteers:	
16	.....	\$ 123,441
17	f. Community-based services:	
18	.....	\$ 147,084".

LARRY MURPHY

S-3343

- 1 Amend Senate File 393 as follows:
- 2 1. Page 1, by inserting after line 30, the
- 3 following:
- 4 "____. This section also applies to chiropractors
- 5 licensed under chapter 151."
- 6 2. By renumbering as necessary.

JOE WELSH

S-3344

- 1 Amend Senate File 100 as follows:
- 2 1. Page 8, by inserting after line 19, the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 154C.8 EXEMPTIONS FOR
- 5 CERTAIN EMPLOYEES OF NURSING FACILITIES.
- 6 This chapter does not apply to a person employed as
- 7 a qualified social worker by a nursing facility, as
- 8 defined in section 135C.1, with a bed capacity of more
- 9 than one hundred twenty beds, who provides social
- 10 services pursuant to 56 Fed. Reg. 48871 (1991) (to be
- 11 codified at 42 C.F.R. § 483), and who has a degree in
- 12 a human services field other than social work.
- 13 This chapter does not apply to a person employed to
- 14 provide social services, who does not have a degree in
- 15 social work, in a nursing facility, as defined in
- 16 section 135C.1, with a bed capacity of one hundred
- 17 twenty or fewer beds."
- 18 2. By renumbering as necessary.

JOE WELSH

S-3345

1 Amend Senate File 187 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 648.6 PLEADING
5 REQUIREMENT - NOTICE.
6 In a forcible entry and detention action brought
7 pursuant to this chapter the clerk of the district
8 court shall not accept a pleading unless copies of the
9 applicable written notices required by this chapter
10 are attached to the petition."

RALPH ROSENBERG
RANDAL J. GIANNETTO
ANDY McKEAN

S-3346

1 Amend Senate File 354 as follows:
2 1. Page 5, by inserting after line 12, the
3 following:
4 "Sec. ____ . Section 123.31, unnumbered paragraph 1,
5 Code 1993, is amended to read as follows:
6 Verified Except as otherwise provided in section
7 123.35, verified applications for the original
8 issuance or the renewal of liquor control licenses
9 shall be filed at such the time and in such the number
10 of copies as the administrator shall prescribe, on
11 forms prescribed by the administrator, and; except as
12 provided in section 123.35, shall set forth under oath
13 the following information:"
14 2. Page 8, by inserting after line 14, the
15 following:
16 "Sec. ____ . Section 123.35, unnumbered paragraph 2,
17 Code 1993, is amended to read as follows:
18 Such The application, accompanied by the necessary
19 fee and bond, if required, shall be filed in the same
20 manner as is provided for filing the initial
21 application. However, for the renewal of a class "E"
22 license, the simplified application form for renewal,
23 accompanied by the necessary fee and bond if required,
24 shall be filed directly with the administrator without
25 the endorsement of local authorities if the applicant
26 has not been convicted of a violation of this chapter
27 since the preceding license was issued."

JOHN P. KIBBIE
JOE J. WELSH

S-3347

1 Amend Senate File 160 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 256.11C PERFORMANCE-
5 BASED ALTERNATIVE ACCREDITATION PROCESS.

6 1. As an alternative to the accreditation
7 standards and procedures in section 256.11, section
8 256.11A, and the rules adopted by the state board to
9 implement those standards and procedures, the
10 department shall recommend rules for adoption by the
11 state board pursuant to chapter 17A that provide for
12 the establishment by the department of a performance-
13 based alternative process for accrediting public and
14 nonpublic schools by the school year that begins July
15 1, 1995.

16 2. By January 15, the board of directors of a
17 school district or the authorities in charge of a
18 nonpublic school may notify the department of its
19 intent to seek accreditation under the alternative
20 accreditation process for the next following school
21 year, and shall submit to the department a
22 comprehensive education program plan that meets the
23 requirements established by the department pursuant to
24 rules adopted by the state board and does all of the
25 following:

26 a. Includes local student outcomes and performance
27 standards derived from both the assessment of local
28 student needs and consideration of outcomes approved
29 by the state board. The local student outcomes and
30 performance standards shall be developed with
31 collaborative input by parents, students, school
32 staff, instructional staff, business, labor, and
33 community representatives.

34 b. Specifies local exit outcomes and performance
35 standards for high school graduation, and outcomes and
36 performance standards for at least one interval at the
37 elementary level and at the middle school level.
38 However, no student may be assessed or tested on
39 personal values, attitudes, or beliefs for the purpose
40 of academic advancement or graduation.

41 c. Describes the means by which the district or
42 nonpublic school will do all of the following:

43 (1) Establish specific instructional objectives or
44 curriculum appropriate for various age levels and the
45 instructional approaches the district or school will
46 utilize to help students reach those objectives.

47 (2) Describe the assignment of instructional staff
48 and provide for professional staff development

49 consistent with the local outcomes and performance
50 standards.

Page 2

1 (3) Describe the schedules, calendars, and support
2 services to be implemented to support the
3 accomplishment of the local outcomes and performance
4 standards.

5 d. Provides for instructional staff to be licensed
6 at the early childhood, elementary, secondary, special
7 education, or administrative level appropriate to
8 their assignment as provided in chapter 272.

9 e. Addresses the attainment of the student
10 achievement goals provided in sections 280.12 and
11 280.18. The comprehensive education program plan may
12 be submitted by the district or nonpublic school to
13 the department in lieu of the annual report required
14 by sections 280.12 and 280.18.

15 f. Addresses and is consistent with the phase III
16 plan required by section 294A.16. The phase III plan
17 shall be included as a part of the comprehensive
18 education program plan.

19 3. The department shall notify districts and
20 nonpublic schools by March 1 if the comprehensive
21 education program plan proposed for the following
22 school year complies with the requirements of this
23 section. If notified by the department that the plan
24 complies with this section, the district or nonpublic
25 school may begin accreditation under this section and
26 is not subject to the standards specified in sections
27 256.11 and 256.11A. If the district or nonpublic
28 school receives notice that the plan does not meet the
29 requirements of this section, the district or
30 nonpublic school shall continue to be accredited under
31 section 256.11, and may submit revisions to its plan
32 by April 1 for the following school year. The
33 department shall review the revisions and provide
34 notice to the district or nonpublic school of its
35 accreditation status by May 1 for the following school
36 year.

37 4. The alternative accreditation process shall be
38 monitored by the department by the following means:

39 a. Reviewing and approving a district's or
40 nonpublic school's comprehensive education program
41 plan described in this section.

42 b. Monitoring the implementation of a
43 comprehensive education program.

44 c. Reviewing a district's or nonpublic school's
45 annual report of plan implementation results.

46 5. The district or nonpublic school accredited
47 under this section shall submit to the department and
48 the community of the district or nonpublic school an
49 alternative accreditation program annual report
50 regarding the performance of student groups at the

Page 3

1 intervals assessed. The report shall be submitted at
2 the close of each school year, but not later than
3 August 15, and shall meet the requirements established
4 by the department pursuant to rules adopted by the
5 state board. The report shall include all of the
6 following:

7 a. Longitudinal results for groups of students by
8 cohort, gender, and ethnicity. If the longitudinal
9 data submitted in the alternative accreditation
10 program annual report indicates unsatisfactory
11 progress in achieving the exit performance standards
12 adopted by the district or nonpublic school, the
13 district or nonpublic school shall submit to the
14 department a remedial plan to improve student
15 achievement in the district or nonpublic school. If
16 the alternative accreditation program annual report
17 submitted the year following implementation of the
18 remedial plan indicates that the remedial plan is
19 unsuccessful, the district or nonpublic school shall
20 be required to comply with and meet the standards of
21 the accreditation process pursuant to sections 256.11
22 and 256.11A, and the rules adopted by the state board
23 pursuant to those sections.

24 b. Summary comments from reviewers selected by the
25 district or nonpublic school. Representatives from
26 the following entities may be selected as reviewers:

27 (1) An area education agency.
28 (2) Other accredited districts or nonpublic
29 schools.

30 (3) The department of education.
31 Comments by the reviewers shall address the
32 comprehensive program plan and the annual report.”

TOM VILSACK

S-3348

1 Amend Senate File 399 as follows:
2 1. Page 14, line 19, by inserting after the word
3 “governments” the following: “; provided, however,
4 that the issuance of bonds or incurring of debt for
5 financing electric power facilities shall be conducted

6 only in accordance with the provisions of chapter
7 7 28F".

ELAINE SZYMONIAK

S-3349

1 Amend Senate File 341 as follows:

2 1. Page 1, by inserting after line 17 the
3 following:

4 "The fee collected pursuant to this section shall
5 be used to accomplish the following purposes:

6 1. Establishing the ability to electronically
7 transmit records between counties and to other states.
8 2. Assisting the counties in reducing record
9 preservation costs.

10 3. Encouraging progress in establishing networks
11 with county and state offices, city governments,
12 school systems, and libraries.

13 4. Establishing plans for anticipated and possible
14 future needs, including the handling and preservation
15 of vital statistics."

16 2. Page 1, by inserting after line 17 the
17 following:

18 "Sec. ____ . NEW SECTION. 331.605B FEES COLLECTED
19 -- AUDIT.

20 The recorder shall make available any information
21 required by the county or state auditor concerning the
22 fees collected under section 331.605A for the purposes
23 of determining the amount of fees collected and the
24 uses for which such fees are expended."

25 3. Page 1, by inserting after line 17 the
26 following:

27 "Sec. ____ .

28 1. It is the intent of the general assembly that
29 the development of a statewide system be fostered and
30 encouraged which will allow for the access of public
31 records maintained by a county recorder at locations
32 throughout the state, and which will allow for
33 accomplishing the purposes set forth in section
34 331.605A. A working group shall be established for
35 the purpose of fostering the development of such a
36 statewide system. The working group shall include at
37 a minimum representatives of all of the following:

38 a. County recorders.

39 b. The secretary of state.

40 c. Iowa title guaranty program.

41 d. Citizen and business interests, including
42 lenders, realtors, and attorneys.

43 2. The executive director of the title guaranty

44 division shall submit a written report to the governor
 45 and the general assembly every two years concerning
 46 the progress of the working group established in this
 47 section in development of the statewide system."

48 4. Page 1, by inserting after line 17 the
 49 following:

50 "Sec. ____ . Sections 331.605A and 331.605B are

Page 2

1 repealed effective July 1, 1999."

2 5. Renumber as necessary.

COMMITTEE ON WAYS AND MEANS
 WILLIAM W. DIELEMAN, Chairperson

S-3350

1 Amend Senate File 370 as follows:

2 1. Page 2, by striking lines 20 through 30 and
 3 inserting the following:

4 "Sec. ____ . Section 903.1, subsection 1, paragraphs
 5 a and b, Code 1993, are amended to read as follows:"

6 2. Page 2, line 31, by striking the word "shall"
 7 and inserting the following: "may".

8 3. Page 2, line 35, by striking the word "shall"
 9 and inserting the following: "may".

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

12 "Sec. ____ . Section 903.1, subsection 2, Code 1993,
 13 is amended to read as follows:"

14 5. Page 3, lines 7 and 8, by striking the words
 15 "years; or, There shall be" and inserting the
 16 following: "years, or".

17 6. Page 3, line 9, by striking the words
 18 "dollars; or both" and inserting the following:
 19 "dollars, or both".

20 7. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
 WILLIAM W. DIELEMAN, Chairperson

S-3351

1 Amend Senate File 406 as follows:

2 1. Page 2, line 16, by striking the figure "95"
 3 and inserting the following: "98".

4 2. Page 2, line 20, by inserting after the word
 5 "involved." the following: "The percentage of funds
 6 allocated under this paragraph shall be reduced to 95

7 percent if the allocation of 98 percent under this
 8 paragraph would result in a reduction of federal block
 9 grant funds as described in this subsection.”
 10 3. Page 2, line 21, by striking the figure “5”
 11 and inserting the following: “2”.
 12 4. Page 2, line 31, by inserting after the word
 13 “audits.” the following: “The percentage of funds
 14 allocated under this subsection shall be increased to
 15 5 percent if the allocation of 2 percent under this
 16 subsection would result in a reduction of federal
 17 block grant funds as described in subsection 1.”

DERRYL McLAREN

S-3352

1 Amend House File 79, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 31, the
 4 following:
 5 “Sec. ____ . Section 910A.16, Code 1993, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 4. To the greatest extent
 8 possible, a multidisciplinary team involving the
 9 county attorney, law enforcement, community-based
 10 child advocacy organizations, and personnel of the
 11 department of human services shall be utilized in
 12 investigating cases involving a violation of chapter
 13 709 or 726 with a child.
 14 Sec. ____ . EFFECTIVE DATE. This Act, being deemed
 15 of immediate importance, takes effect upon enactment.”
 16 2. Title page, line 2, by inserting after the
 17 word “witnesses” the following: “and providing an
 18 effective date”.
 19 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 AL STURGEON, Chairperson

S-3353

1 Amend Senate File 381 as follows:
 2 1. Page 1, by striking lines 7 and 8.
 3 2. By striking page 1, line 19, through page 3,
 4 line 4, and insert the following:
 5 “Sec. ____ . NEW SECTION. 266.53 LIVESTOCK
 6 PRODUCERS ASSISTANCE PROGRAM.
 7 1. A livestock producers assistance program is
 8 established. The administrator shall administer the
 9 program, and direct specialists to assist livestock.

10 producers participating in the program according to
11 procedures established by the administrator. A
12 specialist shall conduct an on-site evaluation of the
13 producer's livestock production operations for
14 purposes of analyzing the operation's waste management
15 system, and shall make recommendations relating to
16 improving waste management practices and procedures.
17 The administrator may establish procedures and
18 criteria required for producers participating in the
19 program.

20 2. The administrator shall establish a schedule of
21 fees which shall be paid by or on behalf of livestock
22 producers who participate in the program. The fees
23 may vary according to the type of services provided or
24 according to the length of time that the producer
25 participates in the program. The fees shall be
26 deposited in an account administered by Iowa state
27 university of science and technology and used solely
28 for carrying out this program as directed by the
29 administrator. Section 8.33 does not apply to moneys
30 deposited into the account. A person paying the fees
31 shall be delivered a receipt for payment of services
32 provided under the program.

33 Sec. —. NEW SECTION. 266.54 LIVESTOCK WASTE
34 IMPACT ANALYSIS

35 1. The administrator shall direct specialists to
36 conduct livestock waste impact analyses. An analysis
37 shall consist of an on-site evaluation of the
38 livestock waste management system of the producer, and
39 a written report based on the evaluation which shall
40 include any recommendations relating to improving
41 waste management practices and procedures.

42 2. The administrator shall direct a specialist to
43 conduct a livestock waste impact analysis, upon
44 request by one of the following:

45 a. A livestock producer who is party to a
46 controversy or case under chapter 455B or a party to a
47 dispute under chapter 654B which involves an action
48 which is alleged to be a nuisance interfering with the
49 enjoyment of another person.

50 b. The department of natural resources or the

Page 2

1 attorney general who is a party to a controversy or
2 case under chapter 455B, if another party to the
3 controversy or case is a livestock producer.

4 c. The farm mediation service mediating a dispute
5 under chapter 654B which involves an action alleged to
6 be a nuisance interfering with the enjoyment of a

7 person who is a party to the dispute.

8 d. A party to a dispute under chapter 654B which
9 involves an action alleged to be a nuisance
10 interfering with the enjoyment of the party.

11 3. a. The administrator may require that requests
12 include information required by the administrator, be
13 submitted on forms prescribed by the administrator,
14 and be submitted according to procedures required by
15 the administrator. The request may include a
16 statement explaining special circumstances which
17 require expedited action. A person submitting a
18 request shall promptly notify the administrator if the
19 request has been withdrawn.

20 b. The administrator shall promptly answer the
21 person submitting the request that the request has
22 been accepted or refused. If the request is accepted,
23 the answer shall state whether an analysis is expected
24 to be delayed, and the estimated date that the delayed
25 analysis is expected to be delivered. The analysis
26 shall be delivered to the person submitting the
27 request within twenty days from receipt of the request
28 by the administrator, unless the analysis is delayed.
29 A copy of the analysis shall be provided to any other
30 party to a controversy or case under chapter 455B, or
31 to another party to a dispute and the farm mediation
32 service mediating a dispute under chapter 654B.

33 c. The administrator shall determine the priority
34 to be assigned a request and shall develop a system of
35 priorities for completing analyses, including the
36 performance of evaluations and the preparation of
37 reports. The administrator shall consult with the
38 department of natural resources, the attorney general,
39 and the farm mediation service in developing the
40 system. The administrator may refuse to accept a
41 request based upon the system of priorities.

42 4. An animal agriculture specialist shall not
43 enter onto the property where a livestock production
44 operation is located without the consent of the owner.
45 If the owner does not consent to the evaluation, the
46 analysis shall include the owner's denial of the
47 evaluation as noted by the specialist in the report."

48 3. By striking page 3, line 35, through page 4,
49 line 8.

50 4. By renumbering as necessary.

BERL E. PRIEBE
DERRYL MCLAREN
MERLIN E. BARTZ
JAMES R. RIORDAN

S-3354

1 Amend Senate File 287 as follows:

2 1. Page 1, by inserting after line 27, the
3 following:

4 "The rules shall require that a hospital establish
5 and implement written criteria for the granting of
6 clinical privileges. The written criteria shall
7 include but are not limited to consideration of the
8 ability of an applicant for privileges to provide
9 patient care services independently and appropriately
10 in the hospital; the license held by the applicant to
11 practice; training, experience, and competence of the
12 applicant; the relationship between the applicant's
13 request for the granting of privileges and the
14 hospital's current scope of patient care services, as
15 well as the hospital's determination of the necessity
16 to grant privileges to a practitioner authorized to
17 provide comprehensive, appropriate, and cost-effective
18 services."

WILLIAM D. PALMER

S-3355

1 Amend the Bennett amendment, S-3330, to Senate File
2 405 as follows:

3 1. Page 1, line 17, by inserting after the word
4 "material." the following: "The ordinance shall
5 provide that an application be filed for which an
6 exemption is claimed.

7 An ordinance enacted by a city shall exempt that
8 entire portion of the total levy against recycling
9 property defined in this section which is equal to the
10 sum of the city levy and school district levy for
11 school districts whose taxable property is located
12 within the incorporated area of the city. An
13 ordinance enacted by a county shall exempt that entire
14 portion of the total levy against recycling property
15 defined in this section which is equal to the sum of
16 the county levy in the unincorporated and incorporated
17 areas of the county and the school district levy for
18 school districts whose taxable property is located in
19 the unincorporated area of the county.

20 PARAGRAPH DIVIDED."

21 2. Page 1, by striking lines 22 through 25 and
22 inserting the following: "the case of a city."

23 3. Page 2, line 41, by inserting after the figure
24 "1992." the following: "The ordinance shall provide
25 that an application be filed for each project for

- 26 which an exemption is claimed.
 27 b. An ordinance enacted by a city shall exempt
 28 that entire portion of the total levy against property
 29 defined in this section which is equal to the sum of
 30 the city levy and school district levy for school
 31 districts whose taxable property is located within the
 32 incorporated area of the city. An ordinance enacted
 33 by a county shall exempt that entire portion of the
 34 total levy against property defined in this section
 35 which is equal to the sum of the county levy in the
 36 unincorporated and incorporated areas of the county
 37 and the school district levy for school districts
 38 whose taxable property is located in the
 39 unincorporated area of the county.
 40 c."
 41 4. Page 2, by striking lines 46 through 50 and
 42 inserting the following: "section 362.3 in the case
 43 of a city."
 44 5. Page 3, line 1, by striking the letter "b."
 45 and inserting the following: "d."

MAGGIE TINSMAN
 RANDAL J. GIANNETTO
 WAYNE D. BENNETT

S-3356

- 1 Amend the Committee amendment, S-3314, to House
 2 File 430, as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. Page 15, by inserting after line 27, the
 5 following:
 6 "___. Title page, lines 3 through 5, by striking
 7 the words "allocating use tax revenue for GAAP deficit
 8 reductions, making appropriations for certain tax
 9 credits,".

PATTY JUDGE

S-3357

- 1 Amend Senate File 406 as follows:
 2 1. Page 43, by inserting after line 20 the
 3 following:
 4 "Sec. 100. LOW-INCOME HOME ENERGY ASSISTANCE
 5 PROGRAM. It is the intent of the general assembly to
 6 maintain the low-income home energy assistance program
 7 at funding levels that are equal to the amount of
 8 federal grants awarded to the state but not received.
 9 The department of management and the department of

- 10 revenue and finance may transfer from any unencumbered
 11 moneys in the health insurance premium reserve fund an
 12 amount sufficient to maintain the program funding
 13 levels until federal reimbursement is made available.
 14 Any amounts so transferred shall be returned to the
 15 source of the transfer on or before October 4, 1993."
 16 2. Page 43, line 21, by striking the word and
 17 figure "Section 17" and inserting the following:
 18 "Sections 17 and 100".
 19 3. By renumbering as necessary.

MICHAEL GRONSTAL
 LARRY MURPHY

S-3358

- 1 Amend the House amendment, S-3244, to Senate File
 2 232, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 29 the
 5 following:
 6 "____. Page 8, line 1, by inserting after the word
 7 "maintenance." the following: "The department may
 8 issue a request for proposals as part of the study,
 9 for no more than twenty-five percent of the state's
 10 rest areas, but shall not award a contract for the
 11 maintenance of rest areas until the study has been
 12 reported to the general assembly."

MIKE CONNOLLY

S-3359

- 1 Amend Senate File 358 as follows:
 2 1. Page 2, by striking lines 21 through 27.

MAGGIE TINSMAN
 EUGENE S. FRAISE

S-3360

- 1 Amend House File 144, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 16, by inserting after line 17 the fol-
 4 lowing:
 5 "____. Gifts which are given to a public official
 6 or public employee for the public official's or public
 7 employee's wedding or twenty-fifth or fiftieth wedding.

8 anniversary.”

9 2. By renumbering as necessary

RICHARD F. DRAKE
DON GETTINGS

S-3361

1 Amend Senate File 313 as follows:

2 1. Page 1, by striking lines 31 through 33 and
3 inserting the following: “services, and home health
4 care services.”

5 2. Page 2, by striking lines 27 through 30 and
6 inserting the following: “under chapter 148, 149,
7 150A, or 151, or any health care provider licensed
8 under chapter 153 or 154.”

9 3. Page 7, by striking lines 17 through 22.

10 4. By renumbering as necessary.

JIM RIORDAN

S-3362

1 Amend House File 342, as passed by the House, as
2 follows:

3 1. Page 2, line 33, by striking the word
4 “fifteen” and inserting the following: “fifteen
5 twenty”.

6 2. Page 3, line 1, by striking the word “fifteen”
7 and inserting the following: “fifteen twenty”.

WILLIAM FINK

S-3363

1 Amend House File 214, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, line 4, by inserting after the word
4 “of” the following: “Lyon.”

BERL E. PRIEBE

S-3364

1 Amend the amendment, S-3347, to Senate File 160 as
2 follows:

3 1. Page 3, by inserting after line 32, the
4 following:

5 “Sec. ____ . NEW SECTION. 272.25A ALTERNATIVE
6 PRACTITIONER PREPARATION PROGRAM.

7 Not later than January 1, 1994, the state board of
8 education shall adopt rules pursuant to chapter 17A to
9 implement the following for an approved alternative
10 practitioner preparation program:

11 1. The candidate selection process for the
12 alternative practitioner preparation program shall
13 include the following:

14 a. Candidates shall possess at least a bachelor's
15 degree from a regionally accredited institution with a
16 major in the prospective teaching area.

17 b. Candidates shall have been graduated for over
18 five years prior to application to the program.

19 c. Candidates who have a record of felony
20 conviction or a record of child abuse shall not be
21 considered.

22 d. The superintendent and principal of a local
23 school district or the authorities in charge of a
24 nonpublic school shall select a mentor to supervise
25 and assist the candidate for the alternative
26 practitioner preparation program. The principal of a
27 participating school shall also give assistance and
28 guidance as needed.

29 e. The mentor shall be assigned by June 1 of the
30 school year preceding the year in which the candidate
31 for the alternative practitioner preparation program
32 will begin teaching.

33 f. Within three months before a candidate begins
34 teaching, the candidate shall satisfactorily complete
35 nine semester hours in appropriate teacher preparation
36 courses.

37 2. Individuals who are employed by a board of
38 directors of a local school district or by authorities
39 in charge of a local school district and who apply to
40 become mentors shall present evidence to the committee
41 of meeting the following prerequisites:

42 a. Possession of a valid Iowa teacher's license.

43 b. Employment as a classroom teacher, teaching
44 experience, and current employment by the
45 participating district or school.

46 c. Demonstration of effective teaching practice.

47 d. Ability to work cooperatively as a team member
48 to aid the professional growth of beginning teachers.

49 e. Professional commitment to improving the
50 induction of beginning teachers into the teaching

Page 2

1 profession.

2 f. Ability to relate effectively to adult

3 learners.

- 4 g. Ability to be reflective and articulate about
5 the craft of teaching.
- 6 h. Other criteria as deemed necessary by the board
7 of directors and the superintendent of the school
8 district, or the authorities in charge of a nonpublic
9 school and the principal of the participating school.
- 10 3. The board of directors of a school district or
11 the authorities in charge of a nonpublic school shall
12 review and approve or disapprove the recommendations
13 for mentors submitted to it by the superintendent of
14 the participating district and the principal of the
15 participating school.
- 16 4. The mentor's responsibilities shall include,
17 but are not limited to, the following:
- 18 a. Meeting weekly with the teacher candidate
19 during the school year and recording such activities.
- 20 b. Observing the teacher candidate and providing
21 classroom demonstrations for the teacher candidate on
22 at least eight occasions during the school year.
- 23 c. Providing support for the development of the
24 teacher candidate's skills, including the planning of
25 instruction, classroom management, instruction, and
26 assessment of teacher learning.
- 27 5. Each teacher candidate shall be placed with a
28 mentor by June 1 of the school year preceding the
29 school year in which the candidate is expected to
30 begin teaching. However, placement of a teacher
31 candidate with a mentor shall be made as soon as
32 possible after a teacher candidate is assigned to a
33 school building. School administrators shall place
34 teacher candidates with mentors who teach in the same
35 school building.
- 36 6. From the date of placement, mentors and
37 candidates shall meet no less than the equivalent of
38 five school days and shall hold no less than ten
39 meetings.
- 40 7. From the date of placement, the teacher
41 candidate shall have a full teaching contract, but
42 shall be assigned only five-sixths time.
- 43 8. During the second year, at least three
44 evaluations of the candidate shall be conducted.
45 Evaluations may be conducted by an accredited college
46 or university or by other teachers employed in an
47 accredited school in a school district or nonpublic
48 school.
- 49 9. At the completion of the second year, a teacher
50 candidate who has taught two years under evaluation

Page 3

1 shall be eligible for the five-year educational
2 license. The student teaching requirement shall be
3 waived. The board of directors, the authorities in
4 charge of a nonpublic school, and the school
5 administrators shall determine whether the teacher is
6 competent to continue to teach and shall provide a
7 recommendation to the state board of educational
8 examiners.

9 10. Each candidate completing the alternative
10 practitioner preparation program shall be identified
11 for follow-up studies of the person's performance as a
12 classroom teacher and for the person's evaluation of
13 the alternative practitioner preparation program.

14 11. It is the intent of the general assembly to
15 provide an opportunity for persons making a career
16 change to enter the field of education. This program
17 is not designed or intended to circumvent the
18 currently established practitioner preparation
19 programs or rules for licensure."

20 "___ . Title page, line 2, by inserting after the
21 word "schools" the following: ", and for an
22 alternative practitioner preparation program for
23 teacher candidates"."

24 2. By renumbering as necessary.

RAY TAYLOR

S-3365

1 Amend House File 267, as passed by the House, as
2 follows:

3 1. Page 1, line 4, by striking the word "twenty-
4 one" and inserting the following: "eighteen".

COMMITTEE ON NATURAL RESOURCES
BILL FINK, Chairperson

S-3366

1 Amend the amendment, S-3314, to House File 430, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 18, by striking the figure
5 "41,297" and inserting the following: "82,594".

6 2. Page 6, line 24, by striking the figure
7 "66,992" and inserting the following: "74,435".

8 3. Page 7, line 43, by striking the figure
9 "57,575" and inserting the following: "63,971".

PATTY JUDGE

S-3367

1 Amend the amendment, S-3205, to Senate File 3 as
2 follows:

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

5 " ____ . A residential care facility for the mentally
6 retarded which is serving persons sixty years of age
7 or older and which is licensed on July 1, 1993, is not
8 subject to the requirements of this chapter."

9 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-3368

1 Amend Senate File 396 as follows:

2 1. Page 1, by striking lines 1 through 12, and
3 inserting the following:

4 "Sec. ____ . NEW SECTION. 6A.21 CENTURY HOME FARMS
5 -- PROHIBITION.

6 Proceedings shall not be instituted by the state or
7 any political subdivision of the state for the
8 condemnation of private property which is a century
9 home farm, for any public improvement, including but
10 not limited to the construction of a primary,
11 secondary, or farm-to-market road as provided in
12 chapter 312, unless the owner of the private property
13 consents to the taking. As used in this section,
14 "century home farm" means that portion of a homestead
15 as provided in chapter 561, which is the site of a
16 dwelling or the site of a structure located in close
17 proximity to the dwelling and associated with
18 agricultural production, if the homestead is on land
19 designated by the department of agriculture and land
20 stewardship as a century farm as provided in section
21 159.25."

COMMITTEE ON TRANSPORTATION
JEAN LLOYD-JONES, Chairperson

S-3369

1 Amend the amendment, H-3314, to House File 430, as
2 amended, passed, and reprinted by the House as

3 follows:

4 1. Page 5, line 26, by striking the figure
5 "955,524" and inserting the following: "911,784".

6 2. Page 5, line 27, by striking the figure
7 "17.25" and inserting the following: "16.25".

8 3. Page 5, by striking lines 28 through 33.

9 4. Page 13, by inserting after line 32 the
10 following:

11 "Sec. ____ . In addition to funds otherwise
12 appropriated, there is appropriated from the general
13 fund of the state for the fiscal year beginning July
14 1, 1993, and ending June 30, 1994, the following
15 amount to be used for the purpose designated:

16 Cooperative extension service in agriculture and
17 home economics:

18 \$ 66,500".

19 5. By renumbering as necessary.

JOHN P. KIBBIE
JAMES R. RIORDAN

S-3370

1 Amend the amendment, S-3314, to House File 430, as
2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 14, by inserting after line 6, the
5 following:

6 "Sec. ____ . Section 261.38, subsection 5, Code
7 1993, is amended to read as follows:

8 5. The treasurer of state shall invest any funds,
9 including those in the loan reserve account, and the
10 interest income earned shall be credited back to the
11 loan reserve account. The treasurer may invest up to
12 forty percent of the funds in the loan reserve account
13 in tax-exempt investments issued by an agency of the
14 state of Iowa. If any of the tax-exempt investments
15 are for purposes of financing the construction or
16 improvement of state facilities, the executive
17 council, established under chapter 19, shall review
18 and approve the proposed construction or improvement
19 prior to the investment of loan reserve account funds
20 in the tax-exempt investments."

JOE WELSH
JIM KERSTEN
RICHARD VARN

S-3371

1 Amend Senate File 311 as follows:

2 1. Page 1, by striking everything after the
3 enacting clause and inserting the following:

4 "Section 1. NEW SECTION. 702.24 REPEATED ACTS OF
5 VIOLENCE.

6 "Repeated acts of violence" means being convicted
7 of any combination of two or more violations of
8 chapter 236, 708, 709, 710, 712, 716, 719, or 724, or
9 section 707.5, subsection 2, or section 707.6A,
10 subsection 3 within two years.

11 Sec. 2. Section 724.4, subsection 4, paragraph j,
12 Code 1993, is amended to read as follows:

13 j. A law enforcement officer from another state or
14 a law enforcement or security officer from another
15 country when the officer's duties require the officer
16 to carry the weapon and the officer is in this state
17 for any of the following reasons:

18 (1) The extradition or other lawful removal of a
19 prisoner from this state.

20 (2) Pursuit of a suspect in compliance with
21 chapter 806.

22 (3) Activities in the capacity of a law
23 enforcement or security officer with the knowledge and
24 consent of the chief of police of the city or the
25 sheriff of the county in which the activities occur or
26 of the commissioner of public safety.

27 Sec. 3. Section 724.8, Code 1993, is amended to
28 read as follows:

29 724.8 PERSONS ELIGIBLE FOR PERMIT TO CARRY
30 WEAPONS.

31 No A person shall not be issued a professional or
32 nonprofessional permit to carry weapons unless all of
33 the following conditions are met:

34 1. The person is eighteen years of age or older.

35 2. The person has never been convicted of a
36 felony.

37 3. The person is has not addicted to the use of
38 alcohol or any controlled substance been convicted of
39 more than one violation of chapter 123, 124, or 321J
40 or adjudicated more than once for chemical dependency
41 under chapter 125 within the two years previous to the
42 date of the application.

43 4. The person has no history not been convicted of
44 repeated acts of violence as defined in section
45 702.24.

46 5. The issuing officer reasonably determines that
47 the applicant does not constitute a danger to any
48 person.

49 6. The person has never been convicted of any
50 crime defined in chapter 708, except "assault" as

Page 2

1 defined in section 708.1 and "harassment" as defined
2 in section 708.7.

3 7. The person has never been adjudicated for
4 mental illness or been committed to an institution for
5 the treatment of mental illness or is currently being
6 treated for mental illness.

7 8. The person has been a legal resident of the
8 United States for at least five years, and can
9 document that fact in order for an accurate criminal
10 history check to be accomplished.

11 Sec. 4. Section 724.10, Code 1993, is amended to
12 read as follows:

13 724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS -
14 CRIMINAL HISTORY CHECK REQUIRED.

15 A person shall not be issued a permit to carry
16 weapons unless the person has completed and signed an
17 application on a form to be prescribed and published
18 by the commissioner of public safety. The application
19 shall state the full name, social security number
20 (optional), residence, and age of the applicant, and
21 shall state whether the applicant has ever been
22 convicted of a felony, whether the person is ~~addicted~~
23 ~~to the use of alcohol or any controlled substance, and~~
24 ~~has been convicted, within the last two years, of more~~
25 ~~than one violation of chapter 123, 124, or 321J, or~~
26 ~~adjudicated more than once for chemical dependency~~
27 ~~under chapter 125 within the last two years, whether~~
28 the person has ~~any history of been adjudicated for~~
29 ~~mental illness, been committed to an institution due~~
30 ~~to mental illness, or is currently being treated for~~
31 ~~mental illness or has been convicted of repeated acts~~
32 ~~of violence, and that the person has been a legal~~
33 ~~resident of the United States for at least five years.~~
34 The applicant shall also display an identification
35 card that bears a distinguishing number assigned to
36 the card holder, the full name, date of birth, sex,
37 residence address, and a brief description and ~~colored~~
38 ~~color~~ photograph of the card holder. ~~Upon~~
39 ~~notification that criminal history data is available~~
40 ~~but not later than July 1, 1991, the~~ The sheriff shall
41 conduct immediately a criminal history check
42 concerning each applicant by obtaining criminal
43 history data from the department of public safety.
44 The application is not complete until the criminal
45 history information is received. A person who

46 knowingly makes a false statement of material fact on
47 the application commits a class "D" felony.
48 Sec. 5. Section 724.13, Code 1993, is amended to
49 read as follows:
50 724.13 REVOCATION OF PERMIT TO CARRY WEAPONS.

Page 3

1 The issuing officer may revoke any permit to carry
2 weapons when the officer learns that any of the
3 conditions required for the issuance of that permit as
4 stated in sections 724.6 to 724.10 have ceased to
5 exist, or when the officer learns that that permit was
6 improperly issued. When the issuing officer revokes a
7 permit, the officer shall notify the permit holder of
8 such revocation on a form prescribed and published by
9 the commissioner of public safety, and shall forward a
10 copy of the form to the commissioner of public safety.
11 From the time the permit holder receives notice of
12 revocation, the permit shall cease to have any force
13 or effect. Permit revocations may be reviewed by writ
14 of certiorari.

15 A permit holder convicted of more than one
16 violation under chapter 123, 124, or 321J while
17 actually carrying on the permit holder's person a
18 dangerous or offensive weapon shall have the person's
19 permit to carry revoked and shall be ineligible for a
20 permit for six years.

21 Sec. 6. Section 724.15, subsection 1, Code 1993,
22 is amended to read as follows:

23 1. Any person who acquires ownership of any pistol
24 or revolver shall first obtain an annual permit. An
25 annual permit shall not be issued to any person
26 unless:

27 a. The person is twenty-one years of age or older.

28 b. The person has never been convicted of a
29 felony.

30 c. The person is not addicted to the use of
31 alcohol or a controlled substance has not been
32 convicted, within the previous two years, of more than
33 one violation of chapter 123, 124, or 321J or
34 adjudicated for chemical dependency under chapter 125
35 more than once within the previous two years.

36 d. The person has no history not been convicted of
37 repeated acts of violence as defined in section
38 702.24.

39 e. The person has never been convicted of a crime
40 defined in chapter 708, except "assault" as defined in
41 section 708.1 and "harassment" as defined in section
42 708.7.

43 f. The person has never been adjudged mentally
44 incompetent or mentally ill.
45 g. The person has been a legal resident of the
46 United States for at least five years and can document
47 that fact in order for an accurate criminal history
48 check to be accomplished.
49 Sec. 7. Section 724.17, Code 1993, is amended to
50 read as follows:

Page 4

1 724.17 APPLICATION FOR ANNUAL PERMIT TO ACQUIRE --
2 CRIMINAL HISTORY CHECK REQUIRED.

3 The application for an annual permit to acquire
4 pistols or revolvers may be made to the sheriff of the
5 county of the applicant's residence and shall be on a
6 form prescribed and published by the commissioner of
7 public safety. The application shall state the full
8 name of the applicant, the social security number of
9 the applicant, the residence of the applicant, and the
10 age of the applicant. The applicant shall also
11 display an identification card that bears a
12 distinguishing number assigned to the cardholder, the
13 full name, date of birth, sex, residence address, and
14 brief description and ~~colored~~ color photograph of the
15 cardholder, or other identification as specified by
16 rule of the department of public safety. ~~Upon~~
17 ~~notification that criminal history data is available~~
18 ~~but not later than July 1, 1991, the~~ The sheriff shall
19 conduct a criminal history check concerning each
20 applicant by obtaining criminal history data from the
21 department of public safety. The application is not
22 complete until the criminal history information is
23 received.

24 Sec. 8. NEW SECTION. 724.21A APPEAL TO
25 DEPARTMENT OF PUBLIC SAFETY.

26 The commissioner of public safety shall establish a
27 procedure under which a person denied a permit to
28 acquire pistols and revolvers or a permit to carry
29 weapons by the sheriff may appeal the denial to the
30 department. The commissioner or the commissioner's
31 designee shall not conduct a hearing or receive
32 additional evidence other than the application and
33 records accompanying the application and shall consult
34 with the sheriff in determining whether to issue the
35 permit and shall notify the sheriff of the decision
36 reached on issuing or denying the permit.

37 A person denied a permit on appeal to the
38 department may appeal the denial to the district court.
39 for the county of the person's residence.

40 Sec. 9. The department of public safety shall
41 report to the general assembly by January 15, 1994,
42 regarding the number of appeals under section 724.21A,
43 as enacted in this Act, processed between July 1,
44 1993, and December 31, 1993, the cost of processing
45 each appeal, and the time required to process each
46 appeal.

47 Sec. 10. APPLICABILITY. With respect to
48 convictions for violations which would prevent a
49 violator from meeting the conditions for issuance of a
50 permit to carry weapons or to acquire weapons enacted

Page 5

1 in this Act, this Act applies only to such convictions
2 for violations entered on or after July 1, 1993."

JOE J. WELSH
EMIL J. HUSAK
AL STURGEON
RAY TAYLOR
JOHN W. JENSEN
JIM KERSTEN

S-3372

1 Amend the amendment, S-3314, to House File 430, as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 14, by inserting after line 6, the
5 following:

6 "Sec. ____ . Section 556.2, subsection 4, Code 1993,
7 is amended to read as follows:

8 4. Any sum payable on checks certified in this
9 state or on written instruments issued in this state
10 on which a banking or financial organization or
11 business association is directly liable, including, by
12 way of illustration but not of limitation,
13 certificates of deposit, drafts, money orders, and
14 traveler's checks, that, with the exception of
15 traveler's checks and money orders, has been
16 outstanding for more than three years from the date it
17 was payable, or from the date of its issuance if
18 payable on demand, or, in the case of traveler's
19 checks or money orders, that has been outstanding for
20 more than fifteen years, or seven years for money
21 orders, from the date of its issuance, unless the
22 owner has within three years, or within fifteen years
23 in the case of traveler's checks or seven years in the
24 case of money orders, corresponded in writing with the

25 banking or financial organization or business
26 association concerned, or otherwise indicated an
27 interest as evidenced by a memorandum on file with the
28 banking or financial organization or business
29 association. The memorandum shall be dated and may
30 have been prepared by the banking or financial
31 organization or business association, in which case it
32 shall be signed by an officer of the banking or
33 financial organization, or a member of the business
34 association, or it may have been prepared by the
35 owner."

MICHAEL E. GRONSTAL

S-3373

1 Amend the amendment, S-3335, to House File 144, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, by inserting after line 25 the
5 following:
6 "___ . Page 15, by inserting after line 31, the
7 following:
8 "___ . Food, drink, registration, and scheduled
9 entertainment given once during the legislative
10 session by a chamber of commerce of a political
11 subdivision of the state or a collection of chambers
12 of commerce of political subdivisions at a reception
13 to which all members of the general assembly and
14 legislative employees are invited."
15 2. Page 3, by striking lines 40 through 42 and
16 inserting the following:
17 "___ . By striking page 17, line 33 through page
18 18, line 5."
19 3. By renumbering as necessary.

TONY BISIGNANO
WILLIAM D. PALMER
JOHN W. JENSEN
JACK RIFE
JEAN LLOYD-JONES
PATRICK J. DELUHERY

S-3374

1 Amend the amendment, S-3335, to House File 144, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, line 21, by striking the word
5 "employee" and inserting the following: "employee."

- 6 2. Page 2, line 24, by striking the word "funds"
 7 and inserting the following: "funds,".
- 8 3. Page 2, line 46, by inserting after the words
 9 "shall not" the following: ", within two years after
 10 termination of employment,".
- 11 4. Page 3, by inserting after line 3, the
 12 following:
 13 "___ . Page 13, by striking line 9, and inserting
 14 the following: "on behalf or as part of the duties of
 15 that office or employment.""
- 16 5. Page 4, by inserting after line 32, the
 17 following:
 18 "___ . Page 25, line 19, by inserting after the
 19 word "lobbyists", the following: "of the executive
 20 branch of state government"."
- 21 6. By numbering and renumbering as necessary.

RALPH ROSENBERG

S-3375

- 1 Amend House File 144, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 16, by inserting after line 25, the
 4 following:
 5 "___ . Actual expenses of a donee for food,
 6 beverages, travel, and lodging provided by a donor for
 7 purposes of allowing a donee to attend an educational
 8 or business conference or meeting, if the donee is a
 9 member of or provides staff services to the investment
 10 board of Iowa public employees' retirement system
 11 under section 97B.8."
- 12 2. By relettering as necessary.

RALPH ROSENBERG

S-3376

- 1 Amend House File 144, as amended, passed, and re-
 2 printed by the House, as follows:
- 3 1. Page 41, by inserting after line 20 the
 4 following:
 5 "Sec. ___ . Section 56.41, subsection 1, Code 1993,
 6 is amended to read as follows:
 7 1. A candidate and the candidate's committee shall
 8 use campaign funds only for campaign purposes or
 9 constituency services for individuals who reside in
 10 the district for which the candidate is seeking
 11 election, as defined by rules adopted by the board,
 12 and shall not use campaign funds for personal

13 expenses.”

14 2. By renumbering as necessary.

JIM LIND

S-3377

1 Amend the amendment, S-3335, to House File 144, as
2 amended, passed, and reprinted by the House, as
3 follows:

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

6 “___ . Page 15, by inserting after line 31, the
7 following:

8 “___ . Food, drink, registration, and scheduled
9 entertainment given at a reception for members of the
10 general assembly, if the members of the general
11 assembly who represent the interests of the district
12 or districts in which the donor or donors reside are
13 invited.””

14 2. Page 3, by striking lines 40 through 42 and
15 inserting the following:

16 “___ . By striking page 17, line 33 through page
17 18, line 5.”

18 3. By renumbering as necessary.

BERL E. PRIEBE

S-3378

1 Amend the amendment, S-3371, to Senate File 311, as
2 follows:

3 1. Page 2, by striking lines 44 and 45, and
4 inserting the following: “A person who”.

5 2. Page 4, by striking lines 21 through 23 and
6 inserting the following: “department of public
7 safety.”

RAY TAYLOR
DERRYL McLAREN

S-3379

1 Amend House File 144, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 21, by inserting after line 12 the
4 following:

5 “If a complaint is received from a member of the
6 general assembly alleging that another member of the
7 general assembly has committed a violation of this

8 chapter or an applicable code of ethics, the complaint
9 and any supporting information shall be confidential,
10 and such a complaint and supporting information shall
11 not be made public by the complainant until the
12 appropriate ethics committee receives a report from
13 the independent special counsel that probable cause
14 exists to believe that a violation of this chapter or
15 the applicable code of ethics has occurred. A
16 violation of this paragraph constitutes a violation of
17 this chapter and the applicable code of ethics.

18 Sec. ____ . Section 68B.31, subsections 7 and 9,
19 Code 1993, are amended to read as follows:

20 7. If the ethics committee determines that a
21 complaint is not valid, the complaint shall be
22 dismissed and ~~returned to the complainant with a~~
23 notice of dismissal shall be sent to the complainant
24 stating the reason or reasons for the dismissal. A
25 complaint which is dismissed and any supporting
26 information shall be sealed for a period of five years
27 from the date of its dismissal and shall be expunged
28 at the end of the five-year period. If the ethics
29 committee determines that a complaint is valid, the
30 ethics committee shall request that the chief justice
31 of the supreme court appoint an refer the complaint to
32 the independent special counsel to investigate the
33 allegations contained in the complaint to determine
34 whether there is probable cause to believe that a
35 violation of this chapter has occurred and whether an
36 evidentiary hearing on the complaint should be held.
37 The legislative council shall appoint an independent
38 special counsel to serve for the duration of a general
39 assembly. The independent special counsel shall be an
40 attorney licensed in Iowa, shall be in good standing
41 with the courts of Iowa, shall not have a record of
42 substantiated ethical violations of any code of
43 professional responsibility for lawyers, and shall be
44 knowledgeable about the Iowa general assembly and the
45 legislative process and the procedures and standards
46 applicable to disciplinary proceedings for members of
47 the general assembly and lobbyists. Payment of costs
48 for the independent special counsel shall be made from
49 section 2.12.

50 9. The ethics committee shall maintain the

Page 2

1 confidentiality of a complaint unless either the
2 complainant or the alleged violator publicly discloses
3 the existence of a complaint or a preliminary
4 investigation. The ethics committee, upon such a

5 disclosure by the complainant or the alleged violator,
 6 may publicly confirm the existence of the preliminary
 7 inquiry and, in the ethics committee's discretion,
 8 make public the complaint and any documents which were
 9 issued to either party to the complaint. However, the
 10 confidentiality of complaints filed by a member of the
 11 general assembly alleging that another member of the
 12 general assembly has committed a violation of chapter
 13 68B or of an applicable code of ethics is subject to
 14 the requirements of section 68B.31, subsection 6."
 15 2. Page 39, line 26, by inserting after the word
 16 "investigation." the following: "However, the
 17 confidentiality of complaints filed by a member of the
 18 general assembly alleging that another member of the
 19 general assembly has committed a violation of chapter
 20 68B or of an applicable code of ethics is subject to
 21 the requirements of section 68B.31, subsection 6."

TOM VILSACK
 JAMES B. KERSTEN

S-3380

1 Amend House File 144, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 17, line 33 through page 18,
 4 line 5.
 5 2. By renumbering as necessary.

RICHARD F. DRAKE
 TONY BISIGNANO

S-3381

1 Amend House File 430, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 17, by inserting after line 2 the
 4 following:
 5 "Sec. ____ . NEW SECTION. 2.39 REPORTS TO THE
 6 GENERAL ASSEMBLY.
 7 All reports required to be filed with the general
 8 assembly by a state department or agency shall be
 9 filed by delivering one printed copy and one copy in
 10 electronic format as prescribed by the secretary of
 11 the senate and the chief clerk of the house."
 12 2. Page 17, by inserting after line 29 the
 13 following:
 14 "Sec. ____ . Section 8.6, Code 1993, is amended by
 15 adding the following new subsections:
 16 NEW SUBSECTION. 16. WORKFLOW PROCESS REVIEW. To

17 review the workflow processes of all departments for
18 the following purposes:

19 a. To determine where information technology may
20 be used to improve the efficiency of a department and
21 how such technology may be used to the fullest extent
22 possible for the maximum benefit.

23 b. To discourage the duplication of information
24 collection efforts and encourage information sharing
25 among departments.

26 c. To discourage manual duplication of certain
27 acts including the rekeying of documents which may be
28 otherwise transferred or delivered in a usable
29 electronic format.

30 NEW SUBSECTION. 17. STATE AGENCY REPORTS. To
31 develop a process for the inventory, production
32 review, and process analysis of state agency reports
33 including all of the following duties:

34 a. Directing each state agency to develop a list
35 of reports published or made available by the agency
36 and to provide the list to the department. The list
37 provided shall indicate which reports are specifically
38 required by state or federal law to be published or
39 provided. Notwithstanding any provision requiring a
40 report to be provided in writing, the department shall
41 require that all reports required by state law be
42 provided in electronic format as determined by the
43 department, unless the state agency is granted a
44 waiver by the department to publish or provide the
45 report in writing. The department shall develop a
46 process for the granting of such waivers.

47 b. Making a request to all state agencies to
48 identify reports which can be provided to the federal
49 government in an electronic format in lieu of printed
50 copies. The department shall direct all state

Page 2

1 agencies required by federal law to make a report to
2 the federal government to make a request to the
3 receiving agency to permit the report to be provided
4 in electronic format.

5 c. Developing data standards for reports to be
6 provided in electronic format. Such standards shall
7 be adopted by rule pursuant to chapter 17A after the
8 department has consulted with affected local, state,
9 and federal officials.

10 d. Developing procedures for state agencies
11 regarding public access to public documents and public
12 information.

13 e. Developing a process for the identification of

14 documents to be provided electronically.

15 Sec. ____ . NEW SECTION. 8.60 INFORMATION
16 TECHNOLOGY ACQUISITION FUND ESTABLISHED.

17 1. There is created in the office of the treasurer
18 of state a technology acquisition fund which is under
19 the control of the department of management. Moneys
20 deposited in the fund are not subject to reversion
21 pursuant to section 8.33.

22 2. In addition to funds appropriated to the
23 technology acquisition fund in subsection 1, fifty
24 percent of the savings identified as a result of a
25 reduction in publication and dissemination expenses
26 which are realized as a result of section 8.6,
27 subsection 17, shall be deposited in the information
28 technology acquisition fund. The remaining fifty
29 percent of such savings shall be deposited in the cash
30 reserve fund established in section 8.56. The
31 department of management shall adopt rules pursuant to
32 chapter 17A establishing a procedure for identifying
33 funds which are subject to this subsection.

34 3. The department shall adopt rules pursuant to
35 chapter 17A establishing standards which shall govern
36 the use of moneys in the fund. The standards shall
37 recognize the benefits which can be realized through
38 interagency collaboration and cooperation in the use
39 of such moneys. The standards shall also provide that
40 priority of the use of the moneys in the fund shall be
41 related to the highest demonstrated or reasonably
42 projected savings to be realized.

43 4. For purposes of the subsection:

44 a. "Information technology" includes, but is not
45 limited to, all forms of hardware or software used for
46 collecting, processing, transmitting, or storing data
47 or information, other forms of data, or information
48 manipulation.

49 b. "Procurement" includes purchase, lease-
50 purchase, lease, or other forms of financing deemed by

Page 3

1 the department to be appropriate.

2 Sec. ____ . NEW SECTION. 18.12A INFORMATION
3 TECHNOLOGY PURCHASES.

4 The department is authorized, subject to the
5 approval of the department of management, to make
6 expenditures for the purchase of information
7 technology. The department shall use moneys deposited
8 in the technology acquisition fund created in section
9 8.60 for the purchase of such technology. The
10 department may also use funds as otherwise identified

11 and authorized to be used for such acquisitions.

12 Sec. ____ NEW SECTION. 303.95 ELECTRONIC ACCESS
13 TO DOCUMENTS.

14 The state library shall work to develop a system of
15 electronic access to documents maintained by the state
16 library with a goal of providing electronic access to
17 all such documents. The access shall be provided
18 initially through the use of compact disc technology.
19 This section shall not prohibit the state librarian
20 from considering other forms of electronic access if
21 the use of such other access is shown to exceed the
22 benefits of, and is more cost-effective than, the use
23 of compact disc technology."

24 3. Renumber as necessary.

RICHARD VARN

S-3382

1 Amend Senate File 388 as follows:

- 2 1. By striking page 4, line 26 through page 5,
- 3 line 5.
- 4 2. By renumbering as necessary.

LINN FUHRMAN
JEAN LLOYD-JONES
RICHARD F. DRAKE
ANDY McKEAN

S-3383

1 Amend the amendment, S-3256, to Senate File 358 as
2 follows:

- 3 1. Page 2, line 11 by striking the word "dice."
- 4 and inserting the following: "dice."
- 5 2. Page 2, by striking lines 12 and 13.

MAGGIE TINSMAN

S-3384

1 Amend Senate File 358 as follows:

- 2 1. Page 4, by striking lines 25 through 28 and
- 3 inserting the following: "1993, is amended to read as
- 4 follows:
- 5 a. No more than ~~thirty~~ fifty percent of the square
- 6 footage shall be used for gambling activity."

MAGGIE TINSMAN

S-3385

1 Amend Senate File 325 as follows:

2 1. Page 2, by inserting after line 32 the
3 following:

4 "Sec. ____ . Section 206.12, subsection 3,
5 unnumbered paragraph 1, Code 1993, is amended to read
6 as follows:

7 The registrant, before selling or offering for sale
8 any pesticide for use in this state, shall register
9 each brand and grade of such pesticide with the
10 secretary upon forms furnished by the secretary, and
11 the secretary shall set the registration fee annually
12 at one-fifth of one percent of gross sales within this
13 state with a minimum fee of two hundred fifty dollars
14 and a maximum fee of three thousand dollars for each
15 and every brand and grade to be offered for sale in
16 this state except as otherwise provided. The annual
17 registration fee for products with gross annual sales
18 in this state of less than one million five hundred
19 thousand dollars shall be the greater of two hundred
20 fifty dollars or one-fifth of one percent of the gross
21 annual sales as established by affidavit of the
22 registrant. The secretary shall adopt by rule
23 exemptions to the minimum fee. The department shall
24 adopt rules exempting fees for the registration of any
25 brand or grade of pesticide which is manufactured for
26 use as a sanitizer or disinfectant in a hospital, if
27 the pesticide is sold to a hospital licensed pursuant
28 to chapter 135B. Fifty dollars of each fee collected
29 shall be deposited in the treasury to the credit of
30 the pesticide fund to be used only for the purpose of
31 enforcing the provisions of this chapter and the
32 remainder of each fee collected shall be placed in the
33 agriculture management account of the groundwater
34 protection fund."

35 2. Title page, by striking lines 1 and 2 and
36 inserting the following: "An Act relating to
37 pesticides, by providing for programs administered and
38 fees imposed by the department of agriculture and".

WILMER RENSINK

S-3386

1 Amend Senate File 358 as follows:

2 1. Page 4, by inserting before line 31, the
3 following:

4 "Sec. ____ . Sections 4 and 11 of this Act, and this
5 section, being deemed of immediate importance, take

6 effect upon enactment.”

7 2. Title page, line 8, by inserting after the
8 word “provisions” the following: “, and providing an
9 effective date”.

MICHAEL GRONSTAL

S-3387

1 Amend the amendment, S-3225, to Senate File 358 as
2 follows:

3 1. Page 1, by striking lines 5 through 16 and
4 inserting the following: “required live racing
5 performances for each pari-mutuel racetrack shall be
6 set by the licensee. Each licensee shall notify the
7 commission of the racing dates at least twelve months
8 before the beginning of the season.”

JIM LIND

S-3388

1 Amend Senate File 358 as follows:

2 1. By striking page 1, line 33, through page 2,
3 line 5.

4 2. Page 2, by inserting after line 12 the
5 following:

6 “Sec. ____ . Section 99F.4, Code 1993, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 4A. To regulate the wagering
9 structure for gambling excursions including providing
10 a maximum loss of five hundred dollars per individual
11 player per gambling excursion.”

12 3. By striking page 2, line 21, through page 3,
13 line 13.

14 4. By striking page 3, line 30, through page 4,
15 line 23.

16 5. Page 4, by striking lines 25 through 28 and
17 inserting the following: “1993, is amended to read as
18 follows:

19 a. No more than ~~thirty~~ fifty percent of the square
20 footage shall be used for gambling activity.

21 Sec. ____ . Section 99F.7, subsection 10, paragraph
22 c, Code 1993, is amended to read as follows:

23 c. If, after July 1, 1989, section 99F.4,
24 subsection 4 4A or 99F.9, subsection 2, is amended,
25 the board of supervisors of a county in which
26 excursion boat gambling has been approved shall submit
27 to the county electorate a proposition to approve or
28 disapprove the conduct of gambling games on excursion

29 gambling boats at a special election at the earliest
 30 practicable time. If excursion boat gambling is not
 31 approved at the election, paragraph "b" does not apply
 32 to the licenses and the commission shall cancel the
 33 licenses issued for the county within sixty days of
 34 the unfavorable referendum."

35 6. Page 4, by striking line 30 and inserting the
 36 following: "amended to read as follows:

37 2. Licensees shall only allow a maximum ~~wager of~~
 38 ~~five dollars per hand or play and a maximum loss of~~
 39 ~~two~~ five hundred dollars per person during each
 40 gambling excursion. ~~However, the commission may adopt~~
 41 ~~rules allowing additional wagers consistent with~~
 42 ~~generally accepted wagering options in the games of~~
 43 ~~twenty-one and dice."~~

44 7. Title page, by striking lines 3 and 4, and
 45 inserting the following: "changing loss limits, by".

46 8. Title page, line 6, by striking the words "by
 47 authorizing additional uses of gambling profits,".

MAGGIE TINSMAN

S-3389

1 Amend Senate File 358 as follows:

2 1. Page 1, line 3, by striking the words "~~may~~
 3 shall" and inserting the following: "may".

4 2. Page 1, by striking line 12 and inserting the
 5 following: "wagering. ~~A licensee may also obtain the~~
 6 permission of The commission shall authorize a".

7 3. Page 1, line 15, by inserting after the word
 8 "racing" the following: "at other licensed racetracks
 9 within the state".

MICHAEL E. GRONSTAL

S-3390

1 Amend House File 210, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, line 15, by inserting after the word
 4 "months." the following: "Once the period of
 5 suspension has expired, the department shall expunge
 6 information regarding the suspension from the person's
 7 driving record."

8 2. Page 1, by inserting after line 23, the
 9 following:

10 "Sec. ____ . LEGISLATIVE INTENT. It is the intent
 11 of the general assembly that suspensions of the motor
 12 vehicle license or nonresident operating privileges of

13 minors under section 321.210, subsection 1, paragraph
 14 "d" for a violation of section 321.216, subsection 9,
 15 not be used to raise or otherwise negatively impact
 16 the insurance rates of those individuals. While the
 17 suspension of a motor vehicle license may serve as a
 18 useful deterrent to unlawful possession of alcohol,
 19 thereby achieving the effect that the general assembly
 20 intends, the general assembly intends that only those
 21 suspensions that are a result of moving violations be
 22 used as the basis for an increase in a person's
 23 premium rate for motor vehicle insurance."
 24 3. By renumbering as necessary.

LINN FUHRMAN
 DERRYL McLAREN

S-3391

1 Amend Senate File 358 as follows:
 2 1. Page 4, line 12, by striking the words "or
 3 horse".
 4 2. Page 4, line 14, by striking the words "or
 5 horse".
 6 3. Page 4, line 15, by striking the words "or
 7 horse".
 8 4. Page 4, line 15, by inserting after the word
 9 "owners." the following: "For a licensee who is also
 10 licensed to conduct horse races for pari-mutuel
 11 wagering, any receipts available from gambling games
 12 shall be used first to repay all annual indebtedness
 13 incurred in the construction and operation of the
 14 horse racing facilities."

O. GENE MADDOX
 TONY BISIGNANO
 MARY E. KRAMER
 ELAINE SZYMONIAK

S-3392

1 Amend Senate File 358 as follows:
 2 1. Page 4, by inserting before line 31 the
 3 following:
 4 "Sec. ____ . Notwithstanding the provisions of House
 5 File 300, section 2, if enacted during the 1993
 6 Session of the Seventy-fifth General Assembly, four-
 7 tenths of one percent of the adjusted gross receipts
 8 from gambling gaming under section 99F.11 shall be
 9 credited to the gambler's assistance fund created in

10 section 99E.10, subsection 1, for the fiscal year
11 beginning July 1, 1993, and ending June 30, 1993."

WILLIAM W. DIELEMAN

S-3393

1 Amend Senate File 358 as follows:
2 1. Page 4, by inserting before line 31 the
3 following:
4 "Sec. ____ . Notwithstanding the provisions of House
5 File 300, section 2, if enacted during the 1993
6 Session of the Seventy-fifth General Assembly, four-
7 tenths of one percent of the adjusted gross receipts
8 from gambling gaming under section 99F.11 shall be
9 credited to the gambler's assistance fund created in
10 section 99E.10, subsection 1, for the fiscal year
11 beginning July 1, 1993, and ending June 30, 1994."

WILLIAM W. DIELEMAN

S-3394

1 Amend the amendment, S-3388, to Senate File 358 as
2 follows:
3 1. Page 1, by striking lines 22 through 34 and
4 inserting the following: "c, Code 1993, is amended by
5 striking the paragraph and inserting in lieu thereof
6 the following:
7 c. If, after January 1, 1993, section 99F.4,
8 subsection 4A, or 99F.9, subsection 2, is amended, the
9 state commissioner of elections shall notify each
10 county commissioner of elections, within thirty days
11 after the effective date of the amendment, of a
12 statewide special election to submit to the state
13 electorate a proposition to approve or disapprove the
14 conduct of gambling games on excursion gambling boats
15 at the earliest practicable time as determined by the
16 state commissioner. If excursion boat gambling is not
17 approved at the election, paragraph "b" does not apply
18 to the licenses and the commission shall cancel the
19 licenses issued for the county within sixty days of
20 the unfavorable referendum."

ANDY McKEAN

S-3395

1 Amend the amendment, S-3391, to Senate File 358 as
2 follows:

- 3 1. Page 1, line 11, by inserting after the word
 4 "wagering," the following: "seventy-five percent of".
 5 2. Page 1, line 14, by inserting after the word
 6 "facilities" the following: "and twenty-five percent
 7 of the receipts shall be used to supplement purses for
 8 horse races as agreed to between the licensee and the
 9 representatives of horse owners".

BERL E. PRIEBE

S-3396

- 1 Amend the amendment, S-3388, to Senate File 358 as
 2 follows:
 3 1. Page 1, by striking lines 22 through 34 and
 4 inserting the following: "c, Code 1993, is amended by
 5 striking the paragraph and inserting in lieu thereof
 6 the following:
 7 c. If, after January 1, 1993, section 99F.4,
 8 subsection 4A, or 99F.9, subsection 2, is amended, the
 9 state commissioner of elections shall notify each
 10 county commissioner of elections, within thirty days
 11 after the effective date of the amendment, of a
 12 statewide special election to submit to the state
 13 electorate a proposition to approve or disapprove the
 14 conduct of land-based casino gambling games at the
 15 earliest practicable time as determined by the state
 16 commissioner. If land-based casino gambling is not
 17 approved at the election, paragraph "b" does not apply
 18 to the licenses and the commission shall cancel the
 19 licenses issued for the county within sixty days of
 20 the unfavorable referendum."

MICHAEL S. CONNOLLY

S-3397

- 1 Amend Senate File 259 as follows:
 2 1. Page 2, lines 26 and 27, by striking the words
 3 "industry standards for open systems" and inserting
 4 the following: "standards for open systems developed
 5 by the American national standards institute or the
 6 international standards organization".
 7 2. Page 3, line 26, by inserting after the word
 8 "communications" the following: "and information".
 9 3. Page 3, line 31, by striking the word
 10 "communication" and inserting the following:
 11 "communications and information".
 12 4. Page 3, by inserting after line 35 the
 13 following:

14 "h. Review activities related to data processing
15 and automation needs that could be performed by the
16 private sector to determine if the private sector or
17 the state should perform the activities. The
18 objectives of such review are to achieve the goals of
19 such activities economically, to enhance productivity,
20 and to develop a strong technical private enterprise
21 sector in Iowa."

RICHARD VARN

S-3398

1 Amend Senate File 358 as follows:
2 1. Page 4, by inserting after line 28, the
3 following:
4 "Sec. ____ . Section 99F.7, subsection 10, Code
5 1993, is amended by adding the following new lettered
6 paragraph:
7 NEW PARAGRAPH. d. A license to conduct gambling
8 games in a licensed pari-mutuel racetrack facility
9 shall be issued only if the state electorate approves
10 the conduct of the gambling games as provided in this
11 subsection. The state commissioner of elections shall
12 direct the county commissioner of elections to submit
13 to the qualified voters of each county a proposition
14 to approve or disapprove the conduct of gambling games
15 at licensed pari-mutuel racetrack facilities. The
16 proposition shall be submitted at a special election
17 called for that purpose by the state commissioner of
18 elections. The special election shall be held
19 statewide on the same date. If a majority of the
20 state voters voting on the proposition favor the
21 conduct of gambling games, the commission shall issue
22 licenses as provided in this chapter."

MIKE CONNOLLY

S-3399

1 Amend Senate File 358 as follows:
2 1. Page 4, line 13, by inserting after the word
3 "games" the following: "generated from pari-mutuel
4 wagering".

MIKE CONNOLLY

S-3400

1 Amend Senate File 358 as follows:

- 2 1. Page 4, line 13, by striking the words "from
3 gambling games" and inserting the following:
4 "generated from pari-mutuel wagering".

MIKE CONNOLLY

S-3401

1 Amend Senate File 358 as follows:

- 2 1. Page 4, by inserting after line 30 the follow-
3 ing:
4 "Sec. ____ . There is appropriated from the pari-
5 mutuel regulation fund to the department of
6 agriculture and land stewardship for the fiscal year
7 beginning July 1, 1993, and ending June 30, 1994, the
8 sum of \$75,000 to be used for salaries and support for
9 two veterinarians and laboratory technicians, as
10 necessary, to provide veterinarian and related
11 services at the pari-mutuel horse track during the
12 period beginning 10 days before the racing season and
13 ending 10 days after the racing season. At the end of
14 such period the secretary of agriculture and land
15 stewardship shall reassign the veterinarians and
16 laboratory technicians to other duties within the
17 department."

BERL E. PRIEBE

S-3402

1 Amend Senate File 358, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 1, by inserting after line 32 the
4 following:

5 "Sec. ____ . NEW SECTION. 99D.18 PARI-MUTUEL
6 ASSISTANCE FUND CREATED -- USES.

7 1. A pari-mutuel assistance fund is created in the
8 state treasury. The pari-mutuel assistance fund shall
9 consist of one percent of the gross lottery revenue
10 which shall be transferred by the commissioner of the
11 lottery as provided in section 99E.20.

12 2. The pari-mutuel assistance fund shall be used
13 for the following purposes:

14 a. Thirty percent of the proceeds shall be paid to
15 the licensee of the horse racetrack to be used first
16 to retire indebtedness and, thereafter, for other
17 expenses of the racetrack.

18 b. Twenty percent of the proceeds shall be paid to
19 each of the other pari-mutuel racetracks.

20 c. The remaining ten percent of the proceeds shall
21 be credited to the pari-mutuel livestock fund created
22 in section 99E.20.

23 Sec. ____ . Section 99E.10, subsection 1, Code 1993,
24 is amended by adding the following new lettered
25 paragraph:

26 NEW PARAGRAPH. e. An amount equal to one percent
27 of the gross lottery revenue which shall be
28 transferred to the pari-mutuel assistance fund as
29 provided in section 99E.20.

30 Sec. ____ . Section 99E.10, subsection 1, unnumbered
31 paragraph 2, Code 1993, is amended to read as follows:

32 Lottery expenses for marketing, educational, and
33 informational material shall not exceed ~~four~~ three
34 percent of the lottery revenue.

35 Sec. ____ . Section 99E.20, subsection 2, Code 1993,
36 is amended to read as follows:

37 2. A lottery fund is created in the office of the
38 treasurer of state. The fund consists of all revenues
39 received from the sale of lottery tickets or shares
40 and all other moneys lawfully credited or transferred
41 to the fund. The commissioner shall certify monthly
42 that portion of the fund that is transferred to the
43 pari-mutuel assistance fund and the CLEAN fund under
44 section 99E.10 and shall cause ~~that portion the~~
45 portions to be transferred to the pari-mutuel
46 assistance fund and the CLEAN fund of the state. The
47 commissioner shall certify before the twentieth of
48 each month ~~that portion the portions~~ of the fund
49 resulting from the previous month's sales to be
50 transferred to the pari-mutuel fund and the CLEAN

Page 2

1 fund.

2 Sec. ____ . Section 99E.20, Code 1993, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 4. A pari-mutuel livestock fund
5 is created in the state treasury. The fund shall be
6 administered by the department of economic development
7 and used to buy-down interest or secure financing for
8 new or expanded livestock operations for animals used
9 in pari-mutuel races."

LARRY MURPHY

S-3403

1 Amend Senate File 325 as follows:

2 1. Page 2, by inserting after line 32 the follow-
3 ing:

4 "Sec. ____ . Section 206.12, subsection 3, Code
5 1993, is amended by adding the following new
6 unnumbered paragraph after unnumbered paragraph 1:
7 **NEW UNNUMBERED PARAGRAPH.** The department shall
8 adopt rules exempting fees for the registration of any
9 brand or grade of pesticide which is manufactured for
10 use as a sanitizer or disinfectant in a hospital, if
11 the pesticide is sold to a hospital licensed pursuant
12 to chapter 135B."

13 2. Title page, by striking lines 1 and 2 and
14 inserting the following: "An Act relating to
15 pesticides, by providing for programs administered and
16 fees exempted by the department of agriculture and".

. WILMER RENSINK

S-3404

1 Amend Senate File 358 as follows:

2 1. Page 4, by inserting before line 31 the
3 following:

4 "Sec. 100. The following amendment to the
5 Constitution of the State of Iowa is proposed.
6 Article.III of the Constitution of the State of
7 Iowa, is amended by adding the following new section:
8 **STATEWIDE REFERENDUM ON GAMBLING SITES.**

9 The General Assembly shall submit to the state
10 electorate at a general or special election the
11 following proposition:

12 Shall gambling games be allowed at sites other than
13 excursion gambling boats or native American
14 reservations or settlements?

15 If the proposition is approved by a majority of the
16 state electorate voting on the proposition, the
17 proposition shall be implemented as provided by the
18 General Assembly.

19 Sec. ____ . The foregoing amendment in section 100
20 to the Constitution of the State of Iowa is hereby
21 referred to the General Assembly to be chosen at the
22 next general election for members of the General
23 Assembly, and the Secretary of State is directed to
24 cause the same to be published for three consecutive

25 months before the date of that election as provided by
26 law.”

MIKE CONNOLLY

S-3405

- 1 Amend the amendment, S-3404, to Senate File 358, as
- 2 follows:
- 3 1. Page 1, by striking lines 12 through 14 and
- 4 inserting the following: “Shall gambling games be
- 5 allowed at land-based sites in Iowa?”

MIKE CONNOLLY

S-3406

- 1 Amend the amendment, S-3314, to House File 430, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 14, by inserting after line 6 the
- 5 following:
- 6 “Sec. ____ . NEW SECTION. 2.39 REPORTS TO THE
- 7 GENERAL ASSEMBLY.
- 8 All reports required to be filed with the general
- 9 assembly by a state department or agency shall be
- 10 filed by delivering one printed copy and one copy in
- 11 electronic format as prescribed by the secretary of
- 12 the senate and the chief clerk of the house.
- 13 Sec. ____ . Section 8.6, Code 1993, is amended by
- 14 adding the following new subsections:
- 15 NEW SUBSECTION. 16. WORKFLOW PROCESS REVIEW. To
- 16 review the workflow processes of all departments for
- 17 the following purposes:
- 18 a. To determine where information technology may
- 19 be used to improve the efficiency of a department and
- 20 how such technology may be used to the fullest extent
- 21 possible for the maximum benefit.
- 22 b. To discourage the duplication of information
- 23 collection efforts and encourage information sharing
- 24 among departments.
- 25 c. To discourage manual duplication of certain
- 26 acts including the rekeying of documents which may be
- 27 otherwise transferred or delivered in a usable
- 28 electronic format.
- 29 NEW SUBSECTION. 17. STATE AGENCY REPORTS. To
- 30 develop a process for the inventory, production
- 31 review, and process analysis of state agency reports
- 32 including all of the following duties:
- 33 a. Directing each state agency to develop a list

34 of reports published or made available by the agency
35 and to provide the list to the department. The list
36 provided shall indicate which reports are specifically
37 required by state or federal law to be published or
38 provided. Notwithstanding any provision requiring a
39 report to be provided in writing, the department shall
40 require that all reports required by state law be
41 provided in electronic format as determined by the
42 department, unless the state agency is granted a
43 waiver by the department to publish or provide the
44 report in writing. The department shall develop a
45 process for the granting of such waivers.
46 b. Making a request to all state agencies to
47 identify reports which can be provided to the federal
48 government in an electronic format in lieu of printed
49 copies. The department shall direct all state
50 agencies required by federal law to make a report to

Page 2

1 the federal government to make a request to the
2 receiving agency to permit the report to be provided
3 in electronic format.
4 c. Developing data standards for reports to be
5 provided in electronic format. Such standards shall
6 be adopted by rule pursuant to chapter 17A after the
7 department has consulted with affected local, state,
8 and federal officials.
9 d. Developing procedures for state agencies
10 regarding public access to public documents and public
11 information.
12 e. Developing a process for the identification of
13 documents to be provided electronically.
14 Sec. ____ . NEW SECTION. 8.60 INFORMATION
15 TECHNOLOGY ACQUISITION FUND ESTABLISHED.
16 1: There is created in the office of the treasurer
17 of state a technology acquisition fund which is under
18 the control of the department of management. Moneys
19 deposited in the fund are not subject to reversion
20 pursuant to section 8.33.
21 2. In addition to funds appropriated to the
22 technology acquisition fund in subsection 1, fifty
23 percent of the savings identified as a result of a
24 reduction in publication and dissemination expenses
25 which are realized as a result of section 8.6,
26 subsection 17, shall be deposited in the information
27 technology acquisition fund. The remaining fifty
28 percent of such savings shall be deposited in the cash
29 reserve fund established in section 8.56. The
30 department of management shall adopt rules pursuant to

31 chapter 17A establishing a procedure for identifying
32 funds which are subject to this subsection.

33 3. The department shall adopt rules pursuant to
34 chapter 17A establishing standards which shall govern
35 the use of moneys in the fund. The standards shall
36 recognize the benefits which can be realized through
37 interagency collaboration and cooperation in the use
38 of such moneys. The standards shall also provide that
39 priority of the use of the moneys in the fund shall be
40 related to the highest demonstrated or reasonably
41 projected savings to be realized.

42 4. For purposes of the subsection:

43 a. "Information technology" includes, but is not
44 limited to, all forms of hardware or software used for
45 collecting, processing, transmitting, or storing data
46 or information, other forms of data, or information
47 manipulation.

48 b. "Procurement" includes purchase, lease,
49 purchase, lease, or other forms of financing deemed by
50 the department to be appropriate.

Page 3

1 Sec. ____ . NEW SECTION. 18.12A INFORMATION
2 TECHNOLOGY PURCHASES.

3 The department is authorized, subject to the
4 approval of the department of management, to make
5 expenditures for the purchase of information
6 technology. The department shall use moneys deposited
7 in the technology acquisition fund created in section
8 8.60 for the purchase of such technology. The
9 department may also use funds as otherwise identified
10 and authorized to be used for such acquisitions.

11 Sec. ____ . NEW SECTION. 303.95 ELECTRONIC ACCESS
12 TO DOCUMENTS.

13 The state library shall work to develop a system of
14 electronic access to documents maintained by the state
15 library with a goal of providing electronic access to
16 all such documents. The access shall be provided
17 initially through the use of compact disc technology.
18 This section shall not prohibit the state librarian
19 from considering other forms of electronic access if
20 the use of such other access is shown to exceed the
21 benefits of, and is more cost-effective than, the use
22 of compact disc technology."

23 2. Renumber as necessary.

RICHARD VARN

S-3407

1 Amend Senate File 388 as follows:

- 2 1. By striking page 4, line 26, through page 5,
3 line 5.
4 2. Page 8, by inserting after line 25 the fol-
5 lowing:
6 "6. The results of a chemical test may not be used
7 as the basis for a revocation of a person's motor
8 vehicle license or nonresident operating privilege if
9 the person is acquitted of the violation of section
10 321J.2, the test results notwithstanding. The court,
11 upon entry of a judgment of acquittal for a violation
12 of section 321J.2 shall forward a copy of the judgment
13 to the department and, if the person's license or
14 operating privileges are revoked under this section,
15 the license or privileges shall be restored and the
16 person's motor vehicle registration and license plate
17 shall be returned."
18 3. By renumbering as necessary.

LINN FUHRMAN

S-3408

1 Amend Senate File 388 as follows:

- 2 1. Page 1, line 2, by inserting after the figure
3 "5," the following: "7,"
4 2. Page 3, by inserting after line 18 the
5 following:
6 "7. On a conviction for or as a condition of a
7 deferred judgment for a violation of section 321J.2,
8 the court may order the defendant to install ignition
9 interlock devices of a type approved by the
10 commissioner of public safety on all specified motor
11 vehicles owned or operated by the defendant which,
12 without tampering or the intervention of another
13 person, would prevent the defendant from operating the
14 motor vehicle with an alcohol concentration greater
15 than a level set by rule of the commissioner of public
16 safety. The commissioner of public safety shall adopt
17 rules to approve certain ignition interlock devices
18 and the means of installation of the devices, and
19 shall establish the level of alcohol concentration
20 beyond which an ignition interlock device will not
21 allow operation of the motor vehicle in which it is
22 installed. The commissioner shall also adopt rules
23 which provide alternate means of insuring that a
24 defendant does not operate motor vehicles with an
25 alcohol concentration greater than the level set by

26 rule by the commissioner, when the motor vehicle that
 27 is to be operated is not owned by the defendant and
 28 installation of the ignition interlock device is
 29 impractical for the owner of the vehicle. The order
 30 shall remain in effect for a period of time as
 31 determined by the court which shall not exceed the
 32 maximum term of imprisonment which the court could
 33 have imposed according to the nature of the violation.
 34 While the order is in effect, the defendant shall not
 35 operate a motor vehicle which does not have an
 36 approved ignition interlock device installed. If the
 37 defendant's motor vehicle license or nonresident
 38 operating privilege has been revoked, the department
 39 shall not issue a temporary permit or a motor vehicle
 40 license to the person without certification that
 41 approved ignition interlock devices have been
 42 installed in all motor vehicles owned or operated by
 43 the defendant while the order is in effect. A
 44 defendant who fails within a reasonable time to comply
 45 with an order to install an approved ignition
 46 interlock device may be declared in contempt of court
 47 and punished accordingly. A person who tampers with
 48 or circumvents an ignition interlock device installed
 49 under a court order while an order is in effect
 50 commits a serious misdemeanor."

Page 2

- 1 2. By renumbering as necessary.

JIM KERSTEN

S-3409

- 1 Amend Senate File 308 as follows:
 2 1. Page 1, line 5, by inserting after the word
 3 "dispensed." the following: "administered.".
 4 2. Page 1, line 11, by inserting after the word
 5 "dispensed." the following: "administered.".

MERLIN E. BARTZ

S-3410

- 1 Amend Senate File 217 as follows:
 2 1. Page 1, by inserting before line 1 the follow-
 3 ing:
 4 "Section 1. Section 384.97, Code 1993, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 4A. The terms of a local

7 preference ordinance which the city intends to rely on
8 in awarding the contract.”

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

11 “If the city intends to include a preference for
12 local bidders in its determination of the best
13 interests of the city, the governing body shall do all
14 of the following:

15 1. Enact an ordinance or resolution setting forth
16 the local preference and establishing its terms.

17 2. Include within the notice to bidders an
18 explanation of the local preference ordinance and its
19 terms.

20 3. Make specific findings of fact in support of an
21 award based upon local preference including, but not
22 limited to, demonstrated long-term economic benefit or
23 comparable cost benefit calculations.”

JOHN P. KIBBIE

S-3411

1 Amend the amendment, S-3325, to Senate File 317, as
2 follows:

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

5 “Section 1. Section 321.372, subsection 3,
6 unnumbered paragraph 2, Code 1993, is amended to read
7 as follows:

8 The driver of a vehicle, including the driver of a
9 vehicle operating on a private road or driveway,
10 overtaking a school bus ~~shall not pass a school bus~~
11 when with flashing amber warning lights shall reduce
12 the vehicle's speed to not more than twenty miles per
13 hour and shall bring the vehicle to a complete stop if
14 red or amber warning signal lights are flashing. The
15 driver shall bring the vehicle to a complete stop no
16 closer than fifteen feet from the school bus when it
17 is stopped and the stop arm is extended, and the
18 vehicle shall remain stopped until the stop arm is
19 retracted and the school bus resumes motion.”

20 2. By renumbering as necessary.

JIM LIND

S-3412

1 Amend House File 592, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 16, by striking the words “When

- 4 federal regulations" and inserting the following: "If
5 federal laws".
6 2. Page 1, by striking lines 19 and 20 and
7 inserting the following: "plan should be developed."

ELAINE SZYMONIAK

S-3413

- 1 Amend Senate File 217 as follows:
2 1. Page 1, by inserting before line 1 the follow-
3 ing:
4 "Section 1. Section 384.97, Code 1993, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 4A. The terms of a local
7 preference ordinance which the city intends to rely on
8 in awarding the contract."
9 2. Page 1, by striking lines 5 through 9 and in-
10 serting the following: "the lowest responsible
11 bidder, provided, however, that contracts relating to
12 public utilities or extensions or improvements
13 thereof, as described in division V of this chapter,
14 may be awarded by the governing body as it deems to be
15 in the best interests of the city. If the city
16 intends to include a preference for local bidders in
17 its determination of the best interests of the city,
18 the governing body shall do all of the following:
19 1. Enact an ordinance or resolution setting forth
20 the local preference and establishing its terms.
21 2. Include within the notice to bidders an
22 explanation of the local preference ordinance and its
23 terms.
24 3. Make specific findings of fact in support of an
25 award based upon local preference including, but not
26 limited to, demonstrated long-term economic benefit or
27 comparable cost benefit calculations."

JOHN P. KIBBIE
RICHARD F. DRAKE
WILMER RENSINK

S-3414

- 1 Amend Senate File 317, as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 321.372, subsection 3,
5 unnumbered paragraph 2, Code 1993, is amended to read
6 as follows:
7 The driver of a vehicle, including the driver of a

8 vehicle operating on a private road or driveway,
 9 overtaking a school bus ~~shall not pass a school bus~~
 10 ~~when with flashing amber warning lights shall reduce~~
 11 the vehicle's speed to not more than twenty miles per
 12 hour and shall bring the vehicle to a complete stop if
 13 ~~red or amber~~ warning signal lights are flashing. The
 14 driver shall bring the vehicle to a complete stop no
 15 closer than fifteen feet from the school bus when it
 16 is stopped and the stop arm is extended, and the
 17 vehicle shall remain stopped until the stop arm is
 18 retracted and the school bus resumes motion."
 19 2. By renumbering as necessary.

JIM LIND

S-3415

1 Amend Senate File 365 as follows:
 2 1. By striking page 3, line 33, through page 4,
 3 line 23, and inserting the following:
 4 "NEW PARAGRAPH. d. The prevailing party in a
 5 contested case hearing pursuant to this chapter is
 6 entitled to appropriate relief, which may include
 7 actual damages, reasonable attorney's fees, court
 8 costs, and other injunctive or equitable relief. The
 9 respondent may also be awarded reasonable attorney's
 10 fees and costs if the hearing results in a finding
 11 that the complainant's action was frivolous."

ANDY McKEAN

S-3416

1 Amend the amendment, S-3162, to Senate File 308, as
 2 follows:
 3 1. Page 1, by striking lines 7 and 8 and
 4 inserting the following: "lawful assembly, including
 5 picketing or assembly.""

ALLEN BORLAUG

S-3417

1 Amend Senate File 308 as follows:
 2 1. Page 1, line 6, by inserting after the word
 3 "misdemeanor." the following: "However, the serious
 4 misdemeanor penalty shall not apply to a parent or
 5 guardian of a minor who is known, upon information and
 6 belief, to be upon the property on which prescription
 7 drugs are sold, dispensed, or prescribed."

8 2. Page 1, line 13, by inserting after the word
9 "misdemeanor." the following: "However, the
10 aggravated misdemeanor penalty shall not apply to a
11 parent or guardian of a minor who is known, upon
12 information and belief, to be upon the property on
13 which prescription drugs are sold, dispensed, or
14 prescribed."

ALLEN BORLAUG

S-3418

1 Amend Senate File 384 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 125.14A, Code 1993, is amended
5 to read as follows:
6 125.14A PERSONNEL OF A LICENSED PROGRAM ADMITTING
7 JUVENILES.
8 1. If a person is being considered for licensure
9 under this chapter, or for employment involving direct
10 responsibility for a child or with access to a child
11 when the child is alone, by a program admitting
12 juveniles subject to licensure under this chapter, or
13 if a person will reside in a facility utilized by such
14 a program, and if the person has been convicted of a
15 crime or has a record of founded child or dependent
16 adult abuse, the department of human services and the
17 program, for an employee of the program, shall perform
18 an evaluation to determine whether the crime or
19 founded child or dependent adult abuse warrants
20 prohibition of licensure, employment, or residence in
21 the facility. The department of human services shall
22 conduct criminal and child and dependent adult abuse
23 record checks in this state and may conduct these
24 checks in other states. The evaluation shall be
25 performed in accordance with procedures adopted for
26 this purpose by the department of human services.
27 2. If the department of human services determines
28 that a person has committed a crime or has a record of
29 founded child or dependent adult abuse and is
30 licensed, employed by a program licensed under this
31 chapter, or resides in a licensed facility, the
32 department shall notify the program that an evaluation
33 will be conducted to determine whether prohibition of
34 the person's licensure, employment, or residence is
35 warranted.
36 3. In an evaluation, the department of human
37 services and the program for an employee of the
38 program shall consider the nature and seriousness of

39 the crime or founded child or dependent adult abuse in
 40 relation to the position sought or held, the time
 41 elapsed since the commission of the crime or founded
 42 child or dependent adult abuse, the circumstances
 43 under which the crime or founded child or dependent
 44 adult abuse was committed, the degree of
 45 rehabilitation, the likelihood that the person will
 46 commit the crime or founded child or dependent adult
 47 abuse again, and the number of crimes or founded child
 48 or dependent adult abuses committed by the person
 49 involved. The department of human services may permit
 50 a person who is evaluated to be licensed, employed, or

Page 2

1 to reside, or to continue to be licensed, employed, or
 2 to reside in a program, if the person complies with
 3 the department's conditions relating to the person's
 4 licensure, employment, or residence, which may include
 5 completion of additional training. For an employee of
 6 a licensee, these conditional requirements shall be
 7 developed with the licensee. The department of human
 8 services has final authority in determining whether
 9 prohibition of the person's licensure, employment, or
 10 residence is warranted and in developing any
 11 conditional requirements under this subsection.

12 4. If the department of human services determines
 13 that the person has committed a crime or has a record
 14 of founded child or dependent adult abuse which
 15 warrants prohibition of licensure, employment, or
 16 residence, the person shall not be licensed under this
 17 chapter to operate a program admitting juveniles and
 18 shall not be employed by a program or reside in a
 19 facility admitting juveniles licensed under this
 20 chapter.

21 **Sec. — . NEW SECTION. 135C.33 CHILD OR**
 22 **DEPENDENT ADULT ABUSE INFORMATION AND CRIMINAL**
 23 **RECORDS -**

24 **- EVALUATIONS.**

25 1. If a person is being considered for licensure
 26 under this chapter, or for employment involving direct
 27 responsibility for a resident or with access to a
 28 resident when the resident is alone, or if the person
 29 considered for licensure or employment under this
 30 chapter will reside in a facility, and if the person
 31 has been convicted of a crime under a law of any state
 32 or has a record of founded child or dependent adult
 33 abuse, the department of human services shall perform
 34 an evaluation to determine whether the crime or
 founded child or dependent adult abuse warrants

35 prohibition of licensure, employment, or residence in
36 the facility. The evaluation shall be performed in
37 accordance with procedures adopted for this purpose by
38 the department of human services.

39 2. If the department of human services determines
40 that a person has committed a crime or has a record of
41 founded child or dependent adult abuse and is
42 licensed, employed by a facility licensed under this
43 chapter, or resides in a licensed facility, the
44 department shall notify the licensee that an
45 evaluation will be conducted to determine whether
46 prohibition of the person's licensure, employment, or
47 residence is warranted.

48 3. In an evaluation, the department of human
49 services shall consider the nature and seriousness of
50 the crime or founded child or dependent adult abuse in

Page 3

* 1 relation to the position sought or held, the time
2 elapsed since the commission of the crime or founded
3 child or dependent adult abuse, the circumstances
4 under which the crime or founded child or dependent
5 adult abuse was committed, the degree of
6 rehabilitation, the likelihood that the person will
7 commit the crime or founded child or dependent adult
8 abuse again, and the number of crimes or founded child
9 or dependent adult abuses committed by the person
10 involved. The department of human services has final
11 authority in determining whether prohibition of the
12 person's licensure, employment, or residence is
13 warranted.

14 4. If the department of human services determines
15 that the person has committed a crime or has a record
16 of founded child or dependent adult abuse which
17 warrants prohibition of licensure, employment, or
18 residence, the person shall not be licensed under this
19 chapter and shall not be employed by a facility or
20 reside in a facility licensed under this chapter.

21 Sec. ____ . Section 135H.7, subsections 2 and 3,
22 Code 1993, are amended to read as follows:

23 2. a. If a person is being considered for
24 licensure under this chapter, or for employment
25 involving direct responsibility for a child or with
26 access to a child when the child is alone, by a
27 licensed psychiatric institution, or if a person will
28 reside in a facility utilized by a licensee, and if
29 the person has been convicted of a crime or has a
30 record of founded child or dependent adult abuse, the
31 department of human services and the licensee, for an

32 employee of the licensee, shall perform an evaluation
33 to determine whether the crime or founded child or
34 dependent adult abuse warrants prohibition of
35 licensure, employment, or residence in the facility.
36 The department of human services shall conduct
37 criminal and child and dependent adult abuse record
38 checks in this state and may conduct these checks in
39 other states. The evaluation shall be performed in
40 accordance with procedures adopted for this purpose by
41 the department of human services.
42 b. If the department of human services determines
43 that a person has committed a crime or has a record of
44 founded child or dependent adult abuse and is
45 licensed, employed by a psychiatric institution
46 licensed under this chapter, or resides in a licensed
47 facility, the department shall notify the ~~program~~
48 licensee that an evaluation will be conducted to
49 determine whether prohibition of the person's
50 licensure, employment, or residence is warranted.

Page 4

1 c. In an evaluation, the department of human
2 services and the licensee for an employee of the
3 licensee shall consider the nature and seriousness of
4 the crime or founded child or dependent adult abuse in
5 relation to the position sought or held, the time
6 elapsed since the commission of the crime or founded
7 child or dependent adult abuse, the circumstances
8 under which the crime or founded child or dependent
9 adult abuse was committed, the degree of
10 rehabilitation, the likelihood that the person will
11 commit the crime or founded child or dependent adult
12 abuse again, and the number of crimes or founded child
13 or dependent adult abuses committed by the person
14 involved. The department may permit a person who is
15 evaluated to be licensed, employed, or to reside, or
16 to continue to be licensed, employed, or to reside in
17 a licensed facility, if the person complies with the
18 department's conditions relating to the person's
19 licensure, employment, or residence, which may include
20 completion of additional training. For an employee of
21 a licensee, these conditional requirements shall be
22 developed with the licensee. The department of human
23 services has final authority in determining whether
24 prohibition of the person's licensure, employment, or
25 residence is warranted and in developing any
26 conditional requirements under this paragraph.
27 3. If the department of human services determines
28 that the person has committed a crime or has a record

29 of founded child or dependent adult abuse which
30 warrants prohibition of licensure, employment, or
31 residence, the person shall not be licensed under this
32 chapter to operate a psychiatric institution and shall
33 not be employed by a psychiatric institution or reside
34 in a facility licensed under this chapter.

35 Sec. ____ . Section 237.8, subsection 2, Code 1993,
36 is amended to read as follows:

37 2. a. If a person is being considered for
38 licensure under this chapter, or for employment
39 involving direct responsibility for a child or with
40 access to a child when the child is alone, by a
41 licensee under this chapter, or if a person will
42 reside in a facility utilized by a licensee, and if
43 the person has been convicted of a crime or has a
44 record of founded child or dependent adult abuse, the
45 department and the licensee for an employee of the
46 licensee shall perform an evaluation to determine
47 whether the crime or founded child or dependent adult
48 abuse warrants prohibition of licensure, employment,
49 or residence in the facility. The department shall
50 conduct criminal and child and dependent adult abuse

Page 5

1 record checks in this state and may conduct these
2 checks in other states. The evaluation shall be
3 performed in accordance with procedures adopted for
4 this purpose by the department.

5 b. If the department determines that a person has
6 committed a crime or has a record of founded child or
7 dependent adult abuse and is licensed, employed by a
8 licensee, or resides in a licensed facility, the
9 department shall notify the licensee that an
10 evaluation will be conducted to determine whether
11 prohibition of the person's licensure, employment, or
12 residence is warranted.

13 c. In an evaluation, the department and the
14 licensee for an employee of the licensee shall
15 consider the nature and seriousness of the crime or
16 founded child or dependent adult abuse in relation to
17 the position sought or held, the time elapsed since
18 the commission of the crime or founded child or
19 dependent adult abuse, the circumstances under which
20 the crime or founded child or dependent adult abuse
21 was committed, the degree of rehabilitation, the
22 likelihood that the person will commit the crime or
23 founded child or dependent adult abuse again, and the
24 number of crimes or founded child or dependent adult
25 abuses committed by the person involved. The

26 department may permit a person who is evaluated to be
 27 licensed, employed, or to reside, or to continue to be
 28 licensed, employed, or to reside in a licensed
 29 facility, if the person complies with the department's
 30 conditions relating to the person's licensure,
 31 employment, or residence, which may include completion
 32 of additional training. For an employee of a
 33 licensee, these conditional requirements shall be
 34 developed with the licensee. The department has final
 35 authority in determining whether prohibition of the
 36 person's licensure, employment, or residence is
 37 warranted and in developing any conditional
 38 requirements under this paragraph.

39 d. If the department determines that the person
 40 has committed a crime or has a record of founded child
 41 or dependent adult abuse which warrants prohibition of
 42 licensure, employment, or residence, the person shall
 43 not be licensed under this chapter and shall not be
 44 employed by a licensee or reside in a licensed
 45 facility.

46 Sec. ____ . Section 237A.5, subsection 2, Code 1993,
 47 is amended to read as follows:

48 2. a. If a person is being considered for
 49 licensure or registration under this chapter, or for
 50 employment involving direct responsibility for a child

Page 6

1 or with access to a child when the child is alone, by
 2 a child day care facility subject to licensure or
 3 registration under this chapter, or if a person will
 4 reside in a facility, and if the person has been
 5 convicted of a crime or has a record of founded child
 6 or dependent adult abuse, the department and the
 7 licensee or registrant for an employee of the licensee
 8 or registrant shall perform an evaluation to determine
 9 whether the crime or founded child or dependent adult
 10 abuse warrants prohibition of licensure, registration,
 11 employment, or residence in the facility. The
 12 department shall conduct criminal and child and
 13 dependent adult abuse record checks in this state and
 14 may conduct these checks in other states. The
 15 evaluation shall be performed in accordance with
 16 procedures adopted for this purpose by the department.

17 b. If the department determines that a person has
 18 committed a crime or has a record of founded child or
 19 dependent adult abuse and is licensed, employed by a
 20 licensee or registrant or registered under this
 21 chapter, or resides in a licensed or registered
 22 facility, the department shall notify the licensee or

23 registrant that an evaluation will be conducted to
24 determine whether prohibition of the person's
25 licensure, registration, employment, or residence is
26 warranted.

27 c. In an evaluation, the department and the
28 licensee or registrant for an employee of the licensee
29 or registrant shall consider the nature and
30 seriousness of the crime or founded child or dependent
31 adult abuse in relation to the position sought or
32 held, the time elapsed since the commission of the
33 crime or founded child or dependent adult abuse, the
34 circumstances under which the crime or founded child
35 or dependent adult abuse was committed, the degree of
36 rehabilitation, the likelihood that the person will
37 commit the crime or founded child or dependent adult
38 abuse again, and the number of crimes or founded child
39 or dependent adult abuses committed by the person
40 involved. The department may permit a person who is
41 evaluated to be licensed, registered, employed, or to
42 reside, or to continue to be licensed, registered,
43 employed, or to reside in a licensed facility, if the
44 person complies with the department's conditions
45 relating to the person's licensure, registration,
46 employment, or residence, which may include completion
47 of additional training. For an employee of a licensee
48 or registrant, these conditional requirements shall be
49 developed with the licensee or registrant. The
50 department has final authority in determining whether

Page 7

1 prohibition of the person's licensure, registration,
2 employment, or residence is warranted and in
3 developing any conditional requirements under this
4 paragraph.

5 d. If the department determines that the person
6 has committed a crime or has a record of founded child
7 or dependent adult abuse which warrants prohibition of
8 licensure, registration, employment, or residence, the
9 person shall not be licensed or registered under this
10 chapter to operate a child day care facility and shall
11 not be employed by a licensee or registrant or reside
12 in a facility licensed or registered under this
13 chapter.

14 Sec. ____ . Section 692.2, subsection 1, paragraph
15 c. Code 1993, is amended to read as follows:

16 c. The department of human services for the
17 purposes of section 135C.33, section 218.13, section
18 232.71, subsection 16, section 232.142, section 237.8,
19 subsection 2, section 237A.5, section 237A.20, and

20 section 600.8, subsections 1 and 2.”

21 2. Title page, line 1, by inserting after the
22 word “adult” the following: “and child”.

23 3. By renumbering as necessary.

JIM LIND

S-3419

1 Amend the amendment, S-3295, to Senate File 356 as
2 follows:

3 1. Page 2, by striking line 42 and inserting the
4 following: “the device. However, an owner or lessee
5 of an amusement device shall not knowingly fail to
6 display an identification tag or plate with the name,
7 address, and retail sales tax permit number of the
8 owner or lessee, before the device is offered for use
9 by the public.”

MERLIN E. BARTZ

HOUSE AMENDMENT TO
SENATE FILE 288

S-3420

1 Amend Senate File 288, as passed by the Senate, as
2 follows:

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

5 “Section 1. Section 157.1, subsection 16, Code
6 1993, is amended to read as follows:

7 16. “School of cosmetology arts and sciences”
8 means an establishment licensed for the purpose of
9 teaching ~~all of the~~ cosmetology arts and sciences.”

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

12 “Sec. ____ . Section 157.2, Code 1993, is amended by
13 adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. Cosmetologists shall not
15 represent themselves to the public as electrologists,
16 estheticians, or nail technologists unless the
17 cosmetologist has completed the additional course
18 study for the respective practice as prescribed by the
19 board pursuant to section 157.10.”

20 3. Title page, line 1, by inserting after the
21 word “to” the following: “cosmetology including
22 providing”.

23 4. By renumbering as necessary.

S-3421

- 1 Amend Senate File 383 as follows:
- 2 1. Page 3, by striking lines 27 through 32.
- 3 2. By renumbering as necessary.

JIM LIND

S-3422

- 1 Amend Senate File 341 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. NEW SECTION. 9.8 RECORD PRESERVATION
- 5 FUND.
- 6 1. A record preservation fund is established in
- 7 the state treasury under the control of the secretary
- 8 of state. Moneys received pursuant to section
- 9 331.605A shall be deposited in the fund.
- 10 Notwithstanding section 8.33, any unexpended balances
- 11 in the record preservation fund at the end of each
- 12 fiscal year shall be retained in the fund and shall
- 13 not revert to the general fund. Moneys in the fund
- 14 shall be used to provide grants to counties for the
- 15 purchase of equipment directly related to the
- 16 preservation and maintenance of public records. The
- 17 secretary of state shall develop a form for such grant
- 18 requests. Approval of any request shall be based upon
- 19 the needs of the county and a showing that the fees
- 20 assessed pursuant to section 331.605A are insufficient
- 21 to generate the necessary funds to accomplish the
- 22 purposes established in that section.
- 23 2. The secretary of state shall make an annual
- 24 report to the general assembly to be delivered on or
- 25 before January 15 of each year regarding the use of
- 26 moneys in the fund and the progress of counties in
- 27 satisfying the purposes established in section
- 28 331.605A."
- 29 2. Page 1, line 3, by inserting after the word
- 30 "of" the following: "up to".
- 31 3. Page 1, line 6, by inserting after the word
- 32 "records." the following: "The fee collected shall
- 33 not be any more than is necessary to accomplish the
- 34 purposes of this section."
- 35 4. Page 1, line 8, by inserting after the word
- 36 "which" the following: "ninety-five percent of".
- 37 5. Page 1, line 9, by inserting after the word
- 38 "deposited." the following: "The remaining five
- 39 percent shall be remitted to the treasurer of state
- 40 for deposit in the record preservation fund

- 41 established in section 9.8 and used for the purposes
42 established in that section.”
43 6. Renumber as necessary.

LINN FUHRMAN

S-3423

- 1 Amend Senate File 388 as follows:
2 1. Page 4, line 28, by striking the word and
3 figure “sections 321J.9 and” and inserting the
4 following: “section”.
5 2. Page 4, by striking lines 31 and 32 and
6 inserting the following: “operating privileges shall
7 not be revoked under section 321J.12. If the person’s
8 motor”.
9 3. Page 4, line 34, by striking the word and
10 figure “321J.9 or”.

ANDY McKEAN

S-3424

- 1 Amend Senate File 382 as follows:
2 1. Page 1, by striking lines 12 through 14 and
3 inserting the following: “substance listed in
4 schedule I, II, or III, or a simulated controlled
5 substance represented to be a substance classified in
6 schedule I, II, or III.”
7 2. Page 2, by striking lines 4 through 6 and
8 inserting the following: “in schedule I, II, or III,
9 or a simulated controlled substance represented to be
10 a substance classified in schedule I, II, or III, in
11 or on, or”.
12 3. Page 2, by striking line 19 and inserting the
13 following: “, or II, which is a narcotic or cocaine
14 or III, to a person under”.
15 4. Page 2, by striking lines 33 through 35 and
16 inserting the following: “in schedule I, or II, or
17 III which is a narcotic or cocaine, or a simulated
18 controlled substance represented to be a narcotic or
19 cocaine substance classified in schedule I, or II, or
20 III, to a person”.

ANDY McKEAN

S-3425

- 1 Amend House File 518 as amended, passed, and
2 reprinted by the House as follows:

- 3 1. Page 2, line 7, by striking the word "section"
4 and inserting the following: "Act".
- 5 2. Page 3, line 3, by striking the figure
6 "342,812,612" and inserting the following:
7 "342,058,555".
- 8 3. Page 4, by striking lines 30 through 34.
- 9 4. By striking page 4, line 35, through page 5,
10 line 7 and inserting the following:
11 " — . If the department submits a report to the
12 governor and the legislative fiscal committee which
13 shows that adding a drug to the list of prescription
14 drugs requiring prior authorization under the medical
15 assistance program would maintain the level of quality
16 and access to health care for recipients, the
17 department may include that drug in the list of drugs
18 requiring prior authorization. The report shall be
19 submitted prior to adding a drug to the list and shall
20 provide an analysis of the direct and indirect
21 administrative costs associated with prior
22 authorization, including personnel resources,
23 equipment, and overhead, potential impact on recipient
24 access to prescription drugs, cost offset to be
25 realized from substitution of an alternative drug
26 regimen for the drug proposed for prior authorization,
27 and the potential impact on utilization of other
28 institutional health care resources due to requiring
29 the prior authorization of the drug. Drug selections
30 shall be made by the department with the assistance of
31 the Iowa medicaid drug utilization review commission
32 and in consultation with representatives of consumers,
33 health care providers, and other parties which may be
34 affected by the prior authorization requirements. The
35 department may adopt emergency rules in implementing
36 the provisions of this subsection."
- 37 5. Page 5, line 22, by inserting after the word
38 "care" the following: "and nursing facility
39 providers".
- 40 6. Page 5, line 25, by striking the figure "1994"
41 and inserting the following: "1993".
- 42 7. Page 6, line 35, by striking the word
43 "transfer" and inserting the following: "identify".
- 44 8. Page 7, by striking lines 1 through 3, and
45 inserting the following: "associated with health care
46 provider licensure in an amount necessary to qualify
47 for matching federal medical assistance funding.
48 Those costs".
- 49 9. Page 8, line 10, by striking the figure
50 "18,452,000" and inserting the following:

Page 2

1 "18,792,860".

2 10. Page 8, by striking lines 18 through 31.

3 11. Page 9, line 4, by striking the figure

4 "7,486,000" and inserting the following: "7,680,962".

5 12. Page 10, by striking lines 18 through 27, and

6 inserting the following: "by the department in

7 descending order of prioritization as follows:

8 (1) Families who are at or below 100 percent of

9 the poverty level with a child under five years of age

10 in which the parents are employed at least 40 hours

11 per week.

12 (2) Families who are participating in a JOBS

13 program who have a child and who are not eligible for

14 child care assistance under any other criteria.

15 (3) Parents under the age of 21 and who are either

16 employed full-time or part-time, or who are

17 participating in an approved training program, or who

18 are enrolled in an education program.

19 (4) Families who are providing foster care.

20 (5) Families who are at or below 155 percent of

21 the poverty level who have a special needs child.

22 (6) Families who are receiving ADC, who are

23 participating in an approved training program, and who

24 are named on the JOBS waiting list.

25 (7) Families who are at or below 100 percent of

26 the poverty level who have a child under five years of

27 age and who are employed part-time.

28 The department may adopt emergency rules to

29 implement the provisions of this lettered paragraph."

30 13. Page 12, line 32, by striking the figure

31 "4,422,709" and inserting the following: "4,307,709".

32 14. Page 13, by striking lines 24 through 28.

33 15. Page 15, line 28, by striking the word

34 "Notwithstanding" and inserting the following: "There

35 is appropriated from the general fund of the state to

36 the department of human services for the fiscal year

37 beginning July 1, 1993, and ending June 30, 1994, the

38 following amount, or so much thereof as is necessary,

39 to be used for the purpose designated:

40 For reimbursement of counties for juvenile

41 detention homes in accordance with the provisions of

42 this section:

43 \$ 170,000

44 Notwithstanding".

45 16. Page 15, line 33, by striking the figure

46 "500,000" and inserting the following: "330,000".

47 17. Page 16, line 1, by inserting after the word

48 "used" the following: "in addition to the funds

49 appropriated in this section".

50 18. By striking page 16, line 30 through page 17,

Page 3

1 line 10 and inserting the following: "not eligible
2 for medical assistance funding. The department shall
3 work with affected parties in developing the rules
4 authorized by this subsection."

5 19. Page 27, line 5, by striking the figure
6 "3,740,000" and inserting the following: "3,590,000".

7 20. Page 33, line 10, by striking the figure
8 "3,531,891" and inserting the following: "4,031,891".

9 21. Page 41, line 29, by striking the figure
10 "4.9" and inserting the following: "4.33".

11 22. Page 42, line 17, by striking the figure
12 "70th" and inserting the following: "69th".

13 23. Page 42, line 19, by inserting after the word
14 "data." the following: "However, to the extent funds
15 are available under the allocation for reimbursement
16 of nursing facilities within the appropriation for
17 medical assistance in this Act, the basis shall be
18 increased to use all of the funds allocated."

19 24. Page 42, by striking lines 30 through 34 and
20 inserting the following:

21 "2. a. For the fiscal year beginning July 1,
22 1993, the maximum cost reimbursement rate for
23 residential care facilities reimbursed by the
24 department under the appropriation in this Act for
25 state supplementary assistance shall be \$19.82 per
26 day. The flat reimbursement rate for facilities
27 electing not to file semiannual cost reports shall be
28 \$14.17 per day.

29 b. For the fiscal year beginning July 1, 1993, the
30 maximum cost reimbursement rate for residential care
31 facilities reimbursed by the department which are not
32 subject to paragraph "a" shall be \$19.62 per day. The
33 flat reimbursement rate for facilities electing not to
34 file semiannual cost reports shall be \$14.03 per day.
35 For the".

36 25. Page 44, line 3, by inserting before the word
37 "service" the following: "the following".

38 26. Page 44, line 8, by striking the word
39 "living" and inserting the following: "living; group
40 foster care, purchased family foster care, shelter
41 care, family-centered services, family preservation
42 services, and independent living services.

43 e. The increase in rates provided in paragraph "d"
44 shall apply to shelter care and independent living
45 services through June 30, 1994. However, effective

46 November 1, 1993, the reimbursement rates for group
47 foster care, purchased family foster care, family-
48 centered services, and family preservation services
49 shall be established by the department in accordance
50 with the rules adopted for this purpose pursuant to

Page 4

1 section 12, subsection 1, relating to the provision of
2 certain child and family services under medical
3 assistance. When the department establishes the
4 rates, the department may also adjust the rates for
5 group foster care maintenance and establish the
6 maximum reimbursement rates for group foster care
7 service and maintenance. Under the new reimbursement
8 rates, the reimbursement rate paid to a group foster
9 care provider for combined service and maintenance
10 shall be at least the reimbursement rate in effect for
11 that provider on October 31, 1993, or \$76.61 per day,
12 whichever is less.

13 f. The rate used by the department for
14 reimbursement of any group foster care provider in the
15 fiscal period beginning July 1, 1993, and ending
16 October 31, 1993, shall be equal to the provider's
17 actual and allowable costs. However, if the
18 provider's costs are equal to or greater than \$76.61
19 per day, the provider's reimbursement rate shall be
20 equal to \$76.61 per day.

21 g. Child day care providers reimbursed by the
22 department under the certificate program or under a
23 purchase of service contract during the 1992-1993
24 fiscal year, shall have their reimbursement rates
25 increased by 1 percent over the rates in effect on
26 June 30, 1993. However, the department may revise the
27 adjusted rates on or after October 1, 1993, pursuant
28 to the rule changes made by the department in
29 accordance with the provisions of the appropriation in
30 this Act for child day care assistance."

31 27. Page 44, by inserting after line 31, the
32 following:

33 "Sec. ____ . MORATORIUM -- CERTIFICATE OF NEED --
34 INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
35 RETARDED. Beginning July 1, 1993, and ending June 30,
36 1995, the Iowa department of public health shall not
37 process applications for and shall not issue a
38 certificate of need based upon an application for a
39 new institutional health service or changed
40 institutional health service for which a letter of
41 intent was received after April 1, 1993, and for which
42 an application was not received by June 30, 1993, for

- 43 an intermediate care facility for the mentally
 44 retarded."
 45 28. By striking page 44, line 32 through page 45,
 46 line 12.
 47 29. Page 47, by inserting after line 20 the
 48 following:
 49 "Sec. ____ . Section 232.141, subsection 8, Code
 50 1993, is amended by striking the subsection."

Page 5

- 1 30. Page 48, by striking lines 29 through 32.
 2 31. Page 50, line 11, by striking the figure
 3 "350,000" and inserting the following: "520,000".
 4 32. Page 50, by inserting after line 27, the
 5 following:
 6 "Sec. 100. USE OF CERTAIN FUNDS. Of the funds
 7 appropriated pursuant to 1992 Iowa Acts, Second
 8 Extraordinary Session, chapter 1001, section 412,
 9 subsection 1, \$290,000 shall be used during the 1992-
 10 1993 fiscal year for services provided under the
 11 appropriation for community-based programs in 1992
 12 Iowa Acts, chapter 1241, section 15."
 13 33. Page 50, by striking lines 28 through 34.
 14 34. Page 52, by inserting after line 3, the
 15 following:
 16 "____. Section 100 of this Act, being deemed of
 17 immediate importance, takes effect upon enactment and
 18 applies retroactively to July 1, 1992."
 19 35. Title page, by striking line 4, and inserting
 20 the following: "care,".
 21 36. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
 LARRY MURPHY, Chairperson

S-3426

- 1 Amend House File 214, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, line 4, by inserting after the word
 4 "of" the following: "Lyon,".
 5 2. Page 2, by inserting after line 14 the
 6 following:
 7 "____. This section is not intended to affect the
 8 authority of the department of natural resources in
 9 its acquisition, development, and management of public
 10 lands within the counties represented by the

11 authority.”

12 3. By renumbering as necessary.

COMMITTEE ON LOCAL GOVERNMENT
ALBERT SORENSEN, Chairperson

S-3427

1 Amend House File 648, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 10, by inserting after line 4 the
4 following:

5 “Sec. ____ . NEW SECTION. 368.23 NOTICE OF
6 ANNEXATION TO PUBLIC UTILITIES.

7 1. When territory is annexed to a city, the city
8 clerk, not later than sixty days prior to the
9 effective date of the annexation, shall provide to all
10 public utilities operating within the annexed
11 territory, a legal description and map of the annexed
12 territory, a statement containing the effective date
13 of the annexation and a copy of the order, resolution
14 or ordinance proclaiming the annexation.

15 2. Additional or increased fees or taxes, other
16 than ad valorem taxes, imposed on a public utility as
17 a result of an annexation of territory to a city shall
18 become effective on the effective date of the
19 annexation if notice of the annexation is given to
20 public utilities as required under subsection 1.
21 However, if notification of the annexation is provided
22 to the public utilities less than sixty days prior to
23 the effective date of the annexation, the additional
24 or increased fees or taxes become effective sixty days
25 after the notification is provided to the public
26 utility.

27 3. As used in this section, “public utility” means
28 a public utility subject to regulation pursuant to
29 chapter 476.”

30 2. By renumbering as necessary.

COMMITTEE ON LOCAL GOVERNMENT
ALBERT SORENSEN, Chairperson

S-3428

1 Amend House File 409, 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. Section 321.109, subsection 1,
6 unnumbered paragraph 2, Code 1993, is amended by

7 striking the unnumbered paragraph and inserting in
8 lieu thereof the following:

9 The annual registration fee for a multipurpose
10 vehicle with handicapped registration plates issued
11 under section 321.34, subsection 7, with a handicapped
12 identification sticker affixed to the registration
13 plates under section 321L.2, subsection 3, or whose
14 owner or a member of the owner's household has been
15 issued a permanent handicapped identification device
16 under section 321L.2, subsection 1, shall be seventy-
17 five dollars for the first through fifth model years
18 and shall be fifty-five dollars for each model year
19 thereafter.

20 Sec. 2. Section 321.124, subsection 3, paragraph
21 h, subparagraph (6), Code 1993, is amended by striking
22 the subparagraph and inserting in lieu thereof the
23 following:

24 (6) The annual registration fee for a vehicle with
25 handicapped registration plates issued under section
26 321.34, subsection 7, with a handicapped
27 identification sticker affixed to the registration
28 plates under section 321L.2, subsection 3, or whose
29 owner or a member of the owner's household has been
30 issued a permanent handicapped identification device
31 under section 321L.2, subsection 1, shall be seventy-
32 five dollars for the first through fifth model years
33 and shall be fifty-five dollars for each model year
34 thereafter.

35 Sec. 3. Section 321L.6, subsection 3, Code 1993,
36 is amended to read as follows:

37 3. The handicapped parking sign ~~may~~ shall include
38 a sign stating ~~that~~ the fine for improperly using the
39 handicapped parking space ~~provided under section~~
40 ~~321L.4, subsection 2 is~~ fifty dollars."

41 2. Title page, line 2, by inserting after the
42 word "persons" the following: "and handicapped
43 parking signs".

COMMITTEE ON TRANSPORTATION
JEAN LLOYD-JONES, Chairperson

S-3429

1 Amend House File 193, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 8, the
4 following:

5 "Sec. ____ . NEW SECTION. 321.255A ROAD
6 CONSTRUCTION ZONE SIGNS.

7 A sign shall be posted to inform motorists entering

8 a road construction zone that the scheduled fine for
 9 committing a moving traffic violation in the zone is
 10 doubled. The contractor responsible for the
 11 construction, or, if no contractor is used, the
 12 governmental entity responsible for the construction,
 13 shall post the sign indicating that fines are doubled
 14 in the road construction zone."

15 2. Page 1, line 14, by inserting after the word
 16 "doubled" the following: "or shall be set at one
 17 hundred dollars, whichever is less,".

18 3. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION
 JEAN LLOYD-JONES, Chairperson

S-3430

1 Amend House File 354, 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 6A.10, subsection 1, Code
 6 1993, is amended to read as follows:

7 1. The railway corporation shall apply to the
 8 department of transportation for permission to
 9 condemn. The owner and any recordholders of liens and
 10 encumbrances on any land described in the application
 11 shall be made a party to the proceedings. The
 12 department shall grant authority to condemn only upon
 13 consideration of criteria the department establishes
 14 by rule pursuant to chapter 17A. The department may,
 15 after hearing, report to the district court clerk of
 16 the county in which the land is situated the
 17 description of the land sought to be condemned. The
 18 corporation may begin condemnation procedures in
 19 district court for the land described by the
 20 authority."

21 2. Page 4, by inserting after line 19 the
 22 following:

23 "Sec. ____ . EFFECTIVE DATE. Sections 7 and 8 of
 24 this Act take effect on January 1, 1994."

25 3. Title page, line 1, by inserting after the
 26 word "by" the following: "establishing railroad
 27 condemnation criteria,".

28 4. Title page, line 10, by inserting after the
 29 word "airports," the following: "and providing an

30 effective date”.

31 5. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION
JEAN LLOYD-JONES, Chairperson

S-3431

1 Amend House File 389, as passed by the House, as
2 follows:
3 1. Page 8, by inserting after line 8, the
4 following:
5 “Sec. ____ . Section 499.40, Code 1993, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 8. The name and street address of
8 the association’s initial registered agent.
9 Sec. ____ . Section 499.45, subsection 4, Code 1993,
10 is amended by striking the subsection.
11 Sec. ____ . Section 499.49, unnumbered paragraph 1,
12 Code 1993, is amended to read as follows:
13 Each association shall, before April 1 of each
14 year, file a report with the secretary of state on
15 forms prescribed by the secretary; ~~to be accompanied~~
16 ~~by the annual fee required by section 499.45,~~
17 ~~subsection 4.~~ Such report shall be signed by an
18 officer of the association, or a receiver or trustee
19 liquidating its affairs, and shall state:
20 Sec. ____ . Section 499.54, Code 1993, is amended to
21 read as follows:
22 499.54 FOREIGN ASSOCIATIONS.
23 Any foreign corporation ~~now or hereafter~~ organized
24 under generally similar laws of any other state shall
25 be admitted to do business in Iowa upon compliance
26 with the general laws relating to foreign corporations
27 and payment of the same fees as would be required
28 under section ~~494.4~~ ~~were said~~ 490.122 ~~if the~~ foreign
29 co-operative corporation is a foreign corporation for
30 profit seeking authority to transact business in Iowa
31 under chapter ~~494~~ 490. Upon the secretary of state
32 being satisfied that ~~such~~ the foreign corporation is
33 so organized and has so complied, the secretary shall
34 issue ~~it~~ a certificate authorizing ~~it~~ the foreign
35 corporation to do business in Iowa.
36 Such ~~a~~ foreign ~~associations~~ corporation thus
37 admitted shall be entitled to all remedies provided in
38 this chapter, and to enforce all contracts theretofore
39 or thereafter made by ~~it~~ the foreign corporation which
40 any association might make under this chapter.
41 If such ~~a~~ foreign corporation amends its articles
42 it shall forthwith file a copy ~~thereof~~ of the

43 amendment with the secretary of state, certified by
44 the secretary or other proper official of the state
45 under whose laws it is formed, and shall pay the fees
46 prescribed for amendments by section ~~494.5~~ 490.122.
47 Foreign corporations shall also file statements and
48 pay fees otherwise prescribed by ~~said~~ section ~~494.5~~
49 490.122.
50 Sec. ____ . NEW SECTION. 499.72 REGISTERED OFFICE

Page 2

1 AND REGISTERED AGENT.

2 Each association must continuously maintain in this
3 state both of the following:

4 1. A registered office that may be the same as any
5 of its places of business.

6 2. A registered agent, who may be any of the
7 following:

8 a. An individual who resides in this state and
9 whose business office is identical with the registered
10 office.

11 b. A domestic corporation or not-for-profit
12 domestic corporation whose business office is
13 identical with the registered office.

14 c. A foreign corporation or not-for-profit foreign
15 corporation authorized to transact business in this
16 state whose business office is identical with the
17 registered office.

18 Sec. ____ . NEW SECTION. 499.73 CHANGE OF
19 REGISTERED OFFICE OR REGISTERED AGENT.

20 1. An association may change its registered office
21 or registered agent by delivering to the secretary of
22 state for filing a statement of change that sets forth
23 all of the following:

24 a. The name of the association.

25 b. The street address of its current registered
26 office.

27 c. If the current registered office is to be
28 changed, the street address of the new registered
29 office.

30 d. The name of its current registered agent.

31 e. If the current registered agent is to be
32 changed, the name of the new registered agent and the
33 new agent's written consent, either on the statement
34 or attached to it, to the appointment.

35 f. That after the change or changes are made, the
36 street addresses of its registered office and the
37 business office of its registered agent will be
38 identical.

39 2. If a registered agent changes the street

40 address of the registered agent's business office, the
41 registered agent may change the street address of the
42 registered office of any association for which the
43 person is the registered agent by notifying the
44 association in writing of the change and signing,
45 either manually or in facsimile, and delivering to the
46 secretary of state for filing a statement that
47 complies with the requirements of subsection 1 and
48 recites that the association has been notified of the
49 change.

50 3. If a registered agent changes the registered

Page 3

1 agent's business address to another place, the
2 registered agent may change the business address and
3 the address of the registered agent by filing a
4 statement as required in subsection 2 for each
5 association, or a single statement for all
6 associations named in the notice, except that it need
7 be signed only by the registered agent or agents and
8 need not be responsive to subsection 1, paragraph "e",
9 and must recite that a copy of the statement has been
10 mailed to each association named in the notice.

11 4. An association may also appoint or change its
12 registered office or registered agent in its annual
13 report.

14 Sec. — NEW SECTION. 499.74 RESIGNATION OF
15 REGISTERED AGENT.

16 1. A registered agent may resign the agent's
17 agency appointment by signing and delivering to the
18 secretary of state for filing the signed original and
19 two exact or conformed copies of a statement of
20 resignation. The statement may include a statement
21 that the registered office is also discontinued.

22 2. After filing the statement the secretary of
23 state shall mail one copy to the registered office, if
24 not discontinued, and the other copy to the
25 association at its principal office.

26 3. The agency appointment is terminated, and the
27 registered office discontinued if so provided, on the
28 thirty-first day after the date on which the statement
29 was filed.

30 Sec. — NEW SECTION. 499.75 SERVICE ON
31 ASSOCIATION.

32 1. An association's registered agent is the
33 association's agent for service of process, notice, or
34 demand required or permitted by law to be served on
35 the association.

36 2. If an association has no registered agent, or

37 the agent cannot with reasonable diligence be served,
 38 the association may be served by registered or
 39 certified mail, return receipt requested, addressed to
 40 the secretary of the association at its principal
 41 office. Service is perfected under this subsection at
 42 the earliest of any of the following:

- 43 a. The date the association receives the mail.
- 44 b. The date shown on the return receipt, if signed
 45 on behalf of the association.
- 46 c. Five days after its deposit in the United
 47 States mail, as evidenced by the postmark, if mailed
 48 postpaid and correctly addressed.

49 3. This section does not prescribe the only means,
 50 or necessarily the required means, of serving an

Page 4

1 association.

2 Sec. ____ . NEW SECTION. 499.76 GROUNDS FOR
 3 ADMINISTRATIVE DISSOLUTION.

4 The secretary of state may commence a proceeding
 5 under section 499.77 to administratively dissolve an
 6 association if any of the following apply:

- 7 1. The association does not pay within sixty days
 8 after they are due any franchise taxes or penalties
 9 imposed by this chapter or other law.
- 10 2. The association has not delivered an annual
 11 report to the secretary of state in a form that meets
 12 the requirements of section 499.49, within sixty days
 13 after it is due.
- 14 3. The association is without a registered agent
 15 or registered office in this state for sixty days or
 16 more.
- 17 4. The association does not notify the secretary
 18 of state within sixty days that its registered agent
 19 or registered office has been changed, that its
 20 registered agent has resigned, or that its registered
 21 office has been discontinued.
- 22 5. The association's period of duration stated in
 23 its articles of incorporation expires.

24 Sec. ____ . NEW SECTION. 499.77 PROCEDURE FOR AND
 25 EFFECT OF ADMINISTRATIVE DISSOLUTION.

- 26 1. If the secretary of state determines that one
 27 or more grounds exist under section 499.76 for
 28 dissolving an association, the secretary of state
 29 shall serve the association by ordinary mail with
 30 written notice of the secretary of state's
 31 determination pursuant to section 499.75.
- 32 2. If the association does not correct each ground
 33 for dissolution or demonstrate to the reasonable

34 satisfaction of the secretary of state that each
35 ground determined by the secretary of state does not
36 exist within sixty days after service of the notice is
37 perfected pursuant to section 499.75, the secretary of
38 state shall administratively dissolve the association
39 by signing a certificate of dissolution that recites
40 the ground or grounds for dissolution and its
41 effective date. The secretary of state shall file the
42 original of the certificate and serve a copy on the
43 association pursuant to section 499.75.

44 3. An association administratively dissolved
45 continues its existence but shall not carry on any
46 business except that necessary to wind up and
47 liquidate its business and affairs and notify
48 claimants.

49 4. The administrative dissolution of an
50 association does not terminate the authority of its

Page 5

1 registered agent.

2 Sec. ____ . **NEW SECTION. 499.78 REINSTATEMENT**
3 **FOLLOWING ADMINISTRATIVE DISSOLUTION.**

4 1. An association administratively dissolved under
5 section 499.77 may apply to the secretary of state for
6 reinstatement within two years after the effective
7 date of dissolution. The application must meet all of
8 the following requirements:

9 a. Recite the name of the association at its date
10 of dissolution and the effective date of its
11 administrative dissolution.

12 b. State that the ground or grounds for
13 dissolution either did not exist or have been
14 eliminated.

15 2. If the secretary of state determines that the
16 application contains the information required by
17 subsection 1 and that the information is correct, the
18 secretary of state shall cancel the certificate of
19 dissolution and prepare a certificate of reinstatement
20 that recites the secretary of state's determination
21 and the effective date of reinstatement, file the
22 original of the certificate, and serve a copy on the
23 association pursuant to section 499.75.

24 3. When the reinstatement is effective, it relates
25 back to and takes effect as of the effective date of
26 the administrative dissolution as if the
27 administrative dissolution had never occurred.

28 Sec. ____ . **NEW SECTION. 499.78A APPEAL FROM**
29 **DENIAL OF REINSTATEMENT.**

30 1. If the secretary of state denies an

31 association's application for reinstatement following
 32 administrative dissolution, the secretary of state
 33 shall serve the association pursuant to section 499.75
 34 with a written notice that explains the reason or
 35 reasons for denial.

36 2. The association may appeal the denial of
 37 reinstatement to the district court within thirty days
 38 after service of the notice of denial is perfected.

39 The association appeals by petitioning the court to
 40 set aside the dissolution and attaching to the
 41 petition copies of the secretary of state's
 42 certificate of dissolution, the association's
 43 application for reinstatement, and the secretary of
 44 state's notice of denial.

45 3. The court may summarily order the secretary of
 46 state to reinstate the dissolved association or may
 47 take other action the court considers appropriate.

48 4. The court's final decision may be appealed as
 49 in other civil proceedings."

50 2. By renumbering as necessary.

COMMITTEE ON COMMERCE
 PATRICK J. DELUHERY, Chairperson

S-3432

1 Amend House File 307, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 6 through 11 and
 4 inserting the following: "upon property which at the
 5 time of judgment is either used for an agricultural
 6 purpose as defined in section 535.13 or a one-family
 7 or two-family dwelling which is the residence of the
 8 mortgagor, or in any action on a claim for".

COMMITTEE ON COMMERCE
 PATRICK J. DELUHERY, Chairperson

S-3433

1 Amend House File 495, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 18, by striking lines 8 through 32.

4 2. Page 18, by inserting before line 33, the
 5 following:

6 "Sec. ____ . WORKERS' COMPENSATION MARKET --

7 MONITORING. The commissioner of insurance shall

8 monitor the residual and assigned risks markets for

9 workers' compensation coverage. The commissioner

10 shall monitor, at a minimum, the effect of the

- 11 residual and assigned risks markets on the volume of
12 coverage written in the voluntary market."
13 3. By renumbering as necessary.

COMMITTEE ON COMMERCE
PATRICK DELUHERY, Chairperson

S-3434

- 1 Amend Senate File 358 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 99F.4, subsection 4, Code
5 1993, is amended to read as follows:
6 4. To regulate the wagering structure for gambling
7 excursions including providing a maximum ~~wager of five~~
8 ~~dollars per hand or play and maximum loss of two~~
9 ~~hundred one thousand~~ dollars per individual player per
10 gambling excursion.
11 Sec. 2. Section 99F.7, subsection 5, paragraph ~~a~~,
12 Code 1993, is amended by striking the paragraph and
13 inserting in lieu thereof the following:
14 a. The square footage allowed to be used for
15 gambling activity shall be determined by the
16 commission.
17 Sec. 3. Section 99F.9, subsection 2, Code 1993, is
18 amended by striking the subsection.
19 Sec. 4. LOTTERY DIVISION -- PILOT STUDY --
20 LICENSED HORSE RACETRACK.
21 1. Notwithstanding section 99E.9, the commissioner
22 of the lottery division shall establish a three-year
23 pilot study of video slot machines at a horse
24 racetrack licensed before January 1, 1993, to conduct
25 pari-mutuel wagering. The study shall be conducted
26 under rules adopted by the lottery board. The rules
27 shall determine the number of machines, pay outs,
28 hours of operation, and other matters necessary for
29 the conduct of the study.
30 2. The study shall be conducted for three years
31 commencing upon the enactment of this Act, and ending
32 December 31, 1996. The final report of the pilot
33 study shall be submitted to the governor and the
34 legislative council by December 1, 1996.
35 Sec. 5. PARI-MUTUEL HORSE RACETRACK -- LIVE RACES.
36 Notwithstanding sections 99D.9 and 99D.11, a horse
37 racetrack licensed for pari-mutuel wagering under this
38 chapter shall not be required to hold live races
39 during the 1993 racing season. However, during the
40 1994 racing season, a horse racetrack licensed for
41 pari-mutuel wagering under this chapter shall schedule

- 42 not less than sixty performances of nine races each
 43 day of the season.
 44 Sec. 6. NEW SECTION. 99D. 29 PARI-MUTUEL
 45 WAGERING -- REPEAL.
 46 This chapter is repealed effective December 31,
 47 1999.
 48 Sec. 7. NEW SECTION. 99F.19 EXCURSION BOAT
 49 GAMBLING -- REPEAL.
 50 This chapter is repealed effective December 31,

Page 2

- 1 1999.
 2 Sec. 8. This Act, being deemed of immediate
 3 importance, takes effect upon enactment."
 4 2. Title page, by striking lines 3 through 6 and
 5 inserting the following: "removing limits on
 6 wagering, by providing for a pilot study of video slot
 7 machines, by providing for the repeal of pari-mutuel
 8 wagering and excursion boat gambling, by".
 9 3. Title, line 8, by inserting after the word
 10 "provisions" the following: ", and providing an
 11 effective date".

JOE WELSH

S-3435

- 1 Amend Senate File 398 as follows:
 2 1. Page 5, line 4, by inserting after the word
 3 "rent." the following: "However, a late payment fee
 4 shall not exceed five dollars or two percent of the
 5 monthly rent, whichever is higher."
 6 2. Page 8, by striking lines 3 through 7.
 7 3. Page 8, line 35, by striking the word
 8 "either".
 9 4. Page 9, line 2, by inserting after the words
 10 "there is" the following: "either".
 11 5. Page 10, by striking lines 11 through 32.
 12 6. Page 12, line 11, by striking the figures
 13 "562A.24, 562A.32, 562B.22," and inserting the
 14 following: "562A.24, 562A.32, 562B.22".
 15 7. Page 12, line 14, by striking the figure
 16 "562A.32," and inserting the following: "562A.24,
 17 562A.32, 562B.22,".

RALPH ROSENBERG

S-3436

- 1 Amend House File 584, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, line 11, by striking the words "five
4 or fewer" and inserting the following: "two to five".
5 2. Page 2, line 13, by striking the word
6 "~~However,~~" and inserting the following: "However,".
7 3. Page 2, line 15, by striking the word "~~home.~~"
8 and inserting the following: "home new family homes
9 owned or operated by public or private agencies shall
10 be disbursed through the residential zones and
11 districts and shall not be located within contiguous
12 areas equivalent in size to city block areas."
- 13 4. Page 2, line 34, by striking the word
14 "~~However,~~" and inserting the following: "However,"
15 and inserting the following: "However,".
16 5. Page 2, line 35, by striking the word "~~home.~~"
17 and inserting the following: "home new family homes
18 owned and operated by public or private agencies shall
19 be disbursed throughout the residential zones and
20 districts and shall not be located within contiguous
21 city block areas."

COMMITTEE ON HUMAN RESOURCES
ELAINE SZYMONIAK, Chairperson

S-3437

- 1 Amend Senate File 43 as follows:
- 2 1. By striking everything after the enacting
3 clause and inserting the following:
- 4 "Section 1. Section 34A.2, subsection 6, paragraph
5 e, Code 1993, is amended to read as follows:
- 6 e. A statement of estimated costs to be incurred
7 by the joint E911 service board, including separate
8 estimates of the following:
- 9 (1) Nonrecurring costs, including, but not limited
10 to, public safety answering points, network equipment,
11 software, database, addressing, initial training, and
12 other capital and start-up expenditures, including the
13 purchase or lease of subscriber names, addresses, and
14 telephone information from the local exchange service
15 provider.
- 16 (2) Recurring costs, including, but not limited
17 to, network access fees and other telephone charges,
18 software, equipment, and database management, and
19 maintenance, including the purchase or lease of
20 subscriber names, addresses, and telephone information
21 from the local exchange service provider. Recurring

22 costs shall not include personnel costs for a public
23 safety answering point.
24 Costs are limited to nonrecurring and recurring
25 costs directly attributable to the provision of 911
26 emergency telephone communication service and may
27 include costs for radios and other equipment
28 permanently located at the public safety answering
29 point. Costs do not include expenditures for any
30 other purpose, and specifically exclude costs
31 attributable to other emergency services or
32 expenditures for buildings, ~~radios~~, or personnel,
33 except for the costs of personnel for database
34 management and personnel directly associated with
35 addressing.
36 Sec. 2. Section 34A.3, subsection 1, Code 1993, is
37 amended to read as follows:
38 1. Joint 911 service boards to submit plans. The
39 board of supervisors of each county shall establish a
40 joint 911 service board not later than January 1,
41 1989. Each political subdivision of the state having
42 a public safety agency serving territory within the
43 county is entitled to voting membership on the joint
44 911 service board. Each private safety agency
45 operating within the area is entitled to nonvoting
46 membership on the board. A township which does not
47 operate its own public safety agency, but contracts
48 for the provision of public safety services, is not
49 entitled to membership on the joint 911 service board,
50 but its contractor is entitled to membership according

Page 2

1 to the contractor's status as a public or private
2 safety agency. The joint 911 service board shall
3 develop an enhanced 911 service plan encompassing at
4 minimum the entire county, unless an exemption is
5 granted by the administrator permitting a smaller E911
6 service area. The administrator may grant a
7 discretionary exemption from the single county minimum
8 service area requirement based upon an E911 joint
9 service board's or other E911 service plan operating
10 authority's presentation of evidence which supports
11 the requested exemption if the administrator finds
12 that local conditions make adherence to the minimum
13 standard unreasonable or technically infeasible, and
14 that the purposes of this chapter would be furthered
15 by granting an exemption. The minimum size
16 requirement is intended to prevent unnecessary
17 duplication of public safety answering points and
18 minimize other administrative, personnel, and

19 equipment expenses. An E911 service area must
 20 encompass a geographically contiguous area. No
 21 exemption shall be granted from the contiguous area
 22 requirement. The administrator may order the
 23 inclusion of a specific territory in an adjoining E911
 24 service plan area to avoid the creation by exclusion
 25 of a territory smaller than a single county not
 26 serviced by surrounding E911 service plan areas upon
 27 request of the joint 911 service board representing
 28 the territory. The E911 service plan operating
 29 authority shall submit the plan on or before ~~March 1,~~
 30 ~~1989~~ January 1, 1994, to all of the following:

- 31 a. The division.
- 32 b. Public and private safety agencies in the
 33 enhanced 911 service area.
- 34 c. Providers affected by the enhanced 911 service
 35 plan.

36 An E911 joint service board that has a state-
 37 approved service plan in place prior to July 1, 1993,
 38 is exempt from the provisions of this section. The
 39 division shall establish, by July 1, 1994, E911
 40 service plans for those E911 joint service boards
 41 which do not have a state-approved service plan in
 42 place on or before January 1, 1994.

43 The division shall prepare a statewide summary of
 44 the plans submitted and present the summary to the
 45 legislature on or before ~~June 1, 1989~~ August 1, 1994.

46 Sec. 3. NEW SECTION. 34A.6A ALTERNATIVE
 47 SURCHARGE.

48 Notwithstanding section 34A.6, the board may
 49 request imposition of a surcharge in an amount up to
 50 two dollars and fifty cents per month on each

Page 3

1 telephone access line. The board shall submit the
 2 question of the surcharge to voters in the same manner
 3 as provided in section 34A.6. If approved, the
 4 surcharge may be collected for a period of twenty-four
 5 months. At the end of the twenty-four-month period,
 6 the rate of the surcharge shall revert to one dollar
 7 per month, per access line.”

8 2. Title page, by striking line 3 and inserting
 9 the following: “services.”

COMMITTEE ON COMMERCE
 PATRICK J. DELUHERY, Chairperson

S-3438

- 1 Amend the amendment, S-3425, to House File 518, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 4, by striking lines 47 through 50.
- 5 2. By renumbering as necessary.

WILLIAM W. DIELEMAN
MERLIN E. BARTZ

S-3439

- 1 Amend House File 136, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 8, through page 3,
- 4 line 33, and inserting the following: "of a serum.
- 5 ____ . A pound or animal shelter which knowingly
- 6 fails to".
- 7 2. By renumbering as necessary.

BERL E. PRIEBE

S-3440

- 1 Amend the amendment, S-3346, to Senate File 354 as
- 2 follows:
- 3 1. Page 1, by striking lines 25 through 27 and
- 4 inserting the following: "the endorsement of local
- 5 authorities if all of the following conditions are
- 6 met; the applicant's license has not been suspended;
- 7 or revoked since the preceding license was issued; a
- 8 civil penalty has not been imposed against the
- 9 applicant under this chapter since the preceding
- 10 license was issued; an administrative proceeding is
- 11 not pending against the applicant to suspend or revoke
- 12 the applicant's license or to impose a civil penalty
- 13 under this chapter; and the applicant has not been
- 14 convicted of a violation of this chapter since the
- 15 preceding license was issued."

JOHN P. KIBBIE

S-3441

- 1 Amend House File 319, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. Section 125.91, subsection 5, Code

6 1993, is amended by striking the subsection.

7 Sec. ____ . **NEW SECTION. 125.91A COSTS FOR**
8 **COMMITMENT -- COUNTY OF LEGAL SETTLEMENT.**

9 Notwithstanding any other provision of law, the
10 costs, other than the costs specified in sections
11 125.43 and 125.44, for commitment to a facility under
12 the procedures prescribed in this chapter shall be
13 paid by the county of legal settlement of the chronic
14 substance abuser as determined under section 252.16,
15 or, if the person's county of legal settlement cannot
16 be determined, by the county in which the person is
17 found. If a dispute arises between two or more
18 counties as to which county is the county of legal
19 settlement, the dispute may be resolved in the manner
20 provided in sections 252.22 and 252.23. The county of
21 legal settlement shall retain all rights of recovery
22 of moneys expended pursuant to this section, as is
23 provided in chapter 252."

24 2. Page 1, by striking line 1 and inserting the
25 following:

26 "Sec. ____ . Section 229.19, unnumbered paragraph 1,
27 Code 1993, is amended to read as follows:

28 The district court in each county shall appoint an
29 individual who has demonstrated by prior activities an
30 informed concern for the welfare and rehabilitation of
31 the mentally ill, and who is not an officer or
32 employee of the department of human services nor of
33 any agency or facility providing care or treatment to
34 the mentally ill, to act as advocate representing the
35 interests of patients involuntarily hospitalized by
36 the court, in any matter relating to the patients'
37 hospitalization or treatment under section 229.14 or
38 229.15. The court shall assign the advocate appointed
39 from the patient's county of legal settlement to the
40 patient, or if the patient has no county of legal
41 settlement, the court shall assign the advocate
42 appointed from the county where the hospital or
43 facility is located. The advocate's responsibility
44 with respect to any patient shall begin at whatever
45 time the attorney employed or appointed to represent
46 that patient as respondent in hospitalization
47 proceedings, conducted under sections 229.6 to 229.13,
48 reports to the court that the attorney's services are
49 no longer required and requests the court's approval
50 to withdraw as counsel for that patient the time the

Page 2

1 district court sets the time and place for the
2 hearing. The advocate shall be informed of the

3 appointment within twenty-four hours of the issuance
 4 of the order for hearing. Upon appointment, the
 5 advocate shall have the right to contact the patient
 6 for purposes of providing the patient with information
 7 about the involuntary hospitalization process. The
 8 advocate shall not duplicate the role of the attorney
 9 representing the patient and shall not undertake the
 10 practice of law in the performance of advocate duties.
 11 However, if If the patient is found to be seriously
 12 mentally impaired at the hospitalization hearing, the
 13 attorney representing the patient shall automatically
 14 be relieved of responsibility in the case and an
 15 advocate shall be assigned to the patient at the
 16 conclusion of the hearing unless the attorney
 17 indicates an intent to continue the attorney's
 18 services and the court so directs. If the court
 19 directs the attorney to remain on the case the
 20 attorney shall assume all the duties of an advocate.
 21 The clerk shall furnish the advocate with a copy of
 22 the court's order approving the withdrawal and shall
 23 inform the patient of the name of the patient's
 24 advocate. With regard to each patient whose interests
 25 the advocate is required to represent pursuant to this
 26 section, the advocate's duties shall include all of
 27 the following:
 28 Sec. ____ . NEW SECTION. 229.45 PROVISION OF
 29 SUMMARY OF".
 30 3. Page 1, line 11, by inserting after the word
 31 "request" the following: ", and who shall attach a
 32 copy of the summary to the notice of hearing which is
 33 served upon the respondent under section 229.7".
 34 4. Title page, line 4, by inserting after the
 35 word "another" the following: ", and providing for
 36 payment of certain costs".
 37 5. By numbering and renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
 ELAINE SZYMONIAK, Chairperson

S-3442

1 Amend House File 518, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 11, by inserting after line 13 the
 4 following:
 5 "____. During the 1993-1994 fiscal year, the
 6 department shall utilize the moneys deposited in the
 7 child day care credit fund, created in this Act, in
 8 descending order of priority as follows:
 9 (1) If a federal waiver is granted, to extend

10 transitional child care assistance in accordance with
 11 federal requirements and section 239.21, to a period
 12 of 24 months from the current period of 12 months.

13 (2) To expand the number of children receiving
 14 assistance under the state child care assistance
 15 program in accordance with the provisions of
 16 subsection 3.

17 (3) To expand the eligibility limit for state
 18 child care assistance to be equal to or less than 75
 19 percent of the Iowa median family income as provided
 20 in subsection 3, paragraph "b".

21 2. Page 48, by inserting after line 16 the
 22 following:

23 "Sec. ____ NEW SECTION. 237A.28 CHILD DAY CARE
 24 CREDIT FUND.

25 A child day care credit fund is created in the
 26 state treasury under the authority of the department
 27 of human services. The moneys in the fund shall
 28 consist of moneys deposited pursuant to section
 29 422.100 and shall be used for child day care services
 30 as annually directed by the general assembly."

31 3. Page 48, by inserting after line 32 the
 32 following:

33 "Sec. 150. Section 422.12C, subsection 1,
 34 paragraphs f, g, and h, Code 1993, are amended by
 35 striking the paragraphs and inserting in lieu thereof
 36 the following:

37 f. For a taxpayer with net income of forty
 38 thousand dollars or more, zero percent.

39 Sec. ____ NEW SECTION. 422.100 ALLOCATION TO THE
 40 CHILD DAY CARE CREDIT FUND.

41 The treasurer of state shall credit during the
 42 first month of each quarter of each fiscal year to the
 43 child day care credit fund created in section 237A.28
 44 the sum of six hundred fifty thousand dollars from the
 45 individual income tax withholding receipts."

46 4. Page 51, by inserting after line 32 the
 47 following:

48 "____. Section 150 of this Act, being deemed of
 49 immediate importance, takes effect upon enactment and
 50 applies retroactively to January 1, 1993, for tax

Page 2

1 years beginning on or after that date."

2 5. Title page, line 4, by inserting after the
 3 word "care" the following: "and the child and

4 dependent care individual income tax credit".

5 6. By renumbering as necessary.

RICHARD VARN
MARY E. KRAMER

S-3443

1 Amend House File 518, as amended, passed, and
2 reprinted, by the House, as follows:

3 1. Page 30, by inserting after line 19 the
4 following:

5 " ____ . Each state mental health institute shall
6 assure that discharge planning, as defined in 42
7 C.F.R. § 482.21, is performed in cooperation with the
8 county of legal settlement for every patient admitted
9 to the state mental health institute. Each state
10 mental health institute and state hospital-school
11 shall develop a plan for coordinating with counties
12 and local health and social service providers for
13 resource availability over the five-year phase-out
14 period of the two state mental health institutes and
15 one state hospital-school. Funds that had been
16 directed to services at the mental health institutes
17 and state hospital-schools shall be directed to the
18 local communities for service delivery."

19 2. Page 36, by striking lines 30 and 31 and
20 inserting the following: ". If an individual does
21 not have a medical assistance case manager, the
22 individual's eligibility".

RICHARD VARN

S-3444

1 Amend the amendment, S-3442, to House File 518, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 37, by striking the word "forty"
5 and inserting in lieu thereof the following: "fifty".

WILLIAM D. PALMER

S-3445

1 Amend the amendment, S-3425, to House File 518, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, line 10, by striking the figure "40"
5 and inserting the following: "35".

MARY E. KRAMER
RICHARD J. VARN

S-3446

1 Amend the amendment, S-3425 to House File 518, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting after line 48 the
5 following:

6 " ____ . Page 7, by inserting after line 10 the
7 following:

8 "100. Of the funds appropriated in 1992 Iowa Acts,
9 Second Extraordinary Session, chapter 1001, section
10 409, \$778,202 is encumbered for purposes of section
11 8.33 and shall be used in the fiscal year beginning
12 July 1, 1993, and ending June 30, 1994, in addition to
13 other funds appropriated in this section, for
14 reimbursement of nursing facilities at a maximum
15 reimbursement rate of the 70th percentile of facility
16 costs as determined in accordance with the provisions
17 of this Act relating to reimbursements."

18 2. Page 3, by striking lines 11 through 18.

19 3. Page 5, by inserting after line 13 the
20 following:

21 " ____ . Page 51, line 18, by striking the word
22 "Section" and inserting the following: "Section 1,
23 subsection 100 of this Act, relating to reimbursement
24 of nursing facilities, section".

JOE WELSH

S-3447

1 Amend House File 518, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 49, by inserting after line 14, the
4 following:

5 "Sec. ____ . WAIVER -- NURSING HOME PILOT PROJECT.

6 1. The department of human services shall submit a
7 waiver request to the United States department of
8 health and human services as necessary for federal
9 authorization to implement a pilot project to allow
10 two nursing homes, as defined in section 155.1,
11 selected through a request for proposals process to be
12 operated under an alternative plan of operation which
13 is outcome-based and which to the greatest extent

14 possible provides the least restrictive environment
15 for the residents of the nursing home. The waiver
16 shall include a request for suspension of federal
17 regulations which the department identifies as more
18 restrictive than necessary in order to provide a safe
19 and healthy environment for the residents of a nursing
20 home. Following receipt of a waiver, the department
21 of human services shall establish a request for
22 proposals process and shall select two nursing homes
23 to operate under an alternative system based upon
24 criteria and requirements which shall include but are
25 not limited to all of the following:

26 a. The nursing home shall not be subject to the
27 requirements of chapter 135C.

28 b. The department shall adopt rules which
29 establish the minimum requirements for an alternative
30 nursing home including but not limited to the physical
31 structure and services to be provided and the nursing
32 home shall comply with the minimum requirements
33 established.

34 c. The nursing home shall be constructed in
35 compliance with applicable local building code
36 requirements and the rules adopted for the alternative
37 type of facility by the state fire marshal in
38 accordance with the concept of the least restrictive
39 environment for the facility residents.

40 d. The nursing home shall develop and implement a
41 written plan of operation which is outcome-based and
42 which establishes goals for the facility in meeting
43 the outcomes identified. The plan shall include an
44 ongoing process for identifying and attaining the
45 outcomes identified. The plan shall also include a
46 method for evaluation of the effect of the alternative
47 form of operation on the quality of life of the
48 residents and the need for alternative methods of
49 staff development and service delivery.

50 e. The nursing home shall provide for input from

Page 2

1 the residents regarding the most appropriate
2 environment and services to the residents.
3 f. The nursing home shall report annually to the
4 department regarding the success of the nursing home
5 in reaching the goals established and regarding
6 recommendations for additional improvements in the
7 structure and operation of the nursing home and the
8 services provided the residents of the facility.

9 2. The department of human services shall annually
10 report to the senate and house of representatives

11 standing committees on human resources, on the
 12 progress of the pilot project and shall include in the
 13 report recommendations regarding the use of
 14 alternatives to standard nursing homes.”
 15 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-3448

1 Amend House File 170, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 “Section 1. Section 15.108, subsection 5, Code
 6 1993, is amended by adding the following paragraph:
 7 **NEW PARAGRAPH.** o. Establish a revolving fund to
 8 receive contributions to be used for cooperative
 9 advertising efforts. Fees and royalties obtained as a
 10 result of licensing the use of logos and other
 11 creative materials for sale by private vendors on
 12 selected products may be deposited in the fund.”
 13 2. Page 1, by inserting after line 4 the
 14 following:
 15 “Sec. ____ . **NEW SECTION.** 15.112 FARMWORKS
 16 MATCHING FUNDS.
 17 If the federal government funds the “farmworks”
 18 national demonstration project for distressed family
 19 farmers, the department shall allocate to the project
 20 from the rural enterprise fund or another fund, an
 21 amount equal to four percent of the federal funding,
 22 each year for a three-year period on a dollar-for-
 23 dollar matching basis with local or private
 24 contributions.”
 25 3. Page 2, by inserting after line 11 the
 26 following:
 27 “Sec. ____ . Section 15E.169, subsection 1, Code
 28 1993, is amended to read as follows:
 29 1. The purpose of this section is to provide for
 30 or facilitate the development of organizations,
 31 structures, or other entities organized to provide
 32 capital or technical or other assistance to start new
 33 Iowa businesses or to help existing Iowa businesses
 34 remain viable or expand through the incorporation
 35 under chapter 504A of a nonprofit corporation to
 36 organize, capitalize, and fund ~~as~~ the following:
 37 a. An Iowa-based small business investment company
 38 which shall have the purpose of increasing the
 39 availability of funds for investment in and loans to
 40 Iowa small businesses on a regional basis. The small

41 business investment company shall be incorporated
 42 under the Iowa law.
 43 b. An Iowa-based Iowa development bank or other
 44 community development entity organized to take
 45 advantage of the availability of federal programs,
 46 funds, guarantees, or other initiatives for the
 47 benefit of Iowa communities and small businesses."
 48 4. Page 4, by inserting after line 20 the follow-
 49 ing:
 50 "Sec. ____ . Section 554.9310, Code 1993, is amended

Page 2

1 by adding the following new unnumbered paragraph:
 2 NEW UNNUMBERED PARAGRAPH. A perfected security
 3 interest in collateral takes priority over any lien
 4 that is given equal precedence with ordinary taxes
 5 under chapter 260E or 260F, or its successor
 6 provisions, and such lien may be divested or dis-
 7 charged by judicial sale, as provided in part 5 of
 8 this article 9 or by other available legal remedy
 9 notwithstanding any provision to the contrary
 10 contained in chapter 260E or 260F, or its successor
 11 provisions. Nothing in this section shall abrogate
 12 the collection of, or any lien for, unpaid property
 13 taxes which have attached to real estate pursuant to
 14 chapter 445, including taxes levied against tangible
 15 property that is assessed and taxed as real property
 16 pursuant to chapter 427A, or the collection of, or any
 17 lien for, unpaid taxes for which notice of lien has
 18 been properly recorded or filed pursuant to section
 19 422.26.
 20 Sec. ____ . Section 558.41, Code 1993, is amended by
 21 adding the following new unnumbered paragraph:
 22 NEW UNNUMBERED PARAGRAPH. An interest in real
 23 estate evidenced by an instrument so filed shall have
 24 priority over any lien that is given equal precedence
 25 with ordinary taxes under chapter 260E or 260F, or its
 26 successor provisions, and such lien may be divested or
 27 discharged by judicial sale or by other available
 28 legal remedy notwithstanding any provision to the
 29 contrary contained in chapter 260E or 260F, or its
 30 successor provisions. Nothing in this section shall
 31 abrogate the collection of, or any lien for, unpaid
 32 property taxes which have attached to real estate
 33 pursuant to chapter 445, including taxes levied
 34 against tangible property that is assessed and taxed
 35 as real property pursuant to chapter 427A, or the
 36 collection of, or any lien for, unpaid taxes for which
 37 notice of lien has been properly recorded pursuant to

38 section 422.26.
 39 Sec. ____ . 1992 Iowa Acts, chapter 1244, section 1,
 40 subsection 2, paragraph e, is amended to read as
 41 follows:
 42 e. Small business investment company
 43 capitalization
 44 For transfer to the treasurer of state for the
 45 purpose of facilitating the organization and private
 46 capitalization of the small business investment
 47 company or other entity under sections ~~28.162~~ 15E.169
 48 through ~~28.164~~ 15E.171. If the small business
 49 investment company or another entity for which the
 50 funds are to be used is not organized within ~~eighteen~~

Page 3

1 twenty-four months of the effective date of this Act,
 2 unused funds shall revert to the general fund of the
 3 state:
 4 \$ 200,000
 5 Sec. ____ . 1993 Iowa Acts, Senate File 227, section
 6 8, being deemed of immediate importance, takes effect
 7 upon the enactment of this Act.”
 8 5. Title page, line 1, by inserting after the
 9 word “operations” the following: “and providing an
 10 effective date”.
 11 6. By renumbering, relettering, or redesignating
 12 and correcting internal references as necessary.

COMMITTEE ON SMALL BUSINESS,
 ECONOMIC DEVELOPMENT,
 AND TOURISM
 JIM RIORDAN, Chairperson

S-3449

1 Amend House File 496, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, lines 16 and 17, by striking the words
 4 “-- TAX LEVY”.
 5 2. Page 8, line 20, by striking the word
 6 “district,” and inserting the following: “district”.
 7 3. Page 8, by striking lines 23 through 34 and
 8 inserting the following: “authorizing the board to
 9 issue bonds, or both.”

COMMITTEE ON EDUCATION
 MIKE CONNOLLY, Chairperson

S-3450

- 1 Amend the amendment, S-3425, to House File 518, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 20 through 27 and
- 5 inserting the following: "provide an analysis of the
- 6 potential impact on utilization of other".

RICHARD VARN

S-3451

- 1 Amend House File 518, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 30, by striking lines 16 through 19 and
- 4 inserting the following: "assistance to patients
- 5 being discharged in obtaining eligibility for federal
- 6 supplemental security income (SSI)."
- 7 2. By renumbering as necessary.

RICHARD VARN

S-3452

- 1 Amend the amendment, S-3443, to House File 518, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 18, by striking the word
- 5 "delivery." and inserting the following: "delivery to
- 6 persons who would have been served in the respective
- 7 institutions."
- 8 2. By renumbering as necessary.

JIM RIORDAN

S-3453

- 1 Amend the amendment, S-3425, to House File 518, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 7, by striking the figure
- 5 "342,058,555" and inserting the following:
- 6 "342,312,612".
- 7 2. Page 1, by striking lines 40 and 41.
- 8 3. Page 3, by striking lines 11 through 18.
- 9 4. By renumbering as necessary.

WILLIAM W. DIELEMAN
RAY TAYLOR

BERL E. PRIEBE
ALLEN BORLAUG
LYLE E. ZIEMAN
JOHN W. JENSEN
JOE J. WELSH
EMIL J. HUSAK
JAMES B. KERSTEN
DONALD E. GETTINGS

S-3454

1 Amend the amendment, S-3425, to House File 518, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by inserting after line 49 the
5 following:
6 "____. Page 16, line 4, by inserting after the
7 figure "3." the following: "However, if the funds
8 designated in this section are insufficient to pay ten
9 percent of the total cost of the homes,
10 notwithstanding section 232.142, subsection 3, the
11 state payment shall be less than ten percent and the
12 department shall prorate the state payment as
13 necessary to keep expenditures within the funds
14 designated in this section."
15 2. Page 3, by striking lines 14 through 18 and
16 inserting the following: "data." the following:
17 "However, to the extent funds are available within the
18 amount projected for reimbursement of nursing
19 facilities within the appropriation for medical
20 assistance in this Act, the department may adjust the
21 maximum medical assistance reimbursement for nursing
22 facilities, not to exceed the 70th percentile, as
23 calculated from the December 31, 1993, unaudited
24 compilation of cost and statistical data and the
25 adjustment shall take effect January 1, 1994."
26 3. Page 5, by inserting after line 1 the
27 following:
28 "____. Page 49, by inserting after line 16 the
29 following:
30 "Sec. ____ . Section 252.43, Code 1993, is
31 repealed."
32 4. Page 5, by inserting after line 3 the
33 following:
34 "____. Page 50, line 19, by inserting after the
35 figure "12." the following: "However, if the funds
36 designated by this section are insufficient to pay ten
37 percent of the total cost of the homes,
38 notwithstanding section 232.142, subsection 3, the
39 state payment shall be less than ten percent and the

40 department shall prorate the state payment as
 41 necessary to keep expenditures within the funds
 42 designated by this section.””
 43 5. By renumbering as necessary.

RICHARD VARN

S-3455

1 Amend House File 328, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 “Section 1. There is appropriated from the road
 6 use tax fund to the state department of transportation
 7 for the fiscal year beginning July 1, 1993, and ending
 8 June 30, 1994, in addition to other appropriations
 9 made to the department for that fiscal year, the
 10 following amount, or so much thereof as is necessary,
 11 for the purpose designated:
 12 For the participation of the department in the
 13 single state insurance registration system for motor
 14 carriers, as required in section 327B.1, unnumbered
 15 paragraph 3, and for salaries, support, maintenance,
 16 miscellaneous purposes, and for not more than the
 17 following full-time equivalent positions:
 18 \$ 250,000
 19 FTEs 2.00”
 20 2. Title page, line 2, by inserting after the word “carriers”
 21 the following: “, and making an appropriation”
 22 3. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
 MICHAEL E. GRONSTAL, Chairperson

S-3456

1 Amend House File 361, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 “Section 1. NEW SECTION. 125.15A LICENSURE --
 6 EMERGENCIES.
 7 1. The department may place an employee or agent
 8 to serve as a monitor in a licensed substance abuse
 9 treatment program or may petition the court for
 10 appointment of a receiver for a program when any of
 11 the following conditions exist:
 12 a. The program is operating without a license.
 13 b. The commission has suspended, revoked, or

14 refused to renew the existing license of the program.
15 c. The program is closing or has informed the
16 department that it intends to close and adequate
17 arrangements for the location of clients have not been
18 made at least thirty days before the closing.
19 - d. The department determines that an emergency
20 exists, whether or not it has initiated revocation or
21 nonrenewal procedures, and because of the
22 unwillingness or inability of the licensee to remedy
23 the emergency, the department determines that a
24 monitor or receiver is necessary. As used in this
25 paragraph, "emergency" means a threat to the health,
26 safety, or welfare of a client that the program is
27 unwilling or unable to correct.

28 2. The monitor shall observe operation of the
29 program, assist the program with advice regarding
30 compliance with state regulations, and report
31 periodically to the department on the operation of the
32 program.

33 Sec. ____ . Section 135.28, unnumbered paragraph 1,
34 Code 1993, is amended to read as follows:

35 A state substitute medical decision-making board is
36 established to formulate policy and guidelines for the
37 operations of local substitute medical decision-making
38 boards, and to act if a local substitute medical
39 decision-making board does not exist. The department,
40 with the approval of the state substitute medical
41 decision-making board, shall adopt rules pursuant to
42 chapter 17A for the appointment and operation of local
43 substitute medical decision-making boards.
44 Notwithstanding any other provision to the contrary
45 regarding confidentiality of medical records, the
46 state substitute medical decision-making board may
47 issue subpoenas relating to the production of medical
48 records of a patient under the board's review. A
49 person participating in good faith in releasing
50 medical record information in response to a board

Page 2

1 subpoena is immune from any liability, civil or
2 criminal, which might otherwise be incurred or
3 imposed.

4 Sec. ____ . Section 135.29, subsection 2, Code 1993,
5 is amended to read as follows:

6 2. Pursuant to rules adopted by the department,
7 the local substitute medical decision-making board may
8 act as a substitute decision maker for patients
9 incapable of making their own medical care decisions
10 if no other substitute decision maker is available to

11 act. The local substitute medical decision-making
 12 board may exercise decision-making authority in
 13 situations where there is sufficient time to review
 14 the patient's condition, and a reasonably prudent
 15 person would consider a decision to be medically
 16 necessary. Such medically necessary decisions shall
 17 constitute good cause for subsequently filing a
 18 petition in the district court for appointment of a
 19 guardian pursuant to chapter 633, but the local
 20 substitute medical decision-making board shall
 21 continue to act in the patient's best interests until
 22 a guardian is appointed. Notwithstanding any other
 23 provision to the contrary regarding confidentiality of
 24 medical records, the local substitute decision-making
 25 board may issue subpoenas relating to the production
 26 of medical records of a patient under the board's
 27 review. A person participating in good faith in
 28 releasing medical record information in response to a
 29 board subpoena is immune from any liability, civil or
 30 criminal, which might otherwise be incurred or
 31 imposed."

32 2. Page 1, by inserting after line 20 the
 33 following:

34 "A burial transit permit shall not be issued to a
 35 person other than a funeral director when the cause of
 36 death is or is suspected to be a communicable disease
 37 as defined by rule of the department."

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

40 "Sec. ____ . Section 321.1, subsection 8, Code 1993,
 41 is amended by adding the following new unnumbered
 42 paragraph:

43 NEW UNNUMBERED PARAGRAPH. A person is not a
 44 chauffeur when the operation is by a homemaker-home
 45 health aide in the course of the homemaker-home health
 46 aide's duties.

47 .Sec. ____ . Section 321.176A, Code 1993, is amended
 48 by adding the following new subsection:

49 NEW SUBSECTION. 7. A homemaker-home health aide
 50 operating a motor vehicle in the course of the

Page 3

1 homemaker-home health aide's duties."

2 4. Title page, by striking line 2, and inserting
 3 the following: "of public health related to
 4 substitute medical decision-making boards, homemaker-
 5 home health aide drivers' licensure, the use of".

6 5. Title page, line 3, by inserting after the
 7 word "permits," the following: "substance abuse

- 8 treatment programs.” .
9 6. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
MICHAEL E. GRONSTAL, Chairperson

S-3457

- 1 Amend House File 400, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 10, the
4 following:
5 “Sec. ____ . Section 364.2, subsection 4, Code 1993,
6 is amended by adding the following new paragraph:
7 NEW PARAGRAPH. g. A city shall not grant a
8 franchise for cable communications or television
9 service or operate a city-owned cable communications
10 or television service for an area included in an
11 existing franchise on terms and conditions more
12 favorable or less burdensome than those in an existing
13 franchise pertaining to the following:
14 (1) The area served and comparable timelines for
15 providing service.
16 (2) Public, educational, or governmental access
17 requirements.
18 (3) Franchise fees or their equivalent.
19 The provisions of this paragraph shall not apply when
20 the area in which the additional franchise is being
21 sought is not actually being served by an existing
22 cable communications company holding a franchise for
23 the area. This paragraph does not prevent a
24 municipality from imposing additional terms and
25 conditions on any additional franchises. This
26 paragraph does not require a city to obtain a
27 franchise to operate a city-owned cable communications
28 or television system.”

COMMITTEE ON COMMUNICATIONS
AND INFORMATION POLICY
RICHARD VARN, Chairperson

S-3458

- 1 Amend House File 633, 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 123.3, subsection 26,
6 paragraphs c and e, Code 1993, are amended to read as
7 follows:

8 c. ~~Is~~ Notwithstanding paragraph "e", the applicant
9 is a citizen of the United States and a resident of
10 this state, or licensed to do business in this state
11 in the case of a corporation. Notwithstanding
12 paragraph "f e," in the case of a partnership, only
13 one general partner need be a resident of this state.
14 e. ~~If such person is a corporation, partnership,~~
15 ~~association, club, or hotel or motel the~~ The
16 requirements of this subsection shall apply to each
17 the following:

18 (1) Each of the officers, directors, and partners
19 of such person; ~~and to any.~~

20 (2) A person who directly or indirectly owns or
21 controls ten percent or more of any class of stock of
22 such person ~~or.~~

23 (3) A person who directly or indirectly has an
24 interest of ten percent or more in the ownership or
25 profits of such person. ~~For the purposes of this~~
26 ~~provision, an individual and the individual's spouse~~
27 ~~shall be regarded as one person.~~

28 Sec. ____ . Section 123.16, subsection 2, paragraph
29 b, Code 1993, is amended by striking the paragraph."

30 2. Page 1, by inserting after line 13 the
31 following:

32 "Sec. ____ . Section 123.24, subsection 2,
33 paragraphs a and b, Code 1993, are amended to read as
34 follows:

35 a. The division may accept from a class "E" liquor
36 control licensee a cashier's check which shows the
37 licensee is the remitter or a check issued by the
38 licensee in payment of alcoholic liquor. If a check
39 is subsequently dishonored, the division shall cause a
40 notice of nonpayment and penalty to be served upon the
41 class "E" liquor control licensee or upon any person
42 in charge of the licensed premises. The notice shall
43 state that if payment or satisfaction for the
44 dishonored check is not made within ten days of the
45 service of notice, the licensee's liquor control
46 license ~~shall~~ may be suspended under section 123.39.
47 The notice of nonpayment and penalty shall be in a
48 form prescribed by the administrator, and shall be
49 sent by certified mail.

50 b. If upon notice and hearing under section 123.39

Page 2

1 and pursuant to the provisions of chapter 17A
2 concerning a contested case hearing, the administrator
3 determines that the class "E" liquor control licensee
4 failed to satisfy the obligation for which the check

5 was issued within ten days after the notice of
6 nonpayment and penalty was served on the licensee as
7 provided in paragraph "a" of this subsection, the
8 administrator ~~shall~~ may suspend the licensee's class
9 "E" liquor control license for ~~not less than three~~
10 ~~days but not more than thirty a period not to exceed~~
11 ten days.

12 Sec. ____ . Section 123.24, subsection 2, paragraph
13 c, Code 1993, is amended by striking the paragraph.

14 Sec. ____ . Section 123.29, Code 1993, is amended by
15 striking the section and inserting in lieu thereof the
16 following:

17 123.29 PATENT AND PROPRIETARY PRODUCTS CONTAINING
18 ALCOHOLIC LIQUOR, WINE, OR BEER.

19 1. This chapter does not prohibit the sale of
20 patent and proprietary medicines, tinctures, food
21 products, extracts, toiletries, perfumes, and similar
22 products, which are not susceptible of use as a
23 beverage, but which contain alcoholic liquor, wine, or
24 beer as one of their ingredients. These products may
25 be sold through ordinary wholesale and retail
26 businesses without a license or permit issued by the
27 division.

28 2. This chapter does not prohibit a member of the
29 clergy of any religious denomination which uses vinous
30 liquor in its sacramental ceremonies from purchasing,
31 receiving, possessing, and using vinous liquor for
32 sacramental purposes.

33 Sec. ____ . Section 123.30, subsection 1, Code 1993,
34 is amended to read as follows:

35 1. a. A liquor control license may be issued to
36 any person who, ~~or whose officers in the case of a~~
37 ~~club or corporation, or whose partners in the case of~~
38 ~~a partnership, are~~ is of good moral character as
39 defined by this chapter.

40 b. As a condition for issuance of a liquor control
41 license or wine or beer permit, the applicant must
42 give consent to members of the fire, police, and
43 health departments and the building inspector of
44 cities; the county sheriff, deputy sheriff, members of
45 the department of public safety, representatives of
46 the division and of the department of inspections and
47 appeals, certified police officers, and any official
48 county health officer to enter upon areas of the
49 premises where alcoholic beverages are stored, served,
50 or sold, without a warrant during business hours of

Page 3

1 the licensee or permittee to inspect for violations of
2 this chapter or ordinances and regulations that cities
3 and boards of supervisors may adopt. However, a
4 subpoena issued under section 421.17 or a warrant is
5 required for inspection of private records, a private
6 business office, or attached living quarters. Persons
7 who are not certified peace officers shall limit the
8 scope of their inspections of licensed premises to the
9 regulatory authority under which the inspection is
10 conducted. All persons who enter upon a licensed
11 ~~premise~~ premises to conduct an inspection shall
12 present appropriate identification to the owner of the
13 establishment or the person who appears to be in
14 charge of the establishment prior to commencing an
15 inspection; however, this provision does not apply to
16 undercover criminal investigations conducted by peace
17 officers.

18 c. As a further condition for the issuance of a
19 class "E" liquor control license, the applicant shall
20 post a bond in a sum of not less than five thousand
21 nor more than fifteen thousand dollars as determined
22 on a sliding scale established by the division;
23 however, a bond shall not be required if all purchases
24 of alcoholic liquor from the division by the licensee
25 are made by cash payment or by means that ensure that
26 the division will receive full payment in advance of
27 delivery of the alcoholic liquor.

28 d. A class "E" liquor control license may be
29 issued to a city council for premises located within
30 the limits of the city if there are no class "E"
31 liquor control licensees operating within the limits
32 of the city and no other applications for a class "E"
33 license for premises located within the limits of the
34 city at the time the city council's application is
35 filed. If a class "E" liquor control license is
36 subsequently issued to a private person for premises
37 located within the limits of the city, the city
38 council shall surrender its license to the division
39 within one year of the date that the class "E" liquor
40 control licensee begins operating, liquidate any
41 remaining assets connected with the liquor store, and
42 cease operating the liquor store.

43 Sec. ____ . Section 123.30, subsection 3, paragraph
44 d, Code 1993, is amended to read as follows:

45 d. CLASS "D".

46 (1) A class "D" liquor control license may be
47 issued to a railway corporation, to an air common
48 carrier, and to passenger-carrying boats or ships for

49 hire with a capacity of twenty-five persons or more
50 operating in inland or boundary waters, and shall

Page 4

1 authorize the holder to sell or furnish alcoholic
2 beverages, wine, and beer to passengers for
3 consumption only on trains, watercraft as described in
4 this section, or aircraft, respectively. Each license
5 is valid throughout the state. Only one license is
6 required for all trains, watercraft, or aircraft
7 operated in the state by the licensee. However, if a
8 watercraft is an excursion gambling boat licensed
9 under chapter 99F, the owner shall obtain a separate
10 class "D" liquor control license for each excursion
11 gambling boat operating in the waters of this state.

12 (2) A class "D" liquor control licensee who
13 operates a train or a watercraft intrastate only, or
14 an excursion gambling boat licensed under chapter 99F,
15 shall purchase alcoholic liquor from a class "E"
16 liquor control licensee only, wine from a class "A"
17 wine permittee or a class "B" wine permittee who also
18 holds a class "E" liquor control license only, and
19 beer from a class "A" beer permittee only."

20 3. Page 4, by inserting after line 16 the
21 following:

22 "Sec. ____ . Section 123.36, subsection 1, Code
23 1993, is amended by striking the subsection."

24 4. By striking page 4, line 19 through page 5,
25 line 6 and inserting the following:

26 "Sec. ____ . Section 123.39, subsection 1, Code
27 1993, is amended to read as follows:

28 1. a. Any The administrator or the local
29 authority may suspend a liquor control license, wine
30 permit, or beer permit issued under this chapter may,
31 after notice in writing to the license or permit
32 holder and reasonable opportunity for hearing, and
33 subject to section 123.50 where applicable, be
34 suspended for a period not to exceed one year or
35 revoked, revoke the license or permit, or impose a
36 civil penalty not to exceed one thousand dollars per
37 violation. Before suspension, revocation, or
38 imposition of a civil penalty, the licensee or permit
39 holder shall be given written notice and an
40 opportunity for a hearing. The administrator may
41 appoint a member of the division or may request an
42 administrative law judge from the department of
43 inspections and appeals to conduct the hearing and
44 issue a proposed decision. Upon the motion of a party
45 to the hearing or upon the administrator's own motion,

46 the administrator may review the proposed decision in
47 accordance with chapter 17A. Upon review of the
48 proposed decision, the administrator may affirm,
49 reverse, or modify the proposed decision. A liquor
50 control licensee, wine, or beer permittee aggrieved by

Page 5

1 a decision of the administrator may seek judicial
2 review of the administrator's decision in accordance
3 with chapter 17A.
4 b. A license or permit issued under this chapter
5 may be suspended or revoked, or a civil penalty may be
6 imposed on the license or permit holder by the local
7 authority or the administrator for any of the
8 following causes:
9 a. (1) Misrepresentation of any material fact in
10 the application for the license or permit.
11 b. (2) Violation of any of the provisions of this
12 chapter.
13 c. (3) Any change in the ownership or interest in
14 the business operated under a class "A", class "B", or
15 class "C" liquor control license, or any wine or beer
16 permit, which change was not previously reported to
17 and approved by the local authority and the division.
18 d. (4) An event which would have resulted in
19 disqualification from receiving the license or permit
20 when originally issued.
21 e. (5) Any sale, hypothecation, or transfer of the
22 license or permit.
23 f. (6) The failure or refusal on the part of any
24 licensee or permittee to render any report or remit
25 any taxes to the division under this chapter when due.
26 c. A criminal conviction is not a prerequisite to
27 suspension, revocation, or imposition of a civil
28 penalty pursuant to this section. A local authority
29 which acts pursuant to this section or section 123.32
30 shall notify the division in writing of the action
31 taken, and shall notify the licensee or permit holder
32 of the right to appeal a suspension, revocation, or
33 imposition of a civil penalty to the division. Civil
34 penalties imposed and collected by the local authority
35 under this section shall be retained by the local
36 authority. Civil penalties imposed and collected by
37 the division under this section shall be retained by
38 the division.
39 Sec. ____ . Section 123.39, subsection 4, Code 1993,
40 is amended to read as follows:
41 4. If the cause for suspension is a first offense
42 violation of section 123.49, subsection 2, paragraph

43 "h", and the violation occurred on or after January 1,
44 1988; the administrator or local authority shall
45 impose a civil penalty in the amount of three hundred
46 dollars in lieu of suspension of the license or
47 permit. Local authorities shall retain civil
48 penalties collected under this paragraph if the
49 proceeding to impose the penalty is conducted by the
50 local authority. The division shall retain civil

Page 6

1 penalties collected under this paragraph if the
2 proceeding to impose the penalty is conducted by the
3 administrator of the division. If the matter is
4 appealed to the division's hearing board, the hearing
5 board shall not reduce the amount of the civil penalty
6 imposed under this paragraph if a violation of section
7 123.49, subsection 2, paragraph "h" is found:
8 Sec. ____ . Section 123.50, subsection 3, unnumbered
9 paragraph 1 and paragraphs a, c, and d, Code 1993, are
10 amended to read as follows:

11 If any licensee, wine permittee, beer permittee, or
12 employee of a licensee or permittee is convicted of a
13 violation of section 123.49, subsection 2, paragraph
14 "h", or if a retail wine or beer permittee is
15 convicted of a violation of paragraph "i" of that
16 subsection, the administrator or local authority
17 shall, in addition to the other criminal penalties
18 fixed for such violations by this section, assess a
19 civil penalty as follows:

20 a. Upon a first conviction, the violator's liquor
21 control license, wine permit, or beer permit shall be
22 suspended for a period of fourteen days. However, if
23 the conviction is for a violation of section 123.49,
24 subsection 2, paragraph "h", which occurred on or
25 after January 1, 1988, the violator's liquor control
26 license or wine or beer permit shall not be suspended,
27 but the violator shall be assessed a civil penalty in
28 the amount of three hundred dollars. Failure to pay
29 the civil penalty as ordered under section 123.39 for
30 a violation of section 123.49, subsection 2, paragraph
31 "h", or this subsection will result in automatic
32 suspension of the license or permit for a period of
33 fourteen days.

34 c. Upon a third conviction within a period of five
35 three years, the violator's liquor control license,
36 wine permit, or beer permit shall be suspended for a
37 period of sixty days.

38 d. Upon a fourth conviction within a period of
39 five three years, the violator's liquor control

40 license, wine permit, or beer permit shall be revoked.

41 Sec. ____ . Section 123.53, Code 1993, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 5. Notwithstanding section 8.33,

44 civil penalties imposed and collected by the division
45 shall not revert to the general fund of the state.

46 The moneys from the civil penalties are appropriated
47 for use by the division for the purposes of providing
48 educational programs, information and publications for
49 alcoholic beverage licensees and permittees, local
50 authorities, and law enforcement agencies regarding

Page 7

1 the laws and rules which govern the alcoholic
2 beverages industry, and for promoting compliance with
3 alcoholic beverage laws and rules.

4 Sec. ____ . Section 123.95, Code 1993, is amended by
5 striking the section and inserting in lieu thereof the
6 following:

7 **123.95 PREMISES MUST BE LICENSED -- EXCEPTION AS**
8 **TO CONVENTIONS AND SOCIAL GATHERINGS.**

9 1. A person shall not allow the dispensing or
10 consumption of alcoholic liquor, except wines and
11 beer, in any establishment unless the establishment is
12 licensed under this chapter or except as otherwise
13 provided in this section. The holder of an annual
14 class "B" liquor control license or an annual class
15 "C" liquor control license may act as the agent of a
16 private social host for the purpose of providing and
17 serving alcoholic liquor, wine, and beer as part of a
18 food catering service for a private social gathering
19 in a private place. The holder of an annual special
20 class "C" liquor control license shall not act as the
21 agent of a private social host for the purpose of
22 providing and serving wine and beer as part of a food
23 catering service for a private social gathering in a
24 private place. The private social host or the
25 licensee shall not solicit donations in payment for
26 the food or alcoholic beverages from the guests, and
27 the alcoholic beverages and food shall be served
28 without cost to the guests. Section 123.92 does not
29 apply to a liquor control licensee who acts in
30 accordance with this section when the liquor control
31 licensee is providing and serving food and alcoholic
32 beverages as an agent of a private social host at a
33 private social gathering in a private place which is
34 not on the licensed premises.

35 2. An applicant for a class "B" liquor control
36 license or class "C" liquor control license shall

37 state on the application for the license that the
38 licensee intends to engage in catering food and
39 alcoholic beverages for private social gatherings and
40 the catering privilege shall be noted on the license
41 or permit. A licensee who engages in catering food
42 and alcoholic beverages for private social gatherings
43 shall maintain a record on the licensed premises which
44 includes the name and address of the host of the
45 private social gathering, and the date for which
46 catering was provided. The record maintained pursuant
47 to this section shall be open to inspection pursuant
48 to section 123.30, subsection 1, during normal
49 business hours of the licensee.
50 3. However, bona fide conventions or meetings may

Page 8

1 bring their own legal liquor onto the licensed
2 premises if the liquor is served to delegates or
3 guests without cost. All other provisions of this
4 chapter shall be applicable to such premises. The
5 provisions of this section shall have no application
6 to private social gatherings of friends or relatives
7 in a private home or private place which is not of a
8 commercial nature nor where goods or services may be
9 purchased or sold nor any charge or rent or other
10 thing of value is exchanged for the use of such
11 premises for any purpose other than for sleeping
12 quarters.

13 Sec. ____ . Section 123.177, subsection 1, Code
14 1993, is amended to read as follows:

15 1. A person holding a class "A" wine permit may
16 manufacture and sell, or sell at wholesale, wine for
17 consumption off the premises. Sales within the state
18 may be made only to persons holding a class "A" or "B"
19 wine permit; and to persons holding a class "A", "B",
20 "C" or "D" liquor control license; and to persons
21 holding a special permit issued under section 123.29,
22 subsection 3. A class "A" wine permittee having more
23 than one place of business shall obtain a separate
24 permit for each place of business where wine is to be
25 stored, warehoused, or sold."

26 5. Page 5, by striking line 7 and inserting the
27 following:

28 "Sec. ____ . REPEALS. Sections 123.15 and 123.151,
29 Code 1993, are repealed."

30 6. Title page, line 6, by inserting after the
31 word "beer permits," the following: "the
32 appropriation of moneys collected through civil

33 penalties, the removal of certain restrictions on the
34 sale of alcoholic beverages.”

COMMITTEE ON STATE GOVERNMENT
MICHAEL E. GRONSTAL, Chairperson

S-3459

1 Amend House File 518, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 45, by inserting after line 30, the
4 following:
5 “Sec. ____ . Section 217.41, Code 1993, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. In any department of
8 human services’ purchase of service contract, the
9 following shall apply to provisions involving time:
10 1. A month means an actual calendar month.
11 2. A year means twelve consecutive months.
12 3. A per diem or daily reimbursement rate shall be
13 paid for each calendar day of each month of the year
14 for which services are provided.”
15 2. By renumbering and correcting internal
16 references as necessary.

MERLIN E. BARTZ

S-3460.

1 Amend House File 633, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 13, the
4 following:
5 “Sec. ____ . Section 123.31, unnumbered paragraph 1,
6 Code 1993, is amended to read as follows:
7 Verified Except as otherwise provided in section
8 123.35, verified applications for the original
9 issuance or the renewal of liquor control licenses
10 shall be filed at such the time and in such the number
11 of copies as the administrator shall prescribe, on
12 forms prescribed by the administrator, and, except as
13 provided in section 123.35, shall set forth under oath
14 the following information:”
15 2. Page 4, by inserting after line 16, the
16 following:
17 “Sec. ____ . Section 123.35, unnumbered paragraph 2,
18 Code 1993, is amended to read as follows:
19 Such The application, accompanied by the necessary
20 fee and bond, if required, shall be filed in the same
21 manner as is provided for filing the initial

22 application. However, for the renewal of a class "E"
 23 license, the simplified application form for renewal,
 24 accompanied by the necessary fee and bond if required,
 25 shall be filed directly with the administrator without
 26 the endorsement of local authorities if all of the
 27 following conditions are met: the applicant's license
 28 has not been suspended or revoked since the preceding
 29 license was issued; a civil penalty has not been
 30 imposed against the applicant under this chapter since
 31 the preceding license was issued; an administrative
 32 proceeding is not pending against the applicant to
 33 suspend or revoke the applicant's license or to impose
 34 a civil penalty under this chapter; and the applicant
 35 has not been convicted of a violation of this chapter
 36 since the preceding license was issued."

JOHN P. KIBBIE
 JOE J. WELSH

S-3461

- 1 Amend the amendment, S-3425, to House File 518, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 4, by striking lines 31 through 44.
- 5 2. By renumbering as necessary.

WILMER RENSINK
 H. KAY HEDGE

S-3462

- 1 Amend House File 518, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 44, by inserting after line 31 the
- 4 following:
- 5 "Sec. 500. GROUP FOSTER CARE PLACEMENT TARGET
- 6 EXCEPTIONS. Notwithstanding the statewide target
- 7 number of 1,405 for group foster care placements
- 8 established in accordance with section 232.143 for the
- 9 1992-1993 fiscal year by 1992 Iowa Acts, chapter 1241,
- 10 section 12, subsection 1, paragraph "a", and the
- 11 statewide target number of 1,350 for 1993-1994 fiscal
- 12 year by this Act, the regional targets based on the
- 13 statewide target, and notwithstanding the provisions
- 14 of sections 232.52, 232.102, 232.117, 232.127, and
- 15 232.182, the regional targets for the respective
- 16 fiscal year may be exceeded and state payment may be
- 17 made to place a child or to continue an existing
- 18 placement of a child in group foster care if the

19 juvenile court determines either of the following
20 circumstances exists:

21 1. An imminent danger to the child or to the
22 community would exist if the child is not placed in
23 group foster care or if an existing placement of the
24 child in group foster care is not continued.

25 2. Group foster care is the most appropriate
26 placement for the child and alternative placements are
27 more expensive than the group foster care placement.”

28 2. Page 52, by inserting after line 2 the
29 following:

30 “___ . Section 500 of this Act, being deemed of
31 immediate importance, takes effect upon enactment.”

MERLIN E. BARTZ

S-3463

1 Amend the amendment, S-3425, to House File 518, as
2 amended, passed, and reprinted by the House, as
3 follows:

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

6 “___ . Page 19, by striking lines 9 through 28 and
7 inserting the following: “services. The department”.

8 ___ . By striking page 19, line 34, through page
9 20, line 14.

10 ___ . Page 20, by striking lines 23 through 27,
11 and inserting the following:

12 “e. Effective November 1, 1993, all potential
13 group foster care referrals shall be reviewed by a
14 clinical assessment and”.

15 2. Page 4, by inserting after line 46, the
16 following:

17 “___ . Page 46, by inserting after line 19 the
18 following:

19 “Sec. 100. Section 232.52, subsection 2A, Code
20 1993, is amended by striking the subsection.”

21 3. Page 4, by inserting after line 48 the
22 following:

23 “Sec. 200. Section 232.102, subsection 1A, Code
24 1993, is amended by striking the subsection.

25 Sec. 300. Section 232.117, subsection 3A, Code
26 1993, is amended by striking the subsection.

27 Sec. 400. Section 232.127, subsection 8, Code
28 1993, is amended by striking the subsection.”

29 4. Page 4, by inserting after line 50 the
30 following:

31 “___ . Page 47, by inserting after line 22 the
32 following:

33 "Sec. 500. Section 232.182, subsection 7, Code
 34 1993, is amended by striking the subsection."
 35 ____ . Page 47, by inserting after line 30 the
 36 following:
 37 "Sec. 600. Section 234.35, subsection 1, paragraph
 38 e, Code 1993, is amended to read as follows:
 39 e. When a court has entered an order transferring
 40 the legal custody of the child to a foster care
 41 placement pursuant to section 232.52, subsection 2,
 42 paragraph "d", or section 232.102, subsection 1.
 43 ~~However, payment for a group foster care placement~~
 44 ~~shall be limited to those placements which conform to~~
 45 ~~a regional group foster plan established pursuant to~~
 46 ~~section 232.143."~~
 47 5. Page 5, by inserting after line 1 the
 48 following:
 49 "____ . Page 49, by inserting after line 14 the
 50 following:

Page 2

1 "Sec. 700. Section 232.143, Code 1993, is
 2 repealed."
 3 6. Page 5, by inserting after line 13; the
 4 following:
 5 "____ . Page 51, by inserting after line 35 the
 6 following:
 7 "5. Sections 100 through 700 of this Act, being
 8 deemed of immediate importance, take effect upon
 9 enactment."
 10 7. By renumbering, relettering and correcting
 11 internal references as necessary.

AL STURGEON
 BRAD BANKS
 RALPH ROSENBERG
 MICHAEL E. GRONSTAL
 JOHN P. KIBBIE
 RANDAL J. GIANNETTO
 PAUL D. PATE

S-3464

1 Amend House File 518, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 19, by striking lines 9 through 28 and
 4 inserting the following: "services. The
 5 department."
 6 2. By striking page 19, line 34, through page 20,
 7 line 14.

8 3. Page 20, by striking lines 23 through 27 and
9 inserting the following:

10 "e. Effective November 1, 1993, all potential
11 group foster care referrals shall be reviewed by a
12 clinical assessment and".

13 4. Page 46, by inserting after line 19 the
14 following:

15 "Sec. 100. Section 232.52, subsection 2A, Code
16 1993, is amended by striking the subsection."

17 5. Page 47, by inserting after line 20 the
18 following:

19 "Sec. 200. Section 232.102, subsection 1A, Code
20 1993, is amended by striking the subsection.

21 Sec. 300. Section 232.117, subsection 3A, Code
22 1993, is amended by striking the subsection.

23 Sec. 400. Section 232.127, subsection 8, Code
24 1993, is amended by striking the subsection."

25 6. Page 47, by inserting after line 22 the
26 following:

27 "Sec. 500. Section 232.182, subsection 7, Code
28 1993, is amended by striking the subsection."

29 7. Page 47, by inserting after line 30 the
30 following:

31 "Sec. 600. Section 234.35, subsection 1, paragraph
32 e, Code 1993, is amended to read as follows:

33 e. When a court has entered an order transferring
34 the legal custody of the child to a foster care
35 placement pursuant to section 232.52, subsection 2,
36 paragraph "d", or section 232.102, subsection 1.

37 ~~However, payment for a group foster care placement~~
38 ~~shall be limited to those placements which conform to~~
39 ~~a regional group foster plan established pursuant to~~
40 ~~section 232.143."~~

41 8. Page 49, by inserting after line 14 the
42 following:

43 "Sec. 700. Section 232.143, Code 1993, is
44 repealed."

45 9. Page 51, by inserting after line 35 the
46 following:

47 "5. Sections 100 through 700 of this Act, being
48 deemed of immediate importance, take effect upon
49 enactment."

50 10. By renumbering as necessary.

AL STURGEON
BRAD BANKS
RALPH ROSENBERG
MICHAEL E. GRONSTAL
JOHN P. KIBBIE

RANDAL J. GIANNETTO
PAUL D. PATE

S-3465

- 1 Amend House File 561, as passed by the House, as
2 follows:
3 1. By striking page 1, line 21, through page 2,
4 line 27.
5 2. Title page, by striking lines 1 and 2 and
6 inserting the following: "An Act authorizing the
7 board of nursing and the board of dental examiners to
8 appoint investigators with peace officer powers."

COMMITTEE ON STATE GOVERNMENT
MICHAEL E. GRONSTAL, Chairperson

S-3466

- 1 Amend Senate File 398 as follows:
2 1. Page 5, line 4, by inserting after the word
3 "rent." the following: "However, a late payment fee
4 shall not exceed three dollars a day for the first
5 five days the rent is late and one dollar a day for
6 the next twenty-five days."
7 2. Page 8, line 35, by striking the word
8 "either".
9 3. Page 9, line 2, by inserting after the words
10 "there is" the following: "either".
11 4. Page 10, by striking lines 11 through 15.
12 5. Page 10, by striking lines 22 and 23 and
13 inserting the following: "of a complaint within six
14 months prior to the alleged act".
15 6. Page 10, line 28, by inserting after the word
16 "reasons" the following: ", which existed prior to
17 the time of the tenant's complaint,".
18 7. Page 12, line 11, by striking the figures
19 "562A.24, 562A.32, 562B.22," and inserting the
20 following: "562A.24, 562A.32, 562B.22,".
21 8. Page 12, line 14, by striking the figure
22 "562A.32," and inserting the following: "562A.24,
23 562A.32, 562B.22,".

RALPH ROSENBERG
ELAINE SZYMONIAK

S-3467

- 1 Amend the amendment, S-3425, to House File 518, as
2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 1, by striking lines 20 through 23 and
5 inserting the following: "provide an analysis of the
6 potential impact on recipient".

RICHARD VARN

S-3468

1 Amend House File 639 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, line 13, by inserting after the word
4 "state." the following: "The exemption from liability
5 under this section shall not apply if the state has
6 taken subsequent action with respect to the property
7 which causes or exacerbates a release of a hazardous
8 substance."

9 2. Page 1, line 20, by inserting after the word
10 "remediation" the following: "provided that the
11 contamination was not caused or exacerbated by the
12 state".

COMMITTEE ON ENVIRONMENT AND
ENERGY UTILITIES
RALPH ROSENBERG, Chairperson

S-3469

1 Amend House File 644, as passed by the House, as
2 follows:

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

5 "Section 1. Section 455G.9, subsection 1, Code
6 1993, is amended by adding the following new
7 paragraph:

8 NEW PARAGRAPH. i. Corrective action, for a
9 release which was tested prior to October 26, 1990,
10 and for which the site was issued a no further action
11 letter by the department of natural resources and
12 which was later determined, due to sale of the
13 property or removal of a nonoperating tank, to require
14 remediation which was reported to the administrator by
15 October 26, 1992, in an amount as specified in
16 subsection 4. In order to qualify for benefits under
17 this paragraph, the applicant must not have operated a
18 tank on the property during the period of time for
19 which the applicant owned the property."

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

22 "Sec. ____ . Section 455G.10, subsection 3, Code

- 23 1993, is amended by adding the following new
 24 unnumbered paragraph:
 25 NEW UNNUMBERED PARAGRAPH. The benefits under this
 26 section shall be available to small businesses
 27 entering into the petroleum business.”
 28 3. Page 1, line 17, by inserting after the figure
 29 “1993,” the following: “or who fails to enter into a
 30 contract on or before October 26, 1993, which, upon
 31 completion, will bring the owner or operator into
 32 compliance with either paragraph “a” or “b” by January
 33 1, 1995.”
 34 4. Title page, line 1, by inserting before the
 35 word “extending” the following: “providing remedial
 36 benefits for certain contaminated sites and”.
 37 5. Title page, line 3, by inserting after the
 38 word “tanks” the following: “and relating to loan
 39 guarantees”.
 40 6. By renumbering as necessary.

COMMITTEE ON ENVIRONMENT AND
 ENERGY UTILITIES
 RALPH ROSENBERG, Chairperson

S-3470

- 1 Amend House File 637, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 19 the
 4 following:
 5 “Sec. ____ . NEW SECTION. 266.51 DEFINITIONS.
 6 As used in this section, unless the context
 7 otherwise requires:
 8 1. “Administrator” means the president of Iowa
 9 state university of science and technology, or a
 10 person designated by the president to carry out the
 11 provisions of this division.
 12 2. “Livestock” means an animal belonging to the
 13 bovine, caprine, equine, ovine, or porcine species, or
 14 poultry.
 15 3. “Specialist” means an animal agriculture
 16 specialist employed pursuant to section 266.52.
 17 Sec. ____ . NEW SECTION. 266.52 ADMINISTRATION --
 18 SPECIALISTS.
 19 The administrator shall appoint and direct animal
 20 agriculture specialists who have knowledge of
 21 livestock waste management and laws, regulations, and
 22 practices affecting livestock production operations.
 23 Sec. ____ . NEW SECTION. 266.53 LIVESTOCK
 24 PRODUCERS ASSISTANCE PROGRAM.
 25 1. A livestock producers assistance program is

26 established. The administrator shall administer the
27 program, and direct specialists to assist livestock
28 producers participating in the program according to
29 procedures established by the administrator. A
30 specialist shall conduct an on-site evaluation of the
31 producer's livestock production operations for
32 purposes of analyzing the operation's waste management
33 system, and shall make recommendations relating to
34 improving waste management practices and procedures.
35 The administrator may establish procedures and
36 criteria required for producers participating in the
37 program.

38 2. The administrator shall establish a schedule of
39 fees which shall be paid by or on behalf of livestock
40 producers who participate in the program. The fees
41 may vary according to the type of services provided or
42 according to the length of time that the producer
43 participates in the program. The fees shall be
44 deposited in an account administered by Iowa state
45 university of science and technology and used solely
46 for carrying out this program as directed by the
47 administrator. Section 8.33 does not apply to moneys
48 deposited into the account. A person paying the fee
49 shall be delivered a receipt for payment of services
50 provided under the program.

Page 2

1 Sec. ____ . NEW SECTION. 266.54 LIVESTOCK WASTE
2 IMPACT ANALYSIS

3 1. The administrator shall direct specialists to
4 conduct livestock waste impact analyses. An analysis
5 shall consist of an on-site evaluation of the
6 livestock waste management system of the producer, and
7 a written report based on the evaluation which shall
8 include any recommendations relating to improving
9 waste management practices and procedures.

10 2. The administrator shall direct a specialist to
11 conduct a livestock waste impact analysis, upon
12 request by one of the following:

13 a. A livestock producer who is party to a
14 controversy or case under chapter 455B or a party to a
15 dispute under chapter 654B which involves an action
16 which is alleged to be a nuisance interfering with the
17 enjoyment of another person.

18 b. The department of natural resources or the
19 attorney general who is a party to a controversy or
20 case under chapter 455B, if another party to the
21 controversy or case is a livestock producer.

22 c. The farm mediation service mediating a dispute

23 under chapter 654B which involves an action alleged to
24 be a nuisance interfering with the enjoyment of a
25 person who is a party to the dispute.

26 d. A party to a dispute under chapter 654B which
27 involves an action alleged to be a nuisance
28 interfering with the enjoyment of the party.

29 3. a. The administrator may require that requests
30 include information required by the administrator, be
31 submitted on forms prescribed by the administrator,
32 and be submitted according to procedures required by
33 the administrator. The request may include a
34 statement explaining special circumstances which
35 require expedited action. A person submitting a
36 request shall promptly notify the administrator if the
37 request has been withdrawn.

38 b. The administrator shall promptly answer the
39 person submitting the request that the request has
40 been accepted or refused. If the request is accepted,
41 the answer shall state whether an analysis is expected
42 to be delayed, and the estimated date that the delayed
43 analysis is expected to be delivered. The analysis
44 shall be delivered to the person submitting the
45 request within twenty days from receipt of the request
46 by the administrator, unless the analysis is delayed.
47 A copy of the analysis shall be provided to any other
48 party to a controversy or case under chapter 455B, or
49 to another party to a dispute and the farm mediation
50 service mediating a dispute under chapter 654B.

Page 3

1 c. The administrator shall determine the priority
2 to be assigned a request and shall develop a system of
3 priorities for completing analyses, including the
4 performance of evaluations and the preparation of
5 reports. The administrator shall consult with the
6 department of natural resources, the attorney general,
7 and the farm mediation service in developing the
8 system. The administrator may refuse to accept a
9 request based upon the system of priorities.

10 4. An animal agriculture specialist shall not
11 enter onto the property where a livestock production
12 operation is located without the consent of the owner.
13 If the owner does not consent to the evaluation, the
14 analysis shall include the owner's denial of the
15 evaluation as noted by the specialist in the report.

16 5. Verbal or written information relating to the
17 evaluation and information contained in the analysis
18 is confidential communication, including information
19 transmitted between the administrator and a specialist

20 or staff of the administrator, information transmitted
 21 by a specialist discussing a controversy or case with
 22 parties under chapter 455B, or a dispute in a
 23 mediation proceeding under chapter 654B. The
 24 administrator, staff, or a specialist shall not be
 25 examined in any judicial or administrative or judicial
 26 proceeding regarding confidential communications, and
 27 is not subject to administrative or judicial process
 28 requiring the disclosure of confidential
 29 communications. An analysis shall not be admitted
 30 into evidence in an administrative or judicial
 31 proceeding.

32 6. This section does not require the department of
 33 natural resources or the attorney general to delay the
 34 prosecution of a controversy or case under chapter
 35 455B, or the referral of a case by the department to
 36 the attorney general under section 455B.109. This
 37 section also does not require a delay in mediation
 38 proceedings as provided in chapter 654B. The
 39 department or attorney general may consider an
 40 available analysis in making determinations regarding
 41 the controversy or case, including but not limited to
 42 the assessment or collection of a penalty, the
 43 prosecution of a case, or a settlement with the
 44 opposing party. The department or attorney general is
 45 not required to change the findings of its
 46 investigation or a penalty sought or assessed under
 47 chapter 455B because of the analysis. The parties to
 48 a dispute in mediation may also consider an available
 49 analysis to the extent agreed to by the parties.
 50 7. Iowa state university of science and technology

Page 4

1 is required to carry out this section only to the
 2 extent moneys are appropriated or contributed for the
 3 purposes of carrying out this section."

4 2. Page 1, line 22, by striking the words "or
 5 another animal".

6 3. Page 1, line 22, by striking the word
 7 "chapters" and inserting the following: "chapter".

8 4. Page 1, by striking line 23, and inserting the
 9 following: "717."

10 5. Page 1, line 30, by striking the words "or
 11 another animal".

12 6. Page 1, line 30, by striking the word
 13 "chapters" and inserting the following: "chapter".

14 7. Page 1, by striking line 31, and inserting the
 15 following: "717."

16 8. Page 1, by striking line 35, and inserting the

17 following: "by a county or city pursuant to section
18 717.2A,".

19 9. By striking page 5, line 1, through page 8,
20 line 9, and inserting the following:

21 "Sec. ____ . NEW SECTION. 717B.1 ANIMAL DEFINED.

22 As used in this chapter, "animal" means a nonhuman
23 vertebrate which does not include livestock as defined
24 in section 717.1A.

25 Sec. ____ . NEW SECTION. 717B.2 CRUELTY TO
26 ANIMALS.

27 A person who impounds or confines, in any place, an
28 animal and fails to supply the animal during
29 confinement with a sufficient quantity of food, and
30 water, or who fails to provide a dog or cat with
31 adequate shelter, or who tortures, torments, deprives
32 of necessary sustenance, mutilates, beats, or kills an
33 animal by any means which cause unjustified pain,
34 distress, or suffering, whether intentionally or
35 negligently, commits the offense of cruelty to
36 animals.

37 A person who commits the offense of cruelty to
38 animals is guilty of a simple misdemeanor. A person
39 who intentionally commits the offense of cruelty to
40 animals which results in serious injury to or the
41 death of an animal is guilty of a serious misdemeanor.

42 Sec. ____ . NEW SECTION. 717B.5 DISPOSITION OF
43 NEGLECTED AND ABUSED ANIMALS.

44 If a person is found guilty of a violation of this
45 chapter, the disposition of the neglected or abused
46 animal shall be determined by a court."

47 10. By striking page 8, line 18, through page 9,
48 line 7.

49 11. Page 9, by striking line 26, and inserting
50 the following:

Page 5

1 "Sec. ____ . REPEALS. Sections 169B.49, 717.4,".

2 12. Page 9, by inserting after line 27, the
3 following:

4 "Sec. ____ . TRANSFER OF SECTIONS RELATING TO
5 CRUELTY OR ABUSE TO ANIMALS. The Code editor shall
6 transfer sections 717.1, and 717.3, Code 1993, to
7 chapter 717B, as created in this Act, and shall
8 organize the sections of the chapter in such a manner
9 as to enhance their readability."

10 13. Title page, line 4, by inserting after the

- 11 word "repeal" the following: "and transfer".
 12 14. By renumbering as necessary.

COMMITTEE ON AGRICULTURE
 BERL E. PRIEBE, Chairperson

S-3471

1 Amend House File 331, as passed by the House, as
 2 follows:

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

5 "Section 1. Section 9B.1, subsection 8, Code 1993,
 6 is amended to read as follows:

7 8. A person who knowingly and willfully violates a
 8 provision of this section is subject to a civil
 9 penalty in an amount not to exceed ten thousand
 10 dollars. Moneys collected from the penalties imposed
 11 shall be deposited in the ~~waste volume reduction and~~
 12 ~~recycling hazardous substance remedial~~ fund
 13 established pursuant to section ~~455D.15~~ 455B.423."

14 2. Page 1, by inserting after line 13, the
 15 following:

16 "Sec. ____ . Section 455B.103A, subsection 4, Code
 17 1993, is amended to read as follows:

18 4. An applicant to be covered under a general
 19 permit shall pay a permit fee, as established by rule
 20 of the commission, which is sufficient in the
 21 aggregate to defray the costs of the permit program.
 22 Moneys collected shall be remitted to the ~~department~~
 23 treasurer of state and deposited in the water quality
 24 account of the environmental protection fund created
 25 pursuant to section 455B.104.

26 Sec. ____ . NEW SECTION. 455B.104 ENVIRONMENTAL
 27 PROTECTION FUND.

28 1. An environmental protection fund is created in
 29 the state treasury, under the control of the
 30 department. All moneys designated in subsection 2 and
 31 moneys collected from fees imposed under section
 32 455B.105, and other moneys designated for permit,
 33 monitoring, inspection, and enforcement activities
 34 related to air quality, water supply, water quality,
 35 and solid waste shall be remitted to the treasurer of
 36 state, credited to the fund, and used solely for the
 37 purposes established in this section. Notwithstanding
 38 section 8.33, any unexpended balance in the
 39 environmental protection fund at the end of the fiscal
 40 year shall be retained in the fund and the respective
 41 accounts within the fund. Notwithstanding section
 42 12C.7, subsection 2, interest or earnings on

43 investments or time deposits of the moneys in the
44 environmental protection fund shall be credited to the
45 fund or the respective accounts within the fund. All
46 moneys deposited in or credited to the fund shall be
47 used for the purposes established in section 455B.133
48 and for permit, monitoring, inspection, and
49 enforcement activities related to the management of
50 air quality, the water supply, water quality, and

Page 2

1 solid waste.
2 2. The following accounts are created within the
3 environmental protection fund.
4 a. The air quality account.
5 b. The water quality account.
6 c. The water supply account.
7 d. The solid waste account.
8 Moneys shall be credited to and deposited in the
9 air quality account as provided in section 455B.133B.
10 Moneys credited to the fund under section 455B.103A,
11 subsection 4, section 455B.172, subsection 5, section
12 455B.173, subsection 3 relating to disposal systems,
13 and section 455B.278, with the exception of water use
14 and allocation permit fees, shall be deposited in the
15 water quality account. Moneys credited to the fund
16 under section 455B.173, subsection 3, relating to
17 water supplies, and sections 455B.190A, 455B.221, and
18 455B.278 relating to water use and allocation shall be
19 deposited in the water supply account. Moneys shall
20 be credited and deposited in the solid waste account
21 as provided in section 455B.304, and section 455E.11,
22 subsection 2, paragraph "a". Moneys in the air
23 quality account shall be used for the purposes
24 established in section 455B.133, and for permit,
25 monitoring, inspection, and enforcement activities of
26 the air quality program. Moneys in each of the other
27 accounts shall be used for permit, monitoring,
28 inspection, and enforcement activities in each
29 respective program. Notwithstanding section 8.33, any
30 unexpended balances in the accounts within the
31 environmental protection fund at the end of each
32 fiscal year shall be retained in the respective
33 accounts within the fund. Notwithstanding section
34 12C.7, subsection 2, interest or earnings on
35 investments or time deposits of the moneys in any of
36 the accounts within the environmental protection fund
37 shall be credited to the respective accounts within
38 the fund. The purposes for which money in any of the
39 accounts may be used shall include payments of salary

40 and support for additional full-time equivalent
41 positions in the department.
42 3. The commission shall submit an environmental
43 protection fund report, annually, by December 31, to
44 the governor and the general assembly which shall
45 include all of the following:
46 a. A statement of the status of the fund.
47 b. A detailed description of the status and
48 accomplishment of programs funded through the fund.
49 c. Recommendations for the uses of the moneys in
50 the fund in the subsequent fiscal year.

Page 3

1 d. A summary of the status of rules regarding
2 permit fees including a summary of rules proposed,
3 rules proposed and not yet adopted, and rules adopted.
4 Sec. ____ . Section 455B.105, subsection 11, Code
5 1993, is amended to read as follows:
6 11. a. Adopt, by rule, procedures and forms
7 necessary to implement the provisions of this chapter
8 relating to permits, conditional permits, and general
9 permits. The commission ~~may~~ shall also adopt, by
10 rule, a schedule of fees for permit, ~~and~~ conditional
11 permit, and general permit applications and a schedule
12 of fees which may be periodically assessed for
13 administration of permits, ~~and~~ conditional permits,
14 and general permits. In determining the fee
15 schedules, the commission shall consider:
16 (1) The state's reasonable cost of reviewing
17 applications, issuing permits, ~~and~~ conditional
18 permits, and general permits, and checking compliance
19 with the terms of the permits.
20 (2) The relative benefits to the applicant and to
21 the public of permit, ~~and~~ conditional permit, and
22 general permit review, issuance, and monitoring
23 compliance.
24 ~~It is the intention of the legislature that permit~~
25 ~~fees shall not cover any costs connected with~~
26 ~~correcting violation of the terms of any permit and~~
27 ~~shall not impose unreasonable costs on any~~
28 ~~municipality.~~
29 (3) The typical costs of the particular types of
30 projects or activities for which permits, ~~or~~
31 conditional permits, or general permits are required;
32 provided that in no circumstances shall fees be in
33 excess of the actual costs to the department.
34 Permit fee revenues shall not exceed the costs of
35 administering the programs during the period covered
36 by the permit, including permit issuance, compliance

37 monitoring, and enforcement activities.

38 b. The fees collected by the department under this
39 subsection shall be remitted to the treasurer of state
40 and credited to the general fund of the state
41 environmental protection fund created pursuant to
42 section 455B.104.

43 Sec. ____ . Section 455B.109, subsection 4, Code
44 1993, is amended to read as follows:

45 4. All civil penalties assessed by the department
46 and interest on the penalties shall be deposited in
47 the general fund of the state hazardous substance
48 remedial fund created pursuant to section 455B.423."

49 3. Page 2, line 2, by striking the word "may" and
50 inserting the following: "may shall".

Page 4

1 4. Page 2, by striking line 16 and inserting the
2 following: "the air contaminant source quality
3 account of the environmental protection fund created
4 established pursuant to section".

5 5. Page 2, by inserting after line 33 the
6 following:

7 "Sec. ____ . Section 455B.133A, subsection 2, Code
8 1993, is amended to read as follows:

9 2. Moneys collected shall be deposited in the air
10 contaminant source quality account of the
11 environmental protection fund created established
12 pursuant to section 455B.133B. Notwithstanding
13 section 8.33, any unexpended balance remaining in the
14 fund, which was generated pursuant to this section,
15 shall remain in the fund for the purposes designated
16 under section 455B.133, subsection 8. Notwithstanding
17 section 12C.7, any interest and earnings on
18 investments from moneys in the fund account shall be
19 used for the purposes of the fund account.

20 Sec. ____ . Section 455B.133B, subsection 1, Code
21 1993, is amended to read as follows:

22 1. An air contaminant source quality account of
23 the environmental protection fund is created in
24 section 455B.104 is established in the office of the
25 treasurer of state under the control of the
26 department. Moneys received from the fees assessed
27 pursuant to sections 455B.133A and 455B.133,
28 subsection 8, shall be deposited in the fund account.
29 Moneys collected pursuant to section 455B.133,
30 subsection 8, shall be used solely to defray the costs
31 related to the permit, monitoring, and inspection
32 program, including the small business stationary
33 source technical and environmental compliance

34 assistance program required pursuant to the federal
35 Clean Air Act Amendments of 1990, sections 502 and
36 507, Pub. L. No. 101-549. Notwithstanding section
37 8.33, any unexpended balance in the fund account at
38 the end of each fiscal year shall be retained in the
39 fund account. Notwithstanding section ~~453.7~~ 12C.7,
40 any interest and earnings on investments from money in
41 the fund account shall be credited to the fund
42 account."

43 6. Page 3, by inserting after line 16 the
44 following:

45 "Sec. ____ . Section 455B.146, Code 1993, is amended
46 to read as follows:

47 455B.146 CIVIL ACTION FOR COMPLIANCE -- LOCAL
48 PROGRAM ACTIONS.

49 If any order, permit, or rule of the department is
50 being violated, the attorney general shall, at the

Page 5

1 request of the department or the director, institute a
2 civil action in any district court for injunctive
3 relief to prevent any further violation of the order,
4 permit, or rule, or for the assessment of a civil
5 penalty as determined by the court, not to exceed ten
6 thousand dollars per day for each day such violation
7 continues, or both such injunctive relief and civil
8 penalty. Moneys collected under this section shall be
9 deposited in the hazardous substance remedial fund
10 created pursuant to section 455B.423. Notwithstanding
11 sections 331.302 and 331.307, a city or county which
12 maintains air pollution control programs authorized by
13 certificate of acceptance under this division may
14 provide civil penalties consistent with the amount
15 established for such penalties under this division."

16 7. Page 5, by inserting after line 4 the
17 following:

18 "Sec. ____ . Section 455B.172, subsection 5,
19 unnumbered paragraph 2, Code 1993, is amended to read
20 as follows:

21 The department shall by rule adopt standards for
22 the commercial cleaning of private sewage disposal
23 facilities, including but not limited to septic tanks
24 and pits used to collect waste in livestock
25 confinement structures, and for the disposal of waste
26 from the facilities. The standards shall not be in
27 conflict with the state building code. A person shall
28 not commercially clean such facilities or dispose of
29 waste from such facilities unless the person has been
30 issued a license by the department. The department

31 shall be ~~is~~ exclusively responsible for adopting the
32 standards and issuing licenses. However, county
33 boards of health shall enforce the standards and
34 licensing requirements established by the department.
35 Application for the license shall be made in the
36 manner provided by the department. Licenses expire
37 one year from the date of issue unless revoked and may
38 be renewed in the manner provided by the department.
39 The license or license renewal fee is twenty-five
40 dollars and shall be remitted to the treasurer of
41 state, and credited to the water quality account
42 within the environmental protection fund created
43 pursuant to section 455B.104. A person violating this
44 section or the rules adopted pursuant to this section,
45 is subject to a civil penalty of not more than twenty-
46 five dollars. Each day that a violation continues
47 constitutes a separate offense. However, the total
48 civil penalty shall not exceed five hundred dollars
49 per year. The penalty shall be assessed for a
50 violation occurring ten days following written notice

Page 6

1 of the violation delivered to the person by the
2 department or a county board of health. Moneys
3 collected by the department or a county board of
4 health from the imposition of civil penalties shall be
5 deposited in the general fund of the state hazardous
6 substance remedial fund created in section 455B.423.
7 Sec. ____ . Section 455B.173, subsection 3,
8 unnumbered paragraph 1, Code 1993, is amended to read
9 as follows:

10 Establish, modify, or repeal rules relating to the
11 location, construction, operation, and maintenance of
12 disposal systems and public water supply systems and
13 specifying the conditions, including the viability of
14 a system pursuant to section 455B.174, under which the
15 director shall issue, revoke, suspend, modify, or deny
16 permits for the operation, installation, construction,
17 addition to, or modification of any disposal system or
18 public water supply system, or for the discharge of
19 any pollutant or for the disposal of water wastes
20 resulting from poultry and livestock operations.
21 Rules establishing permit fees shall be adopted by the
22 commission, pursuant to section 455B.105. Moneys
23 collected shall be remitted to the treasurer of the
24 state and credited to the environmental protection
25 fund created pursuant to section 455B.104. Moneys
26 collected relating to public water supplies shall be
27 credited to the water supply account within the fund.

28 and moneys collected relating to disposal facilities
 29 shall be credited to the water quality account within
 30 the fund. The rules specifying the conditions under
 31 which the director shall issue permits for the
 32 construction of an electric power generating facility
 33 subject to chapter 476A shall provide for issuing a
 34 conditional permit upon the submission of engineering
 35 descriptions, flow diagrams and schematics that
 36 qualitatively and quantitatively identify effluent
 37 streams and alternative disposal systems that will
 38 provide compliance with effluent standards or
 39 limitations.

40 Sec. ____ . Section 455B.191, Code 1993, is amended
 41 by adding the following new subsection:

42 NEW SUBSECTION. 7. All moneys collected under
 43 this section shall be deposited in the hazardous
 44 substance remedial fund created pursuant to section
 45 455B.423.

46 Sec. ____ . Section 455B.221, Code 1993, is amended
 47 to read as follows:

48 455B.221 CERTIFICATION AND EXAMINATION FEES.

49 The director commission may charge a fee for
 50 certificates issued under this part. The fee for the

Page 7

1 certificates and for renewal shall be based on the
 2 costs of administering and enforcing this part and
 3 paying the expenses of the department relating to
 4 certification. The department shall be reimbursed for
 5 all costs incurred. The director commission shall set
 6 a fee for the examination which shall be based upon
 7 the annual cost of administering the examinations.
 8 All fees collected shall be remitted to the treasurer
 9 of state; ~~who shall deposit the funds in the general~~
 10 ~~fund of the state. Funds shall be appropriated from~~
 11 ~~the general fund to the department and credited to the~~
 12 ~~water supply account of the environmental protection~~
 13 ~~fund created pursuant to section 455B.104.~~

14 Sec. ____ . Section 455B.224, Code 1993, is amended
 15 by adding the following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. All moneys collected
 17 under this section shall be deposited in the hazardous
 18 substance remedial fund created pursuant to section
 19 455B.423.

20 Sec. ____ . Section 455B.278, subsection 1, Code
 21 1993, is amended to read as follows:

22 1. The commission shall adopt, modify, or repeal
 23 rules establishing procedures by which permits
 24 required under this part shall be issued, suspended,

25 revoked, modified, or denied. The rules shall include
26 provisions for application, establishment of permit
27 fees, public notice and opportunity for public
28 hearing, and contested cases. Public notice of a
29 decision by the director to issue a permit shall be
30 given in a manner designed to inform persons who may
31 be adversely affected by the permitted project or
32 activity. All permit fees shall be remitted to the
33 treasurer of state and credited to the environmental
34 protection fund created pursuant to section 455B.104.
35 Moneys collected relating to water use and allocations
36 shall be deposited in the water supply account, and
37 all other moneys collected shall be deposited in the
38 water quality account.

39 Sec. ____ . Section 455B.279, subsection 2, Code
40 1993, is amended to read as follows:

41 2. A person who violates a provision of this part
42 or a rule or order adopted or promulgated or the
43 conditions of a permit issued pursuant to this part is
44 subject to a civil penalty not to exceed five hundred
45 dollars for each day that a violation occurs. Moneys
46 collected under this section shall be deposited in the
47 hazardous substance remedial fund created pursuant to
48 section 455B.423.

49 Sec. ____ . Section 455B.304, subsections 11 and 12,
50 Code 1993, are amended to read as follows:

Page 8

1 11. By July 1, 1990, a sanitary landfill disposal
2 project operating with a permit shall have a trained,
3 tested, and certified operator. A certification
4 program including establishment of fees shall be
5 devised or approved by rule of the department. All
6 moneys received under this subsection relating to the
7 certification program shall be remitted to the
8 treasurer of state and credited to the solid waste
9 account within the environmental protection fund
10 created pursuant to section 455B.104.

11 12. The commission shall adopt rules for the
12 certification of operators of solid waste incinerators
13 including establishment of fees. All moneys received
14 under this subsection shall be remitted to the
15 treasurer of state and credited to the solid waste
16 account within the environmental protection fund
17 created pursuant to section 455B.104. The criteria
18 for certification shall include, but is not limited
19 to, an operator's technical competency and operation
20 and maintenance of solid waste incinerators.

21 Sec. ____ . Section 455B.304, Code 1993, is amended

22 by adding the following new subsection:

23 **NEW SUBSECTION.** 18. The commission shall adopt
24 rules establishing permit fees for the construction
25 and operation of sanitary disposal projects. Moneys
26 collected shall be remitted to the treasurer of state
27 and credited to the solid waste account within the
28 environmental protection fund created pursuant to
29 section 455B.104.

30 Sec. ____ . Section 455B.307, subsection 3, Code
31 1993, is amended to read as follows:

32 3. Any person who violates any provision of part 1
33 of this division or any rule or any order adopted or
34 the conditions of any permit or order issued pursuant
35 to part 1 of this division shall be subject to a civil
36 penalty, not to exceed five thousand dollars for each
37 day of such violation. Moneys collected under this
38 section shall be deposited in the hazardous substance
39 remedial fund created pursuant to section 455B.423.

40 Sec. ____ . Section 455B.307A, subsection 3, Code
41 1993, is amended to read as follows:

42 3. A person who violates this section is subject
43 to a civil penalty not to exceed five hundred dollars
44 for each violation. Moneys collected under this
45 section shall be deposited in the hazardous substance
46 remedial fund created pursuant to section 455B.423.

47 Sec. ____ . Section 455B.316, Code 1993, is amended
48 to read as follows:

49 455B.316 PENALTY.

50 A person who knowingly makes a false statement or

Page 9

1 representation in a plan filed pursuant to section
2 455B.306 is guilty of a serious misdemeanor. Moneys
3 collected under this section shall be deposited in the
4 hazardous substance remedial fund created pursuant to
5 section 455B.423.

6 Sec. ____ . Section 455B.340, Code 1993, is amended
7 to read as follows:

8 455B.340 PENALTY.

9 **Any** A person who violates any provisions of this
10 part 2 of division IV or rules adopted under ~~said this~~
11 part 2, or any order of the department or director
12 issued pursuant to ~~said this~~ part 2, ~~shall be is~~
13 guilty of a serious misdemeanor and, in addition, the
14 person may be enjoined from continuing such violation.
15 Each day of continued violation after notice that a
16 violation is being committed shall constitute a
17 separate violation. Moneys collected under this
18 section shall be deposited in the hazardous substance

19 remedial fund created pursuant to section 455B.423.

20 Sec. ____ . Section 455B.364, Code 1993, is amended
21 to read as follows:

22 455B.364 PENALTY.

23 ~~Any~~ A person violating the provisions of section
24 455B.363, upon conviction, ~~shall be is~~ guilty of a
25 simple misdemeanor. ~~Moneys~~ collected under this
26 section shall be deposited in the hazardous substance
27 remedial fund created pursuant to section 455B.423.
28 The court, in lieu of or in addition to any other
29 sentence imposed, may direct and supervise a labor of
30 litter gathering.

31 Sec. ____ . Section 455B.386, Code 1993, is amended
32 to read as follows:

33 455B.386 NOTIFICATION OF SPILLS -- PENALTY.

34 A person manufacturing, storing, handling,
35 transporting, or disposing of a hazardous substance
36 shall notify the department and the local police
37 department or the office of the sheriff of the
38 affected county of the occurrence of a hazardous
39 condition as soon as possible but not later than six
40 hours after the onset of the hazardous condition or
41 discovery of the hazardous condition. A sheriff or
42 police chief who has been notified of a hazardous
43 condition shall immediately notify the department.
44 The department, upon receiving notice of a hazardous
45 condition, shall immediately notify the operator of
46 any public water supply system or private water supply
47 system which may be affected by the hazardous
48 condition. If requested, a person shall submit within
49 thirty days of the department's request a written
50 report of particulars of the incident. A person

Page 10

1 violating this section is subject to a civil penalty
2 of not more than one thousand dollars. All moneys
3 collected under this section shall be deposited in the
4 hazardous substance remedial fund created pursuant to
5 section 455B.423.

6 Sec. ____ . Section 455B.417, subsection 3, Code
7 1993, is amended to read as follows:

8 3. A person who violates a provision of this part
9 or a rule, permit, or order adopted or issued under
10 this part is subject to a civil penalty not to exceed
11 ten thousand dollars for each violation. Each day of
12 violation constitutes a separate violation. All
13 moneys collected under this section shall be deposited
14 in the hazardous substance remedial fund created
15 pursuant to section 455B.423.

16 Sec. ____ . Section 455B.423, subsection 2, Code
17 1993, is amended to read as follows:

18 2. The director may use the fund for any of the
19 following purposes:

20 a. Administrative services for the identification,
21 assessment and cleanup of hazardous waste or hazardous
22 substance disposal sites.

23 b. Payments to other state agencies for services
24 consistent with the management of hazardous waste or
25 hazardous substance disposal sites.

26 c. Emergency response activities as provided in
27 part 4 of this division.

28 d. Financing the nonfederal share of the cost of
29 cleanup and site rehabilitation activities as well as
30 postclosure operation and maintenance costs, pursuant
31 to the federal Comprehensive Environmental Response,
32 Compensation and Liability Act of 1980.

33 e. Financing the cost of cleanup and site
34 rehabilitation activities as well as postclosure
35 operation and maintenance costs of hazardous waste or
36 hazardous substance disposal sites that do not qualify
37 for federal cost-sharing pursuant to the federal
38 Comprehensive Environmental Response, Compensation and
39 Liability Act of 1980.

40 f. Through agreements or contracts with other
41 state agencies, work with private industry to develop
42 alternatives to land disposal of hazardous waste or
43 hazardous substances including, but not limited to,
44 resource recovery, recycling, neutralization, and
45 reduction.

46 g. For the administration of the waste tire
47 collection or processing site permit program.

48 However, at least seventy-five percent of the fund
49 shall be used for the purposes stated in paragraphs
50 "d" and "e".

Page 11

1 h. Administration of the waste reduction
2 assistance program or other activities related to
3 assisting Iowa businesses and industry to reduce,
4 recycle, or otherwise reclaim waste materials
5 generated or processed.

6 At least fifty percent of the fund shall be used
7 for the purposes stated in paragraphs "d" and "e".
8 Twenty percent, up to a maximum of seventy-five
9 thousand dollars, shall be used for the purposes
10 stated in paragraph "h". The remainder shall be used
11 for the purposes stated in paragraphs "a", "b", "c",
12 "f", and "g".

13 Sec. ____ . Section 455B.454, Code 1993, is amended
14 to read as follows:

15 455B.454 PENALTIES.

16 A person required to obtain a site license under
17 this part 6 of division IV who constructs a facility
18 without having first obtained the license is subject
19 to a civil penalty of not more than ten thousand
20 dollars for each violation or for each day of
21 continuing violation. Civil penalties collected
22 pursuant to this subsection shall be forwarded by the
23 clerk of court to the treasurer of state for deposit
24 in the general fund of the state hazardous substance
25 remedial fund created pursuant to section 455B.423.

26 Sec. ____ . Section 455B.466, Code 1993, is amended
27 to read as follows:

28 455B.466 CIVIL PENALTIES.

29 A person who violates a provision of this part is
30 subject to a civil penalty of not more than ten
31 thousand dollars for each violation and for each day
32 of continuing violation. Civil penalties collected
33 pursuant to this section shall be forwarded by the
34 clerk of the district court to the treasurer of state
35 for deposit in the general fund of the state hazardous
36 substance remedial fund created pursuant to section
37 455B.423.

38 Sec. ____ . Section 455B.477, subsection 7, Code
39 1993, is amended to read as follows:

40 7. The civil penalties or other damages or moneys
41 recovered by the state or the petroleum underground
42 storage tank fund in connection with a petroleum
43 underground storage tank under this part of this
44 division or chapter 455G shall be credited to the fund
45 created in section 455G.3 and allocated between fund
46 accounts according to the fund budget. Any federal
47 moneys, including but not limited to federal
48 underground storage tank trust fund moneys, received
49 by the state or the department of natural resources in
50 connection with a release occurring on or after May 5,

Page 12

1 1989, or received generally for underground storage
2 tank programs on or after May 5, 1989, shall be
3 credited to the fund created in section 455G.3 and
4 allocated between fund accounts according to the fund
5 budget, unless such use would be contrary to federal
6 law. The department shall cooperate with the board of
7 the Iowa comprehensive petroleum underground storage
8 tank fund to maximize the state's eligibility for and
9 receipt of federal funds for underground storage tank

10 related purposes.

11 Sec. ____ . Section 455B.477, Code 1993, is amended
12 by adding the following new subsection:
13 NEW SUBSECTION. 8. Penalties collected under this
14 section shall be deposited in the hazardous substance
15 remedial fund created pursuant to section 455B.423.

16 Sec. ____ . Section 455E.11, subsection 2, paragraph
17 a, unnumbered paragraph 1, Code 1993, is amended to
18 read as follows:

19 A solid waste account. Moneys received from the
20 tonnage fee imposed under section 455B.310 and from
21 other sources designated for environmental protection
22 purposes in relation to sanitary disposal projects,
23 except for moneys allocated to the department under
24 subsection 2, paragraph "a", subparagraph (8),
25 subparagraph subdivision (b), subparagraph subdivision
26 parts (ii) and (iii) and subsection 2, paragraph "a",
27 subparagraph (11), subparagraph subdivision (a),
28 subparagraph subdivision part (ii) shall be deposited
29 in the solid waste account. Moneys allocated to the
30 department under subsection 2, paragraph "a",
31 subparagraph (8), subparagraph subdivision (b),
32 subparagraph subdivision parts (ii) and (iii) and
33 subsection 2, paragraph "a", subparagraph (11),
34 subparagraph subdivision (a), subparagraph subdivision
35 part (ii) shall be deposited in the solid waste
36 account of the environmental protection fund created
37 pursuant to section 455B.104.

38 Sec. ____ . Section 455E.11, subsection 2, paragraph
39 c, unnumbered paragraph 1, Code 1993, is amended to
40 read as follows:

41 A household hazardous waste account. The moneys
42 collected pursuant to section 455F.7 ~~and moneys~~
43 ~~collected pursuant to section 29C.8A~~ which are
44 designated for deposit, shall be deposited in the
45 household hazardous waste account. Two thousand
46 dollars is appropriated annually to the Iowa
47 department of public health to carry out departmental
48 duties under section 135.11, subsections 20 and 21,
49 and section 139.35. The remainder of the account
50 shall be used to fund Toxic Cleanup Days and the

Page 13

1 efforts of the department to support a collection
2 system for household hazardous materials, including
3 public education programs, training, and consultation
4 of local governments in the establishment and
5 operation of permanent collection systems, and the
6 management of collection sites, education programs,

- 7 and other activities pursuant to chapter 455F,
8 including the administration of the household
9 hazardous materials permit program by the department
10 of revenue and finance.
11 Sec. ____ . NEW SECTION. 716B.6 DEPOSIT OF MONEYS
12 COLLECTED.
13 Moneys collected under sections 716B.2, 716B.3, and
14 716B.4 shall be forwarded to the treasurer of state
15 for deposit in the hazardous substance remedial fund
16 created pursuant to section 455B.423.
17 Sec. ____ . Section 29C.8A, Code 1993, is repealed.”
18 8. Title page, line 1, by inserting after the
19 word “Act” the following: “relating to environmental
20 protection by establishing an environmental protection
21 fund and”.
22 9. By renumbering as necessary.

COMMITTEE ON ENVIRONMENT AND
ENERGY UTILITIES
RALPH ROSENBERG, Chairperson

S-3472

- 1 Amend the amendment, S-3425, to House File 518, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, by striking line 50, and inserting the
5 following: “1993, is amended to read as follows:
6 8. This subsection applies only to placements in a
7 juvenile shelter care home which is publicly owned,
8 operated as a county or multicounty shelter care home,
9 organized under a chapter 28E agreement, or operated
10 by a private juvenile shelter care home. If the
11 allowable costs of a child’s shelter care placement
12 exceeds the amount the department is authorized to pay
13 in accordance with law and administrative rule, the
14 unpaid costs may be recovered from the child’s county
15 of legal settlement. The unpaid costs are payable
16 pursuant to filing of verified claims against the
17 county of legal settlement. A detailed statement of
18 the facts upon which a claim is based shall accompany
19 the claim. Any dispute between counties arising from
20 filings of claims pursuant to this subsection shall be
21 settled in the manner provided to determine legal
22 settlement in section 230.12. A juvenile shelter care
23 home may refuse to accept the placement of a child in
24 the home if the child’s county of legal settlement

25 does not agree to pay the unpaid costs in accordance
26 with the provisions of this subsection."

WILLIAM W. DIELEMAN

S-3473

- 1 Amend House File 542 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 3, line 35 through page 4,
- 4 line 9.
- 5 2. By renumbering as necessary.

JIM LIND

S-3474

- 1 Amend House File 495, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 1 through page 2, line
- 4 18.

MICHAEL E. GRONSTAL

S-3475

- 1 Amend Senate File 407 as follows:
- 2 1. Page 3, line 26, by striking the figure "
- 3 5,".
- 4 2. Page 4, by striking lines 20 through 31.
- 5 3. Page 5, line 3, by striking the words and
- 6 figure "unnumbered paragraph 1, and".
- 7 4. Page 5, by striking lines 6 through 12.
- 8 5. Page 6, by striking lines 13 through 20 and
- 9 inserting the following: "urban renewal project."
- 10 6. By renumbering as necessary.

JIM RIORDAN

S-3476

- 1 Amend House File 636 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 15, by inserting after the word
- 4 "property" the following: "pursuant to any method
- 5 referenced in this paragraph or".

MICHAEL E. GRONSTAL

S-3477

1 Amend House File 516, as amended, passed, and re-
2 printed by the House, as follows:

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

5 "Section 1. NEW SECTION. 135.12 HEALTH CARE
6 PROVIDER RECORDS -- FEES.

7 A health care provider shall not charge more than
8 an initial ten dollars and an additional twenty-five
9 cents per page for certified duplicate health care
10 records requested by an attorney for possible
11 admission as evidence at a legal proceeding. In
12 addition, the health care provider may charge a fee
13 for the actual costs of the delivery of the records if
14 the requesting attorney has approved the means of
15 delivery prior to delivery. As used in this section,
16 "health care provider" means a person licensed to
17 practice a profession pursuant to chapter 147, a
18 hospital licensed pursuant to chapter 135B, or a
19 health care facility licensed pursuant to chapter
20 135C."

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

23 "Sec. ____ . Section 602.8102, Code 1993, is amended
24 by adding the following new subsection:

25 NEW SUBSECTION. 164A. Accept and file facsimile
26 copies of orders signed by a district judge, district
27 associate judge, or magistrate and the motion, if any,
28 requesting the order."

29 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-3478

1 Amend House File 263, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. ____ . NEW SECTION. 690.5 ADMINISTRATIVE
6 SANCTIONS.

7 An agency subject to fingerprinting and disposition
8 requirements under this chapter shall take all steps
9 necessary to ensure that all agency officials and
10 employees understand the requirements and shall
11 provide for and impose administrative sanctions, as
12 appropriate, for failure to report as required.

13 If a criminal justice agency subject to

14 fingerprinting and disposition requirements fails to
 15 comply with the requirements, the commissioner of
 16 public safety shall order that the agency's access to
 17 criminal history record information maintained by the
 18 repository be denied or restricted until the agency
 19 complies with the reporting requirements.

20 The state court administrator shall develop a
 21 policy to ensure that court personnel understand and
 22 comply with the fingerprinting and disposition
 23 requirements and shall also develop sanctions for
 24 court personnel who fail to comply with the
 25 requirements."

26 2. Page 4, lines 32 and 33, by striking the words
 27 "furnish a disposition report of ~~such the~~ case" and
 28 inserting the following: "~~furnish a disposition~~
 29 ~~report of such case~~ submit the final disposition
 30 report to the department within thirty days of an
 31 acquittal, dismissal of charges, or conviction".

32 3. Page 5, by inserting after line 4 the
 33 following:

34 "Sec. ____ . Section 692.16, Code 1993, is amended
 35 by striking the section and inserting in lieu thereof
 36 the following:

37 692.16 REVIEW AND REMOVAL.

38 All arrest reports with no disposition data shall
 39 be reviewed every six months. An Iowa arrest report
 40 shall be removed from the department's records or data
 41 storage system and destroyed if the disposition was an
 42 acquittal or dismissal of charges or if no charges
 43 were filed. An Iowa arrest recorded within a computer
 44 data storage system which has no disposition data
 45 after five years shall be removed unless there is an
 46 outstanding arrest warrant or detainer on such
 47 charge."

48 4. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 AL STURGEON, Chairperson

S-3479

1 Amend House File 83, 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 708.6, Code 1993, is amended
 6 to read as follows:

7 708.6 TERRORISM.

8 A person commits a class "D" "C" felony when the
 9 person, with the intent to injure or provoke fear or

10 anger in another, shoots, throws, launches, or
 11 discharges a dangerous weapon at, into, or in a
 12 building, vehicle, airplane, railroad engine, railroad
 13 car, or boat, occupied by another person, or within an
 14 assembly of people, and thereby places the occupants
 15 or people in reasonable apprehension of serious injury
 16 or threatens to commit such an act under circumstances
 17 raising a reasonable expectation that the threat will
 18 be carried out.

19 A person commits a class "D" felony when the person
 20 shoots, throws, launches, or discharges a dangerous
 21 weapon at, into, or in a building, vehicle, airplane,
 22 railroad engine, railroad car, or boat, occupied by
 23 another person, or within an assembly of people, and
 24 thereby places the occupants or people in reasonable
 25 apprehension of serious injury or threatens to commit
 26 such an act under circumstances raising a reasonable
 27 expectation that the threat will be carried out."

28 2. Title page, by striking lines 1 through 4 and
 29 inserting the following: "An Act relating to the
 30 offense of terrorism and providing penalties."

COMMITTEE ON JUDICIARY
 AL STURGEON, Chairperson

S-3480

1 Amend House File 451, as amended, passed, and re-
 2 printed by the House, as follows:

3 1. Page 1, line 11, by striking the words
 4 "serious injury," and inserting the following:
 5 "gunshot or stab wound or other serious bodily
 6 injury."

7 2. Page 1, line 15, by striking the words
 8 "serious injury" and inserting the following:
 9 "gunshot or stab wound or other serious bodily
 10 injury."

11 3. Page 1, line 21, by striking the words
 12 "serious injury" and inserting the following:
 13 "gunshot or stab wound or other serious bodily
 14 injury."

15 4. Page 1, line 23, by striking the word
 16 "serious" and inserting the following: "gunshot or
 17 stab wound or other serious bodily".

18 5. Page 2, line 2, by striking the word "serious"
 19 and inserting the following: "gunshot or stab wound
 20 or other serious bodily".

21 6. Page 2, line 3, by striking the word "serious"

22 and inserting the following: "gunshot or stab wound
23 or other serious bodily".

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-3481

1 Amend House File 151, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 15, by striking the word "The"
4 and inserting the following: "Following the release,
5 of the inmate, the".
6 2. Page 1, line 25, by inserting after the word
7 "release." the following: "The board at least
8 annually shall review the status of a person other
9 than a class "A" felon, a class "B" felon serving a
10 sentence of more than twenty-five years, or a felon
11 serving a mandatory minimum sentence other than a
12 class "A" felon, and provide the person with notice of
13 the board's parole or work release decision."
14 3. Page 1, by striking lines 28 through 34, and
15 inserting the following:
16 "2. Within six months after the commitment of a
17 person convicted of an offense under chapter 714,
18 715A, 716, or 716A, a member of the board shall
19 interview the person as provided in subsection 1. The
20 board shall develop a plan for the purpose".
21 4. Page 2, by striking lines 2 through 4, and
22 inserting the following: "detriment to the community
23 or to the person."

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-3482

1 Amend House File 169, as passed by the House, as
2 follows:
3 1. Page 1, line 3, by striking the word "Execute"
4 and inserting the following: "Have authority to
5 execute".

EUGENE FRAISE

S-3483

1 Amend House File 652, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by inserting after line 9, the

4 following:

5 "Sec. ____ . Section 49.53, unnumbered paragraph 1,
6 Code 1993, is amended to read as follows:

7 The commissioner shall not less than four nor more
8 than twenty days before the day of each election,
9 except those for which different publication
10 requirements are prescribed by law, publish notice of
11 the election. The notice shall contain a facsimile of
12 the portion of the ballot containing the first
13 rotation as prescribed by section 49.31, subsection 2,
14 and shall show the names of all candidates or nominees
15 and the office each seeks, and all public questions,
16 to be voted upon at the election. The sample ballot
17 published as a part of the notice may at the
18 discretion of the commissioner be reduced in size
19 relative to the actual ballot but such reduction shall
20 not cause upper case letters appearing on the
21 published sample ballot to be less than five thirty-
22 sixths of an inch high in candidates' names or in
23 summaries of public measures. The notice shall also
24 state the date of the election, the hours the polls
25 will be open, the location of each polling place at
26 which voting is to occur in the election, the location
27 of the polling places designated as early ballot pick-
28 up sites, and the names of the precincts voting at
29 each polling place, but the statement need not set
30 forth any fact which is apparent from the portion of
31 the ballot appearing as a part of the same notice.
32 The notice shall include the full text of all public
33 measures to be voted upon at the election."

34 2. Page 11, by inserting after line 33, the
35 following:

36 "Sec. ____ . **NEW SECTION. 52.40 EARLY PICK-UP**
37 **SITES ESTABLISHED -- PROCEDURE.**

38 1. In counties where counting centers have been
39 established under section 52.34, the commissioner may,
40 for general elections only, designate certain polling
41 places as early ballot pick-up sites. At these sites,
42 between the hours of one p.m. and four p.m. on the day
43 of the election, early pick-up officers shall receive
44 the sealed ballot container containing the ballots
45 which have been voted throughout the day along with a
46 signed statement of the precinct attesting to the
47 number of declarations of eligibility signed up to
48 that time, excluding those declarations signed by
49 voters who have not yet placed their ballots in the
50 ballot container. The officers shall replace the

Page 2

1 ballot container containing the voted ballots with an
2 empty ballot container, to be sealed in the presence
3 of a precinct election official.

4 2. Two early pick-up officers shall be appointed
5 for each polling place designated as an early pick-up
6 site, one from each of the political parties referred
7 to in section 49.13, who shall be appointed by the
8 commissioner from the election board panel drawn up as
9 provided by section 49.15. The early pick-up officers
10 shall be sworn in the manner provided by section 49.75
11 for election board members, and shall receive
12 compensation as provided in section 49.20.

13 3. The early pick-up officers shall travel
14 together in the same vehicle and shall have the
15 container under their immediate joint control until
16 they surrender it to the commissioner or the
17 commissioner's designee. If either or both of the
18 early pick-up officers fail to appear at the time the
19 duties set forth in this section are to be performed,
20 the commissioner shall at once appoint some other
21 person, giving preference to persons designated by the
22 respective county chairpersons of the political
23 parties described in section 49.13, to carry out the
24 requirements of this section.

25 4. The tabulation of ballots received from early
26 pick-up sites shall be conducted at the counting
27 center during the hours the polls are open, in the
28 manner provided in sections 52.36 and 52.37, except
29 that the room in which the ballots are being counted
30 shall not be open to the public during the hours in
31 which the polls are open and the room shall be policed
32 so as to prevent any person other than those whose
33 presence is authorized by this section and sections
34 52.36 and 52.37 from obtaining information about the
35 progress of the count. The only persons who may be
36 admitted to that room, as long as admission does not
37 impede the progress of the count, are the members of
38 the board, one challenger representing each political
39 party, one observer representing any nonparty
40 political organization or any candidate nominated by
41 petition pursuant to chapter 45, and the commissioner
42 or the commissioner's designee. It shall be unlawful
43 for any of these persons to communicate or attempt to
44 communicate, directly or indirectly, information
45 regarding the progress of the count at any time before

46 the polls are closed."
47 3. By renumbering as necessary.

ALBERT SORENSEN
EUGENE FRAISE

S-3484

1 Amend House File 584, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking line 28 and inserting the
4 following: "chapter shall be eligible to apply for or
5 continue to receive funding provided through".

JEAN LLOYD-JONES

S-3485

1 Amend House File 623, 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 "DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
6 Section 1. GENERAL APPROPRIATION. There is
7 appropriated from the general fund of the state to the
8 department of agriculture and land stewardship for the
9 fiscal year beginning July 1, 1993, and ending June
10 30, 1994, the following amounts, or so much thereof as
11 is necessary, to be used for the purposes designated:
12 1. ADMINISTRATIVE DIVISION
13 a. For salaries, support, maintenance, the support
14 of the state 4-H foundation, support of the statistics
15 bureau, and miscellaneous purposes:
16 \$ 1,017,045
17 Of the funds appropriated in this paragraph "a",
18 \$35,000 shall be allocated to the state 4-H foundation
19 to foster the development of Iowa's youth and to
20 encourage them to study the subject of agriculture.
21 Of the funds appropriated in this paragraph "a",
22 \$112,000 and 3.00 FTEs shall be allocated to the
23 statistics bureau to provide county-by-county
24 information on land in farms, production by crop,
25 acres by crop, and county prices by crop. This
26 information shall be made available to the department
27 of revenue and finance for use in the productivity
28 formula for valuing and equalizing the values of
29 agricultural land.
30 b. For the operations of the dairy trade practices
31 bureau:
32 \$ 70,565

33	c. For the operations of the agricultural		
34	marketing bureau:		
35	.....	\$	817,276
36	Of the funds appropriated in this paragraph "c",		
37	\$325,000 and 7.00 FTEs shall be used to support		
38	horticulture.		
39	d. For the purpose of performing commercial feed		
40	audits:		
41	.....	\$	59,474
42	e. For the purpose of performing fertilizer		
43	audits:		
44	.....	\$	59,474
45	f. Funds appropriated by this subsection are for		
46	the salaries and support of not more than the		
47	following full-time equivalent positions:		
48	.....	FTEs	50.20
49	2. REGULATORY DIVISION		
50	a. For salaries, support, maintenance,		

Page 2

1	miscellaneous purposes, and for not more than the		
2	following full-time equivalent positions:		
3	.....	\$	3,649,904
4	.....	FTEs	128.90
5	b. To cover the costs of inspection, sampling,		
6	analysis, and other expenses necessary for the		
7	administration of chapters 192, 194, and 195:		
8	.....	\$	636,682
9	3. LABORATORY DIVISION		
10	a. For salaries, support, maintenance, and		
11	miscellaneous purposes, including the administration		
12	of the gypsy moth program:		
13	.....	\$	782,329
14	Of the amount appropriated under this paragraph		
15	"a", \$110,000 shall be used to administer a program		
16	relating to the detection, surveillance, and		
17	eradication of the gypsy moth. The department shall		
18	allocate and use the appropriation made under this		
19	paragraph before moneys other than those appropriated		
20	under this paragraph are used to support the program.		
21	b. For the operations of the commercial feed		
22	programs:		
23	.....	\$	726,740
24	c. For the operations of the pesticide programs:		
25	.....	\$	1,186,603
26	d. For the operations of the fertilizer programs:		
27	.....	\$	624,317
28	e. Funds appropriated by this subsection are for		
29	the salaries and support of not more than the		

30 following full-time equivalent positions:

31 FTEs 78.00

32 4. SOIL CONSERVATION DIVISION

33 a. For salaries, support, maintenance, assistance

34 to soil conservation districts, miscellaneous

35 purposes, and for not more than the following full-

36 time equivalent positions:

37 \$ 5,138,029

38 FTEs 170.52

39 Of the funds appropriated in this paragraph "a",

40 \$330,000 shall be used to reimburse commissioners of

41 soil and water conservation districts for

42 administrative expenses. Moneys used for the payment

43 of meeting dues by counties shall be matched on a

44 dollar-for-dollar basis by the soil conservation

45 division.

46 b. To provide financial incentives for soil

47 conservation practices under chapter 161A:

48 \$ 5,950,000

49 c. The following requirements apply to the moneys

50 appropriated in paragraph "b":

Page 3

1 (1) Not more than 5 percent of the moneys
2 appropriated in paragraph "b" may be allocated for
3 cost sharing to abate complaints filed under section
4 161A.47.

5 (2) Of the moneys appropriated in paragraph "b", 5
6 percent shall be allocated for financial incentives to
7 establish practices to protect watersheds above
8 publicly owned lakes of the state from soil erosion
9 and sediment as provided in section 161A.73.

10 (3) Not more than 30 percent of a district's
11 allocation of moneys as financial incentives may be
12 provided for the purpose of establishing management
13 practices to control soil erosion on land that is row
14 cropped, including but not limited to no-till
15 planting, ridge-till planting, contouring, and contour
16 strip-cropping as provided in section 161A.73.

17 (4) The state soil conservation committee created
18 in section 161A.4 may allocate moneys to conduct
19 research and demonstration projects to promote
20 conservation tillage and nonpoint source pollution
21 control practices.

22 (5) The financial incentive payments may be used
23 in combination with department of natural resources
24 moneys.

25 d. The provisions of section 8.33 shall not apply
26 to the moneys appropriated in paragraph "b".

27 Unencumbered or unobligated moneys remaining on June
28 30, 1997, from moneys appropriated in paragraph "b"
29 for the fiscal year beginning July 1, 1993, shall
30 revert to the general fund on August 31, 1997.

31 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is
32 appropriated from the general fund of the state to the
33 department of agriculture and land stewardship for the
34 fiscal year beginning July 1, 1993, and ending June
35 30, 1994, the following amount, or so much thereof as
36 is necessary, to be used for the purposes designated:
37 For salaries, support, maintenance, and
38 miscellaneous purposes, to be used by the department
39 to continue and expand the farmers' market coupon
40 program by providing federal special supplemental food
41 program recipients with coupons redeemable at farmers'
42 markets, and for not more than the following full-time
43 equivalent positions:

44 \$ 186,751
45 FTEs 1.00

46 Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

47 1. There is appropriated from the general fund of
48 the state to the department of agriculture and land
49 stewardship for the fiscal year beginning July 1,
50 1993, and ending June 30, 1994, the following amount,

Page 4

1 or so much thereof as is necessary, to be used for the
2 purpose designated:

3 For support of the pseudorabies eradication
4 program:

5 \$ 900,000

6 2. Persons, including organizations interested in
7 swine production in this state and in the promotion of
8 Iowa pork products who contribute support to the
9 program, are encouraged to increase financial support
10 for purposes of ensuring the program's effective
11 continuation.

12 Sec. 4. HORSE AND DOG BREEDING. There is
13 appropriated from the funds available under section
14 99D.13 to the regulatory division of the department of
15 agriculture and land stewardship for the fiscal year
16 beginning July 1, 1993, and ending June 30, 1994, the
17 following amount, or so much thereof as is necessary,
18 to be used for the purpose designated:

19 For salaries, support, maintenance, and
20 miscellaneous purposes for the administration of
21 section 99D.22:

22 \$ 182,560

23 INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING

24 Sec. 5. APPROPRIATION. There is appropriated from
 25 the general fund of the state to the interstate
 26 agricultural grain marketing commission for the fiscal
 27 year beginning July 1, 1993, and ending June 30, 1994,
 28 the following amount, or so much thereof as is
 29 necessary, to be used for the purpose designated:
 30 For carrying out duties of the commission as
 31 provided in Article IV of the interstate compact on
 32 agricultural grain marketing as provided in chapter
 33 183:

34 \$ 75,000

35 DEPARTMENT OF NATURAL RESOURCES

36 Sec. 6. GENERAL APPROPRIATION. There is
 37 appropriated from the general fund of the state to the
 38 department of natural resources for the fiscal year
 39 beginning July 1, 1993, and ending June 30, 1994, the
 40 following amounts, or so much thereof as is necessary,
 41 to be used for the purposes designated:

42 1. ADMINISTRATIVE AND SUPPORT SERVICES

43 For salaries, support, maintenance, miscellaneous
 44 purposes, and for not more than the following full-
 45 time equivalent positions:

46 \$ 1,705,345
 47 FTEs 116.70

48 2. PARKS AND PRESERVES DIVISION

49 For salaries, support, maintenance, miscellaneous
 50 purposes, and for not more than the following full-

Page 5

1 time equivalent positions:

2 \$ 5,387,474
 3 FTEs 204.83

4 The department shall transfer all managerial
 5 responsibilities relating to property known as Plum
 6 Grove in Iowa City to the department of cultural
 7 affairs.

8 3. FORESTS AND FORESTRY DIVISION

9 For salaries, support, maintenance, miscellaneous
 10 purposes, and for not more than the following full-
 11 time equivalent positions:

12 \$ 1,416,046
 13 FTEs 48.71

14 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

15 For salaries, support, maintenance, miscellaneous
 16 purposes, and for not more than the following full-
 17 time equivalent positions:

18 \$ 1,642,474
 19 FTEs 53.00

20 5. ENVIRONMENTAL PROTECTION DIVISION

21 For salaries, support, maintenance, miscellaneous
22 purposes, and for not more than the following full-
23 time equivalent positions:

24 \$ 2,064,046
25 FTEs 169.00

26 6. FISH AND WILDLIFE DIVISION

27 For not more than the following full-time
28 equivalent positions:

29 FTEs 338.78

30 7. WASTE MANAGEMENT ASSISTANCE DIVISION

31 For not more than the following full-time
32 equivalent positions:

33 FTEs 18.75

34 Sec. 7. STATE FISH AND GAME PROTECTION FUND -
35 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

36 1. There is appropriated from the state fish and
37 game protection fund to the division of fish and
38 wildlife of the department of natural resources for
39 the fiscal year beginning July 1, 1993, and ending
40 June 30, 1994, the following amount, or so much
41 thereof as is necessary, to be used for the purposes
42 designated:

43 For administrative support, and for salaries,
44 support, maintenance, equipment, and miscellaneous
45 purposes:
46 \$19,933,807

47 2. The department shall not expend more moneys
48 from the fish and game protection fund than provided
49 in this section, unless the expenditure derives from
50 contributions made by a private entity, or a grant or

Page 6

1 moneys received from the federal government, and is
2 approved by the natural resource commission. The
3 department of natural resources shall promptly notify
4 the legislative fiscal bureau of the commission's
5 approval, and the chairpersons and ranking members of
6 the joint appropriations subcommittee on agriculture
7 and natural resources concerning the commission's
8 approval.

9 Sec. 8. MARINE FUEL TAX RECEIPTS -- CAPITALS;
10 NONCAPITALS; AND BOATING FACILITIES AND ACCESS. There
11 is appropriated from the marine fuel tax receipts
12 deposited in the general fund of the state to the
13 department of natural resources for the fiscal year
14 beginning July 1, 1993, and ending June 30, 1994, the
15 following amounts, or so much thereof as is necessary,
16 to be used for the purposes designated:

17 1. For purposes of funding expenditures

18 traditionally funded from marine fuel tax revenues,
 19 but not considered as capitals or operations:
 20 \$ 200,000
 21 2. For purposes of maintaining and developing
 22 boating facilities and access to public waters by the
 23 parks and preserves division:
 24 \$ 411,311
 25 Notwithstanding section 8.33, the unencumbered or
 26 unobligated moneys remaining on June 30, 1994, from
 27 moneys appropriated by this section as provided in
 28 subsections 1 and 2, may be expended during the fiscal
 29 year beginning July 1, 1994, and ending June 30, 1995,
 30 and shall not revert to the general fund until August
 31 31, 1995.
 32 Sec. 9. ALL-TERRAIN VEHICLE AND SNOWMOBILE FEES --
 33 TRANSFER FOR ENFORCEMENT PURPOSES. There is
 34 transferred on July 1, 1993, from the fees deposited
 35 under section 321G.7 to the fish and game protection
 36 fund and appropriated to the department of natural
 37 resources for the fiscal year beginning July 1, 1993,
 38 and ending June 30, 1994, the following amount, or so
 39 much thereof as is necessary, to be used for the
 40 purpose designated:
 41 For the purpose of enforcing snowmobile laws as
 42 part of the state snowmobile program administered by
 43 the department of natural resources:
 44 \$ 100,000
 45 Sec. 10. VESSEL FEES -- TRANSFER FOR ENFORCEMENT
 46 PURPOSES. There is transferred on July 1, 1993, from
 47 the fees deposited under section 462A.52 to the fish
 48 and game protection fund and appropriated to the
 49 department of natural resources for the fiscal year
 50 beginning July 1, 1993, and ending June 30, 1994, the

Page 7

1 following amount, or so much thereof as is necessary,
 2 to be used for the purpose designated:
 3 For purposes of administration and enforcement of
 4 navigation laws and water safety:
 5 \$ 950,000
 6 IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
 7 Sec. 11. LIVESTOCK PRODUCERS ASSISTANCE PROGRAM.
 8 1. There is appropriated from the general fund of
 9 the state to Iowa state university of science and
 10 technology, for the fiscal year beginning July 1,
 11 1993, and ending June 30, 1994, the following amount,
 12 or so much thereof as is necessary, to be used for the
 13 purposes designated:
 14 To establish and administer a livestock producers

15 assistance program to provide on-site assistance to
 16 persons involved in livestock production in order to
 17 increase the efficiency, productivity, and
 18 profitability of their operations:

19 \$ 300,000

20 2. As a condition of this appropriation, the
 21 university shall strive to ensure that the program
 22 becomes increasingly self-sufficient.

23 3. The provisions of section 8.33 shall not apply
 24 to the moneys appropriated in this section.
 25 Unencumbered or unobligated moneys remaining on June
 26 30, 1997, from moneys appropriated in this section for
 27 the fiscal year beginning July 1, 1993, shall revert
 28 to the general fund on August 31, 1997.

29 **RESOURCE ENHANCEMENT AND PROTECTION**

30 **Sec. 12. GENERAL APPROPRIATION.** Notwithstanding
 31 the amount of the standing appropriation from the
 32 general fund of the state under section 455A.18,
 33 subsection 3, there is appropriated from the general
 34 fund of the state to the Iowa resources enhancement
 35 and protection fund, in lieu of the appropriation made
 36 in section 455A.18, for the fiscal year beginning July
 37 1, 1993, and ending June 30, 1994, the sum of
 38 \$7,500,000, of which all moneys shall be allocated as
 39 provided in section 455A.19.

40 **Sec. 13. DEAPPROPRIATION.** The appropriation from
 41 the general fund of the state to the Iowa resources
 42 enhancement and protection fund for the fiscal year
 43 beginning July 1, 1992, and ending June 30, 1993, in
 44 1992 Iowa Acts, chapter 1239, section 12, is reduced,
 45 as a result of the governor's item veto in section 12,
 46 by the following amounts for the purposes designated:

47 1. Allocation to the department of natural
 48 resources, in subsection 2, paragraph "a":
 49 \$ 500,000

50 2. Allocation to the department of agriculture and

Page 8

1 land stewardship, in subsection 2, paragraph "b":
 2 \$ 400,000

3 **MISCELLANEOUS**

4 **Sec. 14. APPROPRIATION -- ORGANIC NUTRIENT**
 5 **MANAGEMENT PROGRAM.**

6 1. Prior to any appropriation made pursuant to
 7 section 455E.11, subsection 2, paragraph "c", there is
 8 appropriated for the fiscal year beginning July 1,
 9 1993, and ending June 30, 1994, from the household
 10 hazardous waste account of the groundwater protection
 11 fund created in section 455E.11, to the water

12 protection fund created in section 161C.4 for deposit
13 in the organic nutrient management account, the
14 following amount, or so much thereof as is necessary,
15 to be used for the purposes designated:

16 For purposes of supporting an organic nutrient
17 management program as provided in this Act:
18 \$ 900,000

19 2. The appropriation shall be used as follows:

20 a. Not more than 2 percent of the amount shall be
21 used for purposes of administering the program by the
22 soil conservation division.

23 b. The amount of moneys allocated in cost-share
24 payments to a person qualifying under the program
25 shall not exceed 50 percent of the estimated cost of
26 establishing a system or 50 percent of the actual
27 cost, whichever is less.

28 c. A person qualifying under the program shall not
29 receive more than \$7,500 in financial incentives under
30 this program.

31 Sec. 15. REVENUE ADMINISTERED BY THE IOWA
32 COMPREHENSIVE UNDERGROUND STORAGE TANK BOARD --

33 TRANSFER. There is appropriated from the unassigned
34 revenue fund administered by the Iowa comprehensive
35 underground storage tank board, to the department of
36 natural resources for the fiscal year beginning July
37 1, 1993, and ending June 30, 1994, the following
38 amount, or so much thereof as is necessary, to be used
39 for the purpose designated:

40 For administration expenses of the underground
41 storage tank section of the department of natural
42 resources:

43 \$ 145,000

44 However, this appropriation is reduced to the
45 extent that the board determines that other state
46 expenditures qualify as a match for moneys
47 appropriated by the United States for purposes of
48 supporting the activities performed by the department
49 in carrying out the underground storage tank program.

50 Sec. 16. STATE NURSERIES. Notwithstanding section

1 17A.2, subsection 10, paragraph "g", the department of
2 natural resources shall adopt administrative rules
3 establishing prices of plant material grown at the
4 state forest nurseries to cover all expenses related
5 to the growing of the plants.

6 The department shall develop programs to encourage
7 the wise management and preservation of existing
8 woodlands and shall continue its efforts to encourage

9 forestation and reforestation on private and public
10 lands in the state.

11 The department shall encourage a cooperative
12 relationship between the state forest nurseries and
13 private nurseries in the state in order to achieve
14 these goals.

15 Sec. 17. TRUST FUND INFORMATION. The department
16 of revenue and finance in cooperation with the
17 department of agriculture and land stewardship and the
18 department of natural resources shall track receipts
19 to the general fund which have traditionally been
20 deposited into the following funds:

21 1. The fertilizer fund created in section 200.9.

22 2. The pesticide fund created in section 206.12.

23 3. The dairy trade practices trust fund pursuant
24 to section 192A.30.

25 4. The milk fund created in section 192.111.

26 5. The commercial feed fund created in section
27 198.9.

28 6. The marine fuel tax fund created in section
29 452A.79.

30 7. The energy research and development fund
31 provided in section 473.11, enacted in 1993 Acts,
32 Senate File 74.

33 The departments designated in this section shall
34 prepare reports detailing revenue from receipts
35 traditionally deposited into each of the funds. A
36 report shall be submitted to the legislative fiscal
37 bureau at least once for each three-month period as
38 designated by the legislative fiscal bureau.

39 Sec. 18. DEPARTMENTAL INFORMATION REQUIRED.

40 1. The department of agriculture and land
41 stewardship and the department of natural resources,
42 in cooperation as necessary with the department of
43 management and the department of personnel, shall
44 provide a list to the legislative fiscal bureau, on a
45 quarterly basis, of all permanent positions added to
46 or deleted from the departments' table of organization
47 in the previous fiscal quarter. This list shall
48 include at least the position number, salary range,
49 projected funding source or sources of each position,
50 and the reason for the addition or deletion. The

Page 10

1 legislative fiscal bureau may use this information to
2 assist in the establishment of the full-time
3 equivalent position limits authorized in law for the
4 departments.

5 2. The department of natural resources shall

6 provide the legislative fiscal bureau information and
7 financial data by cost center, on at least a monthly
8 basis, relating to the indirect cost accounting
9 procedure, the amount of funding from each funding
10 source for each cost center, and the internal budget
11 system used by the department. The information shall
12 include but is not limited to financial data covering
13 the department's budget by cost center and funding
14 source prior to the start of the fiscal year, and to
15 the department's actual expenditures by cost center
16 and funding source after the accounting system has
17 been closed for that fiscal year.

18 3. The department of agriculture and land
19 stewardship shall provide the legislative fiscal
20 bureau information and financial data on at least a
21 monthly basis, relating to the internal budget system
22 used by the department. The information shall include
23 but is not limited to financial data covering the
24 department's budget prior to the start of the fiscal
25 year, and to the department's actual expenditures
26 after the accounting system has been closed for that
27 fiscal year.

28 Sec. 19. AIR QUALITY STANDARDS.

29 1. During the fiscal year for which funds are
30 appropriated by section 6 of this Act, the department
31 of natural resources shall not require the
32 installation or use of equipment to control the
33 emission of dust or other particulate matter on or by
34 facilities for storage of grain which are located
35 within the ambient air quality attainment areas for
36 suspended particulates. However, this subsection
37 shall not be effective upon the delegation by the
38 United States to this state of the air operating
39 permit program as provided by the federal Clean Air
40 Act Amendments of 1990, Pub. L. No. 101-549.

41 2. Notwithstanding section 455B.133A, the annual
42 fee of twenty-five dollars per ton on hazardous air
43 pollutants imposed pursuant to that section is not
44 required to be paid, if both of the following occur:
45 a. The Seventy-fifth General Assembly does not
46 enact legislation which authorizes the state to assume
47 responsibilities delegated by the United States
48 relating to the air operating permit program as
49 provided by the federal Clean Air Act Amendments of
50 1990, Pub. L. No. 101-549.

Page 11

1 b. The fee on hazardous air pollutants included in
2 Title III of the federal Clean Air Act Amendments of

3 1990 is imposed by the United States.

4 Sec. 20. DEPARTMENTAL STUDIES AND PROJECTS.

5 1. The department of agriculture and land
6 stewardship and the department of inspections and
7 appeals shall jointly study methods of coordinating
8 inspections currently performed by the department of
9 agriculture and land stewardship, including but not
10 limited to the inspections of weights and measures.
11 The departments shall study methods to increase
12 efficiency and cost-savings. The departments shall
13 prepare and submit a report to the general assembly
14 not later than January 10, 1994, detailing findings
15 and recommendations of the departments.

16 2. The department of agriculture and land
17 stewardship shall establish a pilot project in a
18 geographic area in which the inspections of weights
19 and measures are performed based upon criteria which
20 prioritizes inspections according to those weights and
21 measures which are most likely not to be in compliance
22 with state standards.

23 3. The department of natural resources shall study
24 the effects of urban contamination, if any, of state
25 waters. The department shall prepare a report based
26 on the study which shall be delivered to the secretary
27 of the senate and chief clerk of the house of
28 representatives not later than January 10, 1994.

29 Sec. 21. LEASE-PURCHASE CONTRACTS -- PROHIBITION.

30 By June 30, 1994, the department of natural resources,
31 or a person acting on behalf of the department,
32 including the department of general services, shall
33 complete the terms and pay the full amount due under
34 any lease-purchase contract for the purchase of
35 personal property acquired by, or on behalf of the
36 department, which was executed after June 30, 1992.
37 This section shall not alter the obligation of the
38 department to reimburse a person who acts to complete
39 the terms or pays an amount due under a lease-purchase
40 contract. However, the department must reimburse the
41 person the full amount due by June 30, 1994. The
42 department shall not extend the terms of any existing
43 lease-purchase contract which would expire on or
44 before June 30, 1994.

45 Sec. 22. PREFERENCE PROVIDED -- PERSONS MEETING
46 ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM.

47 In its employment of persons in temporary positions in
48 conservation and outdoor recreation, the department of
49 natural resources shall give preference to persons
50 meeting eligibility requirements for the green thumb

Page 12

1 program and to persons working toward an advanced
2 education in natural resources and conservation.

3 Sec. 23. REDUCTIONS IN FULL-TIME EQUIVALENT
4 POSITIONS -- GENERAL FUND SUPPORTED APPROPRIATIONS.

5 The number of full-time equivalent positions, as
6 defined in section 8.36A, within the department of
7 natural resources which are reduced in this Act from
8 the number of full-time equivalent positions provided
9 for pursuant to 1992 Iowa Acts, chapter 1239, apply
10 only to full-time equivalent positions supported by
11 appropriations from the general fund of the state.

12 Sec. 24. REVERSION POSTPONEMENT.

13 1. Notwithstanding section 8.33, and 1992 Iowa
14 Acts, chapter 1239, section 8, unencumbered or
15 unobligated moneys remaining on June 30, 1993, from
16 moneys appropriated for purposes of funding projects
17 traditionally funded from marine fuel tax receipts as
18 provided in 1992 Iowa Acts, chapter 1239, section 8,
19 subsections 1 and 4, and may be expended during the
20 fiscal year beginning July 1, 1993, and ending June
21 30, 1994, and shall not revert to the general fund
22 until August 31, 1994.

23 2. Notwithstanding section 8.33, unencumbered or
24 unobligated moneys remaining on June 30, 1993, from
25 moneys appropriated pursuant to 1992 Iowa Acts,
26 chapter 1001, section 402, and may be expended during
27 the fiscal year beginning July 1, 1993, and ending
28 June 30, 1994, and shall not revert to the general
29 fund until August 31, 1994.

30 STATUTORY CHANGES

31 Sec. 25. Section 18.12, subsection 10, Code 1993,
32 is amended by adding the following new paragraph:

33 **NEW PARAGRAPH.** f. Notwithstanding this
34 subsection, the director shall not do either of the
35 following:

36 (1) Enter into a lease-purchase contract or
37 facilitate the execution of a lease-purchase contract
38 for the acquisition of personal property, if the
39 property is to be under the control of the department
40 of natural resources, or the department is to be the
41 principal user or beneficiary of the property.

42 (2) Enter into a lease-purchase contract or
43 facilitate the execution of a lease-purchase contract
44 for the acquisition of personal property, if the
45 property is to be under the control of the department
46 of agriculture and land stewardship, or the department
47 is to be the principal user or beneficiary of the
48 property.

49 Sec. 26. Section 18.18, Code 1993, is amended by
50 adding the following new subsection:

Page 13

1 NEW SUBSECTION. 9. The department shall, whenever
2 technically feasible, purchase and use degradable
3 loose foam packing material manufactured from grain
4 starches or other renewable resources, unless the cost
5 of the packing material is more than ten percent
6 greater than the cost of packing material made from
7 nonrenewable resources. For the purposes of this
8 subsection, "packing material" means material, other
9 than an exterior packing shell, that is used to
10 stabilize, protect, cushion, or brace the contents of
11 a package.

12 Sec. 27. NEW SECTION. 159.5A LEASE-PURCHASE CON-
13 TRACTS - PROHIBITION.

14 The department shall not execute or be a party to a
15 lease-purchase contract for the acquisition of
16 personal property.

17 Sec. 28. Section 161A.6, unnumbered paragraph 5,
18 Code 1993, is amended to read as follows:

19 The commissioners shall provide for the execution
20 of surety bonds for all employees and officers who
21 shall be entrusted with funds or property; shall
22 provide for the keeping of a full and accurate record
23 of all proceedings and of all resolutions,
24 regulations, and orders issued or adopted; and shall
25 ~~provide for a biennial audit of the accounts of~~
26 receipts and disbursements and shall regularly report
27 to the division a summary of financial information
28 regarding moneys controlled by the commissioners,
29 which are not audited by the state, according to rules
30 adopted by the division.

31 Sec. 29. Section 161C.2, subsection 1, Code 1993,
32 is amended to read as follows:

33 1. Each soil and water conservation district,
34 alone and whenever practical in conjunction with other
35 districts, shall carry out district-wide and multiple-
36 district projects to support water protection
37 practices in the district or districts, including
38 projects to protect this state's groundwater and
39 surface water from point and nonpoint sources of
40 contamination, including but not limited to
41 contamination by agricultural drainage wells,
42 sinkholes, sedimentation, or chemical pollutants.
43 Moneys used to support the water protection projects
44 and practices may include moneys allocated from the
45 water protection fund as provided by rules adopted by

46 the division. However, the projects and practices
47 shall not be supported from the fund's organic
48 nutrient management account.
49 Sec. 30. NEW SECTION. 161C.2A ORGANIC NUTRIENT
50 MANAGEMENT PROGRAM.

Page 14

1 1. The division shall establish an organic
2 nutrient management program to provide for the
3 allocation of cost-share moneys as financial
4 incentives to an eligible person applying to
5 participate in the program. The financial incentives
6 shall be used for purposes of establishing organic
7 nutrient management systems which shall facilitate the
8 proper utilization of livestock waste as a nutrient
9 source, and to protect the water resources of this
10 state from livestock waste runoff.

11 2. Moneys used to support financial incentives
12 shall be allocated from the organic nutrient
13 management account of the water protection fund
14 created in section 161C.4.

15 3. A person shall not be eligible to participate
16 in this program, unless the person is an individual
17 who is actively engaged in farming as defined in
18 section 9H.1, or the person is a family farm
19 corporation, family farm limited partnership, or a
20 family trust, all as defined in section 9H.1.

21 4. The division shall adopt rules to administer
22 this section, including rules relating to the
23 execution of a contract to establish an organic
24 nutrient management system. The rules may require
25 that an eligible person participating in the program
26 maintain the organic nutrient management system for a
27 minimum number of years as a condition to receiving
28 financial incentives. The agreement may be enforced
29 by the division or by a soil and water conservation
30 district as provided by the division, in the same
31 manner as provided for a contract establishing soil
32 and water conservation practices under chapter 161A.

33 Sec. 31. Section 161C.4, unnumbered paragraph 1,
34 Code 1993, is amended to read as follows:

35 A water protection fund is created within the
36 division. The fund is composed of money appropriated
37 by the general assembly for that purpose, and moneys
38 available to and obtained or accepted by the state
39 soil conservation committee from the United States or
40 private sources for placement in the fund. The fund
41 shall be divided into ~~two~~ three accounts, the water
42 quality protection account, ~~and~~ the water protection

43 practices account, and the organic nutrient management
44 account. The first account shall be used to carry out
45 water quality protection projects to protect the
46 state's surface and groundwater from point and
47 nonpoint sources of contamination. The second account
48 shall be used to establish water protection practices
49 with individual landowners including but not limited
50 to woodland establishment and protection,

Page 15

1 establishment of native grasses and forbs, sinkhole
2 management, agricultural drainage well management,
3 streambank stabilization, grass waterway
4 establishment, stream buffer strip establishment, and
5 erosion control structure construction. Twenty-five
6 percent of funds appropriated to the water protection
7 practices account shall be used for woodland
8 establishment and protection, and establishment of
9 native grasses and forbs. Soil and water conservation
10 district commissioners shall give priority to
11 applications for practices that implement their soil
12 and water resource conservation plan. The organic
13 nutrient management account shall only be used to
14 support the organic nutrient management program as
15 provided in section 161C.2A. The fund shall be a
16 revolving fund from which moneys may be used for
17 loans, grants, administrative costs, and cost-sharing.
18 Sec. 32. Section 173.9, unnumbered paragraph 1,
19 Code 1993, is amended by striking the paragraph and
20 inserting in lieu thereof the following:
21 The board shall appoint a secretary who shall serve
22 at the pleasure of the board. The secretary shall do
23 all of the following:
24 Sec. 33. Section 206.8, subsection 3, Code 1993,
25 is amended by striking the subsection and inserting in
26 lieu thereof the following:
27 3. This section shall not apply to either of the
28 following:
29 a. A pesticide applicator who applies pesticides
30 which are owned and furnished to the pesticide
31 applicator by another person, if the pesticide
32 applicator does not charge for the sale of the
33 pesticides.
34 b. A federal, state, county, or municipal
35 governmental entity which provides pesticides only for
36 its own programs.
37 Sec. 34. Section 216B.3, Code 1993, is amended by
38 adding the following new subsection:
39 NEW SUBSECTION. 12A. The commission shall,

40 whenever technically feasible, purchase and use
41 degradable loose foam packing material manufactured
42 from grain starches or other renewable resources,
43 unless the cost of the packing material is more than
44 ten percent greater than the cost of packing material
45 made from nonrenewable resources. For the purposes of
46 this subsection, "packing material" means material,
47 other than an exterior packing shell, that is used to
48 stabilize, protect, cushion, or brace the contents of
49 a package.
50 Sec. 35. Section 262.9, Code 1993, is amended by

Page 16

1 adding the following new subsection:
2 NEW SUBSECTION. 4A. The board shall, whenever
3 technically feasible, purchase and use degradable
4 loose foam packing material manufactured from grain
5 starches or other renewable resources, unless the cost
6 of the packing material is more than ten percent
7 greater than the cost of packing material made from
8 nonrenewable resources. For the purposes of this
9 subsection, "packing material" means material, other
10 than an exterior packing shell, that is used to
11 stabilize, protect, cushion, or brace the contents of
12 a package.

13 Sec. 36. Section 307.21, Code 1993, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 4A. The administrator shall,
16 whenever technically feasible, purchase and use
17 degradable loose foam packing material manufactured
18 from grain starches or other renewable resources,
19 unless the cost of the packing material is more than
20 ten percent greater than the cost of packing material
21 made from nonrenewable resources. For the purposes of
22 this subsection, "packing material" means material,
23 other than an exterior packing shell, that is used to
24 stabilize, protect, cushion, or brace the contents of
25 a package.

26 Sec. 37. NEW SECTION. 455A.11 LEASE-PURCHASE
27 CONTRACTS -- PROHIBITION.

28 The department shall not execute or be a party to a
29 lease-purchase contract for the acquisition of
30 personal property.

31 Sec. 38. NEW SECTION. 455B.104 PERMITS ISSUED BY
32 THE DEPARTMENT -- APPROVAL BY DEFAULT.

33 The department shall either approve or deny a
34 permit to a person applying for a permit under this
35 chapter, within six months from the date that the
36 department receives a completed application for the

37 permit. An application which is not approved or
38 denied within the six-month period shall be approved
39 by default. The department shall issue a permit to
40 the applicant within ten days following the date of
41 default approval. However, this section shall not
42 apply to applications for permits which are issued
43 under Division II, or Division IV, parts 2 through 7.
44 Sec. 39. Section 455B.310, subsection 2, paragraph
45 b, subparagraphs (4) and (5), Code 1993, are amended
46 to read as follows:

47 ~~(4) Twenty-seven and one-half cents per ton per~~
48 ~~year is appropriated to the department to provide low~~
49 ~~or no interest loans to Iowa businesses for the~~
50 ~~manufacture or remanufacture of products from~~

Page 17

1 postconsumer materials or to Iowa businesses which
2 purchase equipment to achieve source reductions. The
3 department, in consultation with the department of
4 economic development, shall develop rating criteria
5 for the program including criteria which give priority
6 in the approval of loans to firms involved in tire
7 recycling. The department, in cooperation with the
8 department of economic development, shall provide
9 technical assistance to and monitoring of the
10 technical operations of projects funded under this
11 section.

12 ~~(5)~~ (4) Five cents per ton per year is
13 appropriated to the department of economic development
14 to establish, in cooperation with the department of
15 natural resources, a marketing initiative to assist
16 Iowa businesses producing recycling or reclamation
17 equipment or services, recyclable products, or
18 products from recycled materials to expand into
19 national markets. Efforts shall include the reuse and
20 recycling of sawdust. For each fiscal year beginning
21 July 1, 1991, and ending June 30, 1992, and beginning
22 July 1, 1992, and ending June 30, 1993, fifty thousand
23 dollars of the moneys appropriated under this
24 subparagraph shall be allocated for the purposes of
25 developing advanced microbiological technologies for
26 reduction, destruction, or disposal of wet solid
27 waste. For each fiscal year beginning July 1, 1993,
28 and thereafter, fifty Fifty thousand dollars of the
29 moneys appropriated under this subparagraph shall be
30 used by the department of economic development to
31 provide grants or loans to Iowa businesses which have
32 participated in the waste reduction assistance program
33 of the department of natural resources or the program

34 provided by the waste reduction center at the
35 university of northern Iowa, and which have identified
36 needs for equipment or retooling to achieve waste
37 reduction.

38 Sec. 40. Section 455B.310, subsection 2, paragraph
39 b, Code 1993, is amended by adding the following new
40 subparagraphs:

41 NEW SUBPARAGRAPH. (5) Five cents per ton per year
42 is appropriated to the university of northern Iowa to
43 develop and maintain the Iowa waste reduction center
44 for the safe and economic management of solid waste
45 and hazardous substances established at the university
46 of northern Iowa.

47 NEW SUBPARAGRAPH. (6) Eight cents per ton per
48 year is appropriated to the department of natural
49 resources for the provision of assistance to public
50 and private entities in developing and implementing

Page 18

1 waste reduction and minimization programs for Iowa
2 industries.

3 NEW SUBPARAGRAPH. (7) The remaining moneys are
4 appropriated to the department of natural resources to
5 be used in accordance with section 455E.11, subsection
6 2, paragraph "a", subparagraph (8), subparagraph
7 subdivision (b), subparagraph subdivision subparts (i)
8 through (iv).

9 Sec. 41. Section 455E.11, subsection 2, paragraph
10 a, Code 1993, is amended by adding the following new
11 subparagraph:

12 NEW SUBPARAGRAPH. (11A) Each additional seventy-
13 five cents per ton per year received from the
14 additional tonnage fee imposed pursuant to section
15 455B.310, subsection 2, paragraph "b", shall be
16 allocated for the following purposes:

17 (a) Ten cents per ton per year is appropriated to
18 the department of natural resources to establish a
19 program to provide competitive grants to regional
20 coordinating councils for projects in regional
21 economic development centers related to a by-products
22 and waste exchange system. Grantees under this
23 program shall coordinate activities with other
24 available state or multistate waste exchanges,
25 including but not limited to the by-products and waste
26 search service at the university of northern Iowa.
27 The department shall consult with the department of
28 economic development and the waste reduction center at
29 the university of northern Iowa in establishing
30 criteria for and the awarding of grants under this

31 program. The department of natural resources shall
32 expend not more than thirty thousand dollars of the
33 moneys appropriated under this subparagraph
34 subdivision to contract with the by-products and waste
35 search service at the university of northern Iowa to
36 provide training and other technical services to
37 grantees under the program. If regional economic
38 development centers cease to exist, the department
39 shall transfer existing contracts to one or more
40 community colleges or councils of governments and
41 shall revise the criteria and rules for this program
42 to allow community colleges or councils of governments
43 to be applicants for competitive grants.

44 (b) Fifteen cents per ton per year is appropriated
45 to the department of natural resources to establish
46 three permanent household hazardous waste collection
47 sites so that both urban and rural population are
48 served and so that collection services are available
49 to the public on a regular basis. An additional five
50 cents per ton per year is appropriated to the

Page 19

1 department to be used for the payment of
2 transportation costs related to household hazardous
3 waste collection programs.

4 (c) Twelve and one-half cents per ton per year is
5 appropriated to the department of natural resources to
6 provide additional toxic cleanup days. Departmental
7 rules adopted for implementation of toxic cleanup days
8 shall provide sufficient flexibility to respond to the
9 household hazardous material collection needs of both
10 small and large communities.

11 (d) Five cents per ton per year is appropriated to
12 the department of economic development to establish,
13 in cooperation with the department of natural
14 resources, a marketing initiative to assist Iowa
15 businesses producing recycling or reclamation
16 equipment or services, recyclable products, or
17 products from recycled materials to expand into
18 national markets. Efforts shall include the reuse and
19 recycling of sawdust. Fifty thousand dollars of the
20 moneys appropriated under this subparagraph shall be
21 used by the department of economic development to
22 provide grants or loans to Iowa businesses which have
23 participated in the waste reduction assistance program
24 of the department of natural resources or the program
25 provided by the waste reduction center at the
26 university of northern Iowa, and which have identified
27 needs for equipment or retooling to achieve waste

28 reduction.

29 (e) Five cents per ton per year is appropriated to
30 the university of northern Iowa to develop and
31 maintain the Iowa waste reduction center for the safe
32 and economic management of solid waste and hazardous
33 substances established at the university of northern
34 Iowa.

35 (f) Eight cents per ton per year is appropriated
36 to the department of natural resources for the
37 provision of assistance to public and private entities
38 in developing and implementing waste reduction and
39 minimization programs for Iowa industries.

40 (g) The remaining moneys are appropriated to the
41 department of natural resources to be used in
42 accordance with subparagraph (8), subparagraph
43 subdivision (b), subparagraph subdivision subparts (i)
44 through (iv).

45 Sec. 42. NEW SECTION. 461A.17A PAYMENT IN LIEU
46 OF PROPERTY TAXES.

47 The director of the department of natural resources
48 shall submit a budget request to pay the annual
49 property taxes on property held by the department.
50 The budget request shall be submitted to the general

Page 20

1 assembly as part of the annual budget proposal
2 provided in section 455A.4. The amount of the payment
3 shall be based on property acquired on or after July
4 1, 1993, which would otherwise be subject to the levy
5 of property taxes. The assessed value of property
6 held by the department shall be that determined under
7 section 427.1, subsection 31, and the director may
8 protest the assessed value in the manner provided by
9 law for any property owner to protest an assessment.
10 For the purposes of chapter 257, the assessed value of
11 any property which was acquired by the department on
12 or after July 1, 1993, shall be included in the
13 valuation base of the school district and the payments
14 made pursuant to this section shall be considered as
15 property tax revenues and not as miscellaneous income.
16 The county treasurer shall certify the amount of taxes
17 due to the department. The taxes shall be paid
18 annually from the departmental fund or account from
19 which the property acquisition was funded. If the
20 departmental fund or account has no moneys, no longer
21 exists, or if the acquisition of property was made
22 without an expenditure of funds by the department, the
23 taxes shall be paid from funds in the manner provided
24 by the general assembly. If the total amount of taxes

25 due, as certified to the department, exceeds the
 26 amount available for expenditure under this section,
 27 the property taxes due shall be reduced
 28 proportionately so that the total amount due equals
 29 the amount available for expenditure.

30 Sec. 43. Section 904.312, Code 1993, is amended by
 31 adding the following new unnumbered paragraph:
 32 NEW UNNUMBERED PARAGRAPH. The director shall,
 33 whenever technically feasible, purchase and use
 34 degradable loose foam packing material manufactured
 35 from grain starches or other renewable resources,
 36 unless the cost of the packing material is more than
 37 ten percent greater than the cost of packing material
 38 made from nonrenewable resources. For the purposes of
 39 this subsection, "packing material" means material,
 40 other than an exterior packing shell, that is used to
 41 stabilize, protect, cushion, or brace the contents of
 42 a package.

43 Sec. 44. EFFECTIVE DATES. Section 13 of this Act,
 44 being deemed of immediate importance, takes effect
 45 upon enactment."

46 2. Title page, line 2, by striking the words "and
 47 making" and inserting the following: "making".

48 3. Title page, line 3, by inserting after the
 49 word "changes" the following: ", and providing an
 50 effective date".

COMMITTEE ON APPROPRIATIONS
 LARRY MURPHY, Chairperson

HOUSE AMENDMENT TO
 SENATE FILE 266

S-3486

1 Amend Senate File 266, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 28, by striking the word "For"
 4 and inserting the following: "1. For".

5 2. Page 1, line 33, by striking the word
 6 "section" and inserting the following: "subsection".

7 3. Page 1, by inserting after line 35 the
 8 following:

9 "2. For the costs associated with the addition of
 10 an additional member to the Iowa ethics campaign
 11 disclosure board established in House File 144, if
 12 enacted by the general assembly during the 1993
 13 regular session:

14 \$ 2,000

15 3. For salary, support, maintenance, and for not

16 more than one full-time equivalent position to be used
 17 to employ an attorney for the Iowa ethics campaign
 18 disclosure board established in House File 144, if
 19 enacted by the general assembly during the 1993
 20 regular session:
 21 \$ 62,400
 22 4. For salary, support, maintenance, and for not
 23 more than one full-time equivalent position to be used
 24 to employ an administrative assistant II for the Iowa
 25 ethics campaign disclosure board established in House
 26 File 144, if enacted by the general assembly during
 27 the 1993 regular session:
 28 \$ 38,400
 29 5. For necessary equipment to be purchased by the
 30 Iowa ethics campaign disclosure board established in
 31 House File 144, if enacted by the general assembly
 32 during the 1993 regular session:
 33 \$ 38,150".
 34 4. Page 2, by striking lines 18 through 24 and
 35 inserting the following: "positions":
 36 5. By striking page 4, line 35, through page 5,
 37 line 5, and inserting the following: "purposes
 38 designated, and if a funding shortfall occurs, amounts
 39 based on the same proportion of funds appropriated in
 40 this section to the divisions":
 41 6. Page 7, by inserting after line 11, the
 42 following:
 43 "___ . STATE FOSTER CARE REVIEW BOARD.
 44 For salaries, support, maintenance, miscellaneous
 45 purposes, and for not more than the following full-
 46 time equivalent positions:
 47 \$ 133,849
 48 FTEs 4.00
 49 It is the intent of the general assembly that the
 50 state citizen foster care review board, in conjunction

Page 2

1 with the department of human services and the judicial
 2 department, develop a proposal for the establishment
 3 of one statewide foster care review system which
 4 provides for citizen involvement. The proposal shall
 5 include procedural protocols and outcome measures for
 6 evaluation purposes. The proposal shall be submitted
 7 to the legislative council and the department of
 8 management on or before December 1, 1993. Pilot
 9 projects under the proposal may be implemented during
 10 the fiscal year beginning July 1, 1993, and ending
 11 June 30, 1994, if the pilot projects can be funded
 12 within budget limitations."

13 7. Page 8, lines 28 and 29, by striking the words
14 "PROFESSIONAL LICENSING AND REGULATION" and inserting
15 the following: "COMMERCE".

16 8. Page 8, lines 30 and 31, by striking the words
17 "professional licensing and regulation" and inserting
18 the following: "commerce".

19 9. Page 8, by inserting after line 33 the
20 following:

21 "1. PROFESSIONAL LICENSING AND REGULATION DIVISION
22 a."

23 10. Page 9, line 2, by striking the figure
24 "864,687" and inserting the following: "889,687".

25 11. Page 9, line 3, by striking the figure
26 "13.00" and inserting the following: "14.00".

27 12. Page 9, by inserting after line 3 the
28 following:

29 "b. There is appropriated from the title guaranty
30 fund created in section 16.91 to the professional
31 licensing and regulation division, an amount up to
32 \$25,000, to be used to pay half the cost of employing
33 an auditor for real estate broker trust accounts. In
34 addition to the amount appropriated in this paragraph,
35 the commission may increase the license fees provided
36 for in section 543B.27 in an amount sufficient to pay
37 half the cost of employing an auditor for real estate
38 broker trust accounts."

39 13. Page 9, by striking lines 4 through 9 and
40 inserting the following:

41 "2. ADMINISTRATIVE SERVICES DIVISION
42 For salaries; support, maintenance, miscellaneous
43 purposes, and for not more than the following full-
44 time equivalent positions:

45	\$	105,080
46	FTEs	2.00

47 It is the intent of the general assembly that the
48 two positions authorized in this subsection for the
49 division shall coordinate the administrative services
50 to be provided to the divisions in the department.

Page 3

1 These two positions are under the direct supervision
2 of, and shall report to, the director of the
3 department.

4 3. ALCOHOLIC BEVERAGES DIVISION".

5 14. Page 9, by striking lines 15 through 19 and
6 inserting the following:

7 "4. BANKING DIVISION".

8 15. Page 9, line 25, by striking the words
9 "department of banking" and inserting the following:

- 10 "banking division".
- 11 16. Page 9, line 32, by striking the word
- 12 "department" and inserting the following: "division".
- 13 17. Page 10, line 3, by striking the word
- 14 "department's" and inserting the following:
- 15 "division's".
- 16 18. Page 10, line 4, by striking the words
- 17 "department must" and inserting the following:
- 18 "division must".
- 19 19. Page 10, by striking lines 8 through 12 and
- 20 inserting the following:
- 21 "5. CREDIT UNION DIVISION".
- 22 20. Page 10, line 18, by striking the words
- 23 "department of credit unions" and inserting the
- 24 following: "credit union division".
- 25 21. Page 10, line 26, by striking the word
- 26 "department" and inserting the following: "division".
- 27 22. Page 10, line 31, by striking the word
- 28 "department's" and inserting the following:
- 29 "division's".
- 30 23. Page 10, line 32, by striking the word
- 31 "department" and inserting the following: "division".
- 32 24. Page 11, by striking lines 2 through 6 and
- 33 inserting the following:
- 34 "6. INSURANCE DIVISION".
- 35 25. Page 11, line 10, by striking the figure
- 36 "4,667,435" and inserting the following: "2,707,415".
- 37 26. Page 11, line 11, by striking the figure
- 38 "86.00" and inserting the following: "85.00".
- 39 27. Page 11, line 12, by striking the words
- 40 "department of insurance" and inserting the following:
- 41 "insurance division".
- 42 28. Page 11, lines 14 and 15, by striking the
- 43 words "department of insurance" and inserting the
- 44 following: "insurance division".
- 45 29. Page 11, line 19, by striking the word
- 46 "department" and inserting the following: "division".
- 47 30. Page 11, by striking lines 27 through 31 and
- 48 inserting the following:
- 49 "7. UTILITIES DIVISION".
- 50 31. Page 11, line 35, by striking the figure

Page 4

- 1 "4,875,945" and inserting the following: "4,830,885".
- 2 32. Page 12, line 1, by striking the figure
- 3 "78.00" and inserting the following: "77.00".
- 4 33. Page 12, line 2, by striking the words
- 5 "department of utilities" and inserting the following:
- 6 "utilities division".

- 7 34. Page 12, line 5, by striking the word
8 "department" and inserting the following: "division".
- 9 35. Page 12, line 11, by striking the word
10 "department" and inserting the following: "division".
- 11 36. Page 12, line 12, by striking the word
12 "department" and inserting the following: "division".
- 13 37. Page 12, line 14, by striking the words "the
14 department" and inserting the following: "the
15 division".
- 16 38. Page 13, by inserting after line 17 the fol-
17 lowing:
- 18 "It is the intent of the general assembly that the
19 racing and gaming commission shall only employ persons
20 in additional full-time equivalent positions for
21 riverboat gambling enforcement as authorized by the
22 department of management if necessary for enforcement
23 activities on new riverboats in excess of the total of
24 five riverboats for which enforcement activities are
25 currently provided. However, new positions filled
26 shall not exceed 2 FTEs per riverboat.
- 27 Sec. ____ . Section 543B.46, subsections 6 and 7,
28 Code 1993, are amended to read as follows:
- 29 6. The commission will verify on a test basis, a
30 random sampling of the brokers, corporations, and
31 partnerships for their trust account compliance as a
32 condition of licensure renewal. Each broker,
33 corporation, and partnership shall submit a special
34 report or audit of their trust account to the
35 commission when required.
- 36 The special report or audit shall be submitted with
37 the filed renewal application or at such other time as
38 the commission may direct. In addition, the The
39 commission may upon reasonable cause, or as a part of
40 or after an investigation, request or order an audit
41 or special report. All audits and special reports
42 addressed in this section shall be conducted at the
43 expense of the broker by a certified public
44 accountant.
- 45 7. The examination of a trust account shall have
46 been be conducted within the twelve months immediately
47 preceding expiration of the license or at such other
48 times as directed by the commission or the
49 commission's authorized representative. The report
50 shall be in the approved form and shall include, but

Page 5

- 1 is not limited to, a list of all trust account numbers
2 examined and their location and statement indicating
3 if the broker's trust accounts are maintained in

4 accordance with this chapter and the rules adopted for
5 this chapter."

6 39. By striking page 13, line 18 through page 18,
7 line 13, and inserting the following:

8 "Sec. 101. Section 13B.4, subsection 7, Code 1993,
9 is amended to read as follows:

10 7. The state public defender shall adopt rules
11 pursuant to chapter 17A, as necessary, to administer
12 this chapter and section 815.9.

13 Sec. 102. Section 13B.10, subsection 2, Code 1993,
14 is amended to read as follows:

15 2. A determination of indigence shall not be made
16 except upon the basis of information contained in a
17 detailed financial statement submitted by the person
18 or by the person's parent, guardian, or custodian.

19 The financial statement shall be in the form
20 prescribed by the department state public defender.

21 If a person is determined to be indigent and given
22 legal assistance, the financial statement shall be
23 filed in the person's court file and with the
24 department state public defender.

25 Sec. ____ . Section 546.2, subsection 2, Code 1993,
26 is amended to read as follows:

27 2. The chief administrative officer of the
28 department is the director. The director shall be
29 appointed annually by the governor; ~~subject to the~~
30 ~~confirmation of the senate; and shall serve at the~~
31 pleasure of the governor from among those individuals
32 who serve as heads of the divisions within the
33 department. The appointment shall rotate among the
34 division heads such that the division head of any one
35 division shall not be appointed to be the director for
36 a second year until such time as each division head
37 has served as the director. A division head appointed
38 to be the director shall fulfill the responsibilities
39 and duties of the director in addition to the
40 individual's responsibilities and duties as the head
41 of a division. The director is subject to

42 reconfirmation after four years in office. The
43 director shall be appointed on the basis of executive
44 and administrative abilities but shall not have been
45 an officer or employee of any bank, credit union,
46 savings and loan association, or insurance company.
47 The salary shall be fixed by the governor within a
48 range established by the general assembly."

49 40. Page 18, line 21, by inserting after the word
50 "below" the following: "one hundred twenty-five

Page 6

1 percent of".

2 41. Page 18, by striking lines 24 through 26 and
3 inserting the following:

4 "b. A person is not indigent if the person has an
5 income level greater than one hundred twenty-five
6 percent of the United States poverty".

7 42. Page 18, by inserting after line 29 the
8 following:

9 "c. A person with an income level greater than one
10 hundred twenty-five percent of the most recently
11 revised poverty income guidelines published by the
12 United States department of health and human services
13 may be deemed partially indigent by the court pursuant
14 to a finding that, given the person's circumstances,
15 not appointing counsel at public expense would cause
16 the person substantial hardship. However, the court
17 shall require a person deemed partially indigent to
18 contribute to the cost of representation in accordance
19 with rules adopted by the state public defender."

20 43. Page 19, by striking line 3 and inserting the
21 following: "The state public defender shall adopt
22 rules".

23 44. Page 19, line 4, by inserting after the word
24 "statement" the following: "and the criteria by".

25 45. Page 19, line 5, by striking the word "upon".

26 46. By striking page 19, line 10 through page 22,
27 line 2.

28 47. Page 22, by striking line 8.

29 48. Page 22, by striking line 11 and inserting
30 the following: "upon enactment. Sections 101 and
31 102, and sections 31 and 32, of this Act take".

32 49. Title page, by striking lines 7 through 10
33 and inserting the following: "department of commerce,
34 and the racing and gaming commission, and providing".

35 50. By renumbering, relettering, or redesignating
36 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 347

S-3487

1 Amend Senate File 347, as passed by the Senate, as
2 follows:

3 1. Page 2, lines 26 and 27, by striking the words
4 "one year" and inserting the following: "two years".

5 2. Page 2, by inserting after line 30 the
6 following:

7 "Sec. ____ . Section 97B.8, unnumbered paragraph 2,
8 Code 1993, is amended to read as follows:
9 The board consists of nine members. Six of the
10 members shall be appointed by the governor. One
11 member shall be an executive of a domestic life
12 insurance company, one an executive of a state or
13 national bank operating within the state of Iowa, one
14 an executive of an industrial corporation located
15 within the state of Iowa, and three shall be members
16 of the system, one of whom is an active member who is
17 an employee of a school district, area education
18 agency, or merged area, one of whom is an active
19 member who is not an employee of a school district,
20 area education agency, or merged area, and one of whom
21 is a retired member of the system. The president of
22 the senate, after consultation with the majority
23 leader and the minority leader of the senate, shall
24 appoint one member from the membership of the senate
25 and the speaker of the house of representatives shall
26 appoint one member from the membership of the house.
27 The two members appointed by the president of the
28 senate, after consultation with the majority leader
29 and the minority leader of the senate, and the speaker
30 of the house of representatives and the two active
31 members of the system appointed by the governor are ex
32 officio members of the board. The director of the
33 department of personnel is an ex officio, nonvoting
34 member of the board. Five voting members of the board
35 shall constitute a quorum."

36 3. Page 2, by inserting after line 30 the
37 following:

38 "Sec. ____ . Section 97B.41, subsection 20,
39 paragraph b, subparagraph (11), Code 1993, is amended
40 by adding the following new unnumbered paragraph:
41 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
42 other provision of this chapter providing for the
43 payment of the benefits provided in section 97B.49,
44 subsection 16, the department shall establish the
45 covered wages limitation which applies to members
46 covered under section 97B.49, subsection 16, at the
47 same level as is established under this subparagraph
48 for other members of the system."

49 4. By striking page 2, line 31 through page 3,
50 line 9.

Page 2

1 5. Page 3, by inserting before line 10 the
2 following:

3 "Sec. ____ . Section 97B.49, subsection 5, paragraph

4 b, unnumbered paragraph 2, Code 1993, is amended to
5 read as follows:

6 Commencing July 1, 1991, the department shall
7 increase the percentage multiplier of the three-year
8 average covered wage by an additional two percent each
9 July 1 until reaching sixty percent of the three-year
10 average covered wage if the annual actuarial valuation
11 of the retirement system indicates for that year that
12 the cost of this increase in the percentage of the
13 three-year average covered wage used in computing
14 retirement benefits can be absorbed within the
15 employer and employee contribution rates in effect
16 under section 97B.11. However, commencing July 1,
17 1994, if the annual actuarial valuation of the
18 retirement system indicates that the employer and
19 employee contribution rates in effect under section
20 97B.11 can absorb an increase in the percentage
21 multiplier in excess of two percent, the department
22 shall increase the percentage multiplier for that year
23 beyond two percent to the extent which the increase
24 can be absorbed by the contribution rates in effect,
25 not to exceed a maximum percentage multiplier of sixty
26 percent. The ~~two percent~~ increase in the percentage
27 multiplier for a year applies only to the members
28 retiring on or after July 1 of the respective year.”

29 6. Page 3, line 12, by striking the word
30 “paragraph after” and inserting the following:
31 “paragraphs after”.

32 7. Page 3, by inserting after line 12 the
33 following:

34 “NEW UNNUMBERED PARAGRAPH. Notwithstanding any
35 other provision of this chapter providing for the
36 payment of the benefits provided in subsection 16, the
37 department shall establish the percentage multiplier
38 which applies to members covered under subsection 16
39 at the same level as is established under this
40 subsection for other members of the system.”

41 8. By striking page 3, line 13 through page 4,
42 line 5, and inserting the following:

43 “NEW UNNUMBERED PARAGRAPH. By November 15, 1993,
44 the department shall set aside from other moneys in
45 the retirement fund two million, eight hundred fifty
46 thousand dollars. The moneys set aside shall be from
47 the funds generated by the employer and employee
48 contributions in effect under section 97B.11 that
49 exceed the amount necessary to fund the system’s
50 existing liabilities, as determined in the annual

Page 3

1 actuarial valuation of the system as of June 30, 1993.
2 If the annual actuarial valuation indicates that the
3 amount of the employer and employee contributions in
4 excess of the amount necessary to fund existing
5 liabilities is less than two million, eight hundred
6 fifty thousand dollars, the department shall set aside
7 all funds that are available. The funds set aside
8 shall not be used in determining the percentage
9 multiplier pursuant to this section on July 1, 1994,
10 or in determining the covered wage limitation pursuant
11 to section 97B.41, subsection 20, paragraph "b",
12 subparagraph (11), on January 1, 1994. However, any
13 funds set aside which are not specifically dedicated
14 to a purpose by the Seventy-fifth General Assembly
15 shall be used in determining the percentage multiplier
16 and the covered wage limitation thereafter."

17 9. Page 4, by inserting before line 6 the
18 following:

19 "Sec. ____ . Section 97B.49, subsection 16,
20 paragraph a, subparagraph (3), Code 1993, is amended
21 to read as follows:

22 (3) Commencing July 1, 1991, the department shall
23 increase the percentage multiplier of the three-year
24 average covered wage by an additional two percent each
25 July 1 as provided in subsection 5, paragraph "b",
26 until reaching sixty percent of the three-year average
27 covered wage."

28 10. Page 5, by inserting after line 26 the
29 following:

30 "Sec. ____ . Section 411.5, subsection 2, Code 1993,
31 is amended to read as follows:

32 2. Compensation. The trustees, other than the
33 secretary, shall serve without compensation, but they
34 shall be reimbursed from the fire and police
35 retirement fund for all necessary expenses which they
36 may incur through service on the board, as provided
37 pursuant to section 411.36."

38 11. Page 7, lines 19 and 20, by striking the
39 words "one year" and inserting the following: "two
40 years".

41 12. Page 7, by inserting after line 23 the
42 following:

43 "Sec. ____ . Section 411.36, subsection 5, Code
44 1993, is amended to read as follows:

45 5. a. Members of the board shall be paid their
46 actual and necessary expenses incurred in the
47 performance of their duties and shall receive a per
48 diem as specified in section 7E.6 for each day of

49 service. Per diem and expenses shall be paid to
50 voting members from the fire and police retirement

Page 4

1 fund created in section 411.8.

2 b. A participating city shall allow an employee
3 who is a member of the board to attend all meetings of
4 the board. In their capacity as members of the board,
5 which is an instrumentality of political subdivisions
6 of the state, members of the board shall be deemed to
7 be jointly serving the members of the system and the
8 participating cities. The members of the board shall
9 perform their duties in the best interest of the
10 system. Board members who are employees of
11 participating cities shall be allowed to attend board
12 meetings without being required to use paid leave.
13 Costs incurred by a board member which are associated
14 with having a replacement perform the member's other
15 duties for the participating city while serving in the
16 capacity of a member of the board may be considered a
17 necessary expense of the system.

18 c. Per diem and expenses of the legislative
19 members shall be paid from the funds appropriated
20 under section 2.12. However, legislative members
21 shall not be paid pursuant to this section when the
22 general assembly is actually in session at the seat of
23 government."

24 13. Page 7, line 24, by striking the word "DATE"
25 and inserting the following: "DATES".

26 14. Page 7, lines 25 and 26, by striking the word
27 and figures "97A.16 and 411.23" and inserting the
28 following: "97A.16; 411.5, subsection 2; 411.23; and
29 411.36, subsection 5".

30 15. Page 7, line 27, by inserting after the
31 figure "1992." the following: "The sections of this
32 Act which amend sections 97B.41, subsection 20,
33 paragraph "b", subparagraph (11), by enacting a new
34 unnumbered paragraph; 97B.49, subsection 5, paragraph
35 "b", by enacting two new unnumbered paragraphs; and
36 97B.49, subsection 16, paragraph "a", subparagraph
37 (3), being deemed of immediate importance, take effect
38 upon enactment."

39 16. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 374

S-3488

1 Amend Senate File 374, as passed by the Senate, as
2 follows:

3 1. Page 2, line 3, by striking the words "one
4 dollar" and inserting the following: "two dollars".

5 2. Page 2, by striking lines 13 through 27.

6 3. Title page, by striking lines 2 through 4 and
7 inserting the following: "concerning renewal of
8 driver's licenses by mail."

S-3489

1 Amend the amendment, S-3485, to House File 623, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 12, by inserting after line 11, the
5 following:

6 "Sec. 100. BRUSHY CREEK RECREATION AREA. The
7 campground used for equestrian activities on the
8 northern part of the Brushy Creek recreation area
9 shall be a permanent campground for such activities.
10 The department in conjunction with the Brushy Creek
11 recreation trails advisory board shall implement the
12 provisions of section 455A.8A, as enacted in this Act,
13 including the development and completion of trail
14 improvements during the construction of the dam. The
15 recreational improvements shall be completed upon
16 completion of the dam."

17 2. Page 16, by inserting after line 25 the
18 following:

19 "Sec. 200. Section 455A.8, subsection 2, Code
20 1993, is amended to read as follows:

21 2. Each voting member of the board shall serve
22 three years, and shall be eligible for reappointment.
23 However, the park ranger responsible for Brushy Creek
24 shall be replaced by the ranger's successor, and the
25 person representing the state advisory board for
26 preserves shall serve at the pleasure of the board.
27 ~~The members department shall reimburse each member,~~
28 other than the director or the director's designee and
29 the park ranger, ~~are entitled to for~~ actual expenses
30 incurred by the member in performance of the duties of
31 the board. A majority of voting members constitutes a
32 quorum, and the affirmative vote of a majority present
33 is necessary for any action taken by the board, except
34 that a lesser number may adjourn a meeting. A vacancy

35 in the membership of the board does not impair the
36 rights of a quorum to exercise all rights and perform
37 all duties of the board. The board shall meet as
38 required, but at least twice a year. The board shall
39 meet upon call of the chairperson, or upon written
40 request of three members of the board. Written notice
41 of the time and place of the meeting shall be given to
42 each member.

43 Sec. 300. NEW SECTION. 455A.8A BRUSHY CREEK AREA
44 -- TRAIL IMPROVEMENTS.

45 The department, in cooperation with the Brushy
46 Creek recreation trails advisory board, shall provide
47 for trail improvements in the recreation area and the
48 state preserve adjoining the recreation area. The
49 department shall establish and maintain a system of
50 trails in the recreation area and the preserve. The

Page 2

1 trails shall be established or maintained to ensure
2 the minimum possible disturbance to the natural
3 terrain and the natural growth of vegetation,
4 including but not limited to trees. The system of
5 trails shall include equestrian and pedestrian trails.

6 The department in conjunction with the board shall
7 provide for the location, type, and distance of
8 trails, consistent with this section. The pedestrian
9 trails shall be located in view of scenic attractions,
10 including the lake and the valley. The trails shall
11 be established and maintained in areas where hunting
12 is permitted. The department and the board shall plan
13 for the development of the lake shore.

14 The northern and southern part of the area shall be
15 connected by trails. The northern part of the area
16 shall include an equestrian campground which shall be
17 maintained by the department. Trails shall exist on
18 the eastern and western sides of the lake. An
19 equestrian trail shall extend across the dam. There
20 shall be established convenient road crossings. The
21 southern part of the area shall include an area
22 designed to securely confine horses. The southern
23 part of the area shall also include pedestrian trails.
24 The department shall post signs on the trails, the
25 campground, and at the confinement area."

26 3. Page 20, by inserting after line 45, the
27 following:

28 "Sec. ____ . EFFECTIVE DATE. Sections 100, 200, and
29 300 of this Act, being deemed of immediate importance,
30 take effect upon enactment."

31 4. By renumbering and correcting internal
32 references as necessary.

BERL E. PRIEBE
JAMES B. KERSTEN

S-3490

1 Amend House File 354, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, by inserting after line 18 the
4 following:
5 "Sec. ____ . Section 321.205, Code 1993, as amended
6 by 1993 Iowa Acts, Senate File 373, section 3, is
7 amended to read as follows:
8 321.205 CONVICTION OR ADMINISTRATIVE DECISION IN
9 ANOTHER STATE.
10 The department is authorized to suspend or revoke
11 the motor vehicle license of a resident of this state
12 upon receiving notice of the conviction of the
13 resident in another state ~~or for a conviction under~~
14 ~~federal jurisdiction~~ for an offense which, if
15 committed in this state, would be grounds for the
16 suspension or revocation of the license or upon
17 receiving notice of a final administrative decision in
18 another state that the resident has acted in a manner
19 which would be grounds for suspension or revocation of
20 the license in this state.
21 The department shall suspend or revoke for one
22 hundred eighty days the motor vehicle license of a
23 resident of this state upon receiving notice of
24 conviction in another state or under federal
25 jurisdiction for ~~an~~ a drug or drug-related offense
26 ~~enumerated under section 321.209, subsection 8."~~
27 2. Title page, line 3, by inserting after the
28 word "transportation," the following: "concerning
29 motor vehicle license suspension or revocation for
30 drug-related offenses,".
31 3. By renumbering as necessary.

JEAN LLOYD-JONES

S-3491

1 Amend the amendment, S-3485, to House File 623, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 12, line 19, by striking the words "and
5 may" and inserting the following: "may".
6 2. Page 12, line 26, by striking the words and

7 figures "chapter 1001, section 402, and may" and
8 inserting the following: "Second Extraordinary
9 Session, chapter 1001, section 402, may".
10 3. Page 14, line 17, by striking the word
11 "defined" and inserting the following: "provided".
12 4. Page 14, line 18, by inserting after the
13 figure "9H.1," the following: "subsection 1,
14 paragraphs "a" through "c",".
15 5. By striking page 16, line 44 through page 18,
16 line 8, and inserting the following:
17 "Sec. ____ . Section 455B.310, subsection 2,
18 paragraph b, Code 1993, is amended by striking the
19 paragraph and inserting in lieu thereof the following:
20 b. In addition to the tonnage fee amounts imposed
21 under this subsection, the tonnage fee shall be
22 increased by seventy-five cents per ton of solid
23 waste. The moneys collected under this paragraph are
24 appropriated and shall be used as provided in section
25 455E.11, subsection 2, paragraph "a", subparagraph
26 (11A)."
27 6. Page 19, by striking lines 19 through 28, and
28 inserting the following: "recycling of sawdust."
29 7. Page 19, line 43, by striking the figure "(i)"
30 and inserting the following: "(ii)".
31 8. Page 20, line 43, by striking the word and
32 figure "Section 13" and inserting the following:
33 "Sections 13 and 24".
34 9. Page 20, line 44, by striking the word "takes"
35 and inserting the following: "take".
36 10. Page 20, lines 49 and 50, by striking the
37 words "an effective date" and inserting the following:
38 "effective dates".

EMIL J. HUSAK
BRAD BANKS

S-3492

1 Amend the amendment, S-3429, to House File 193, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 5 through 14 and
5 inserting the following:
6 ""Sec. ____ . Section 321.253, Code 1993, is amended
7 by adding the following new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. The department shall
9 post signs informing motorists that the scheduled fine
10 for committing a moving traffic violation in a road

11 construction zone is doubled or is one hundred
12 dollars, whichever is less.””

MIKE CONNOLLY

S-3493

1 Amend the amendment, S-3485, to House File 623, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 4, by striking lines 12 and 13, and
5 inserting the following:

6 “Sec. 700. HORSE AND DOG RACING.

7 1. There is appropriated from the moneys available
8 under section”.

9 2. Page 4, by inserting after line 22, the
10 following:

11 “2. a. The state veterinarian shall assume
12 responsibilities performed by the Iowa racing and
13 gaming commission in supervising and regulating the
14 health of animals racing under chapter 99D.

15 b. Notwithstanding sections of this Act amending
16 chapter 99D, the Iowa racing and gaming commission
17 shall satisfy all current contracts with commission
18 veterinarians. The commission shall not renew or
19 extend a contract beyond December 1, 1993. As each
20 contract expires, a departmental veterinarian shall
21 assume responsibilities of the commission
22 veterinarian. The Iowa racing and gaming commission
23 shall support payments under existing contracts with
24 other commission veterinarians from moneys
25 appropriated to the commission pursuant to Senate File
26 266, as enacted by the seventy-fifth general assembly
27 for the fiscal year beginning July 1, 1993, and ending
28 June 30, 1994. However, moneys remaining which would
29 otherwise be used to support a commission veterinarian
30 shall be transferred to the department within ten days
31 after the cessation of duties by that commission
32 veterinarian.

33 c. The total amount of the moneys used to support
34 all veterinarians of the commission and the
35 department, as required to administer chapter 99D, and
36 testing by Iowa state university of science and
37 technology shall not exceed \$645,000, unless the
38 commission determines that additional moneys
39 transferred to the department are required to support
40 departmental veterinarians at a particular track.

41 d. Unless the commission determines that
42 additional moneys transferred to the department are
43 required to support departmental veterinarians at a

44 particular track, not more than \$45,000 shall be used
 45 to support a veterinarian at the Waterloo track, not
 46 more than \$90,000 shall be used to support a
 47 veterinarian at the Council Bluffs track, not more
 48 than \$45,000 shall be used to support a veterinarian
 49 at the Dubuque track, not more than \$75,000 shall be
 50 used to support a veterinarian at the Des Moines

Page 2

1 track, and not more than \$390,000 shall be used to
 2 support Iowa state university of science and
 3 technology.

4 e. The racing and gaming commission and the
 5 department of agriculture and land stewardship shall
 6 provide for the orderly transition of responsibilities
 7 under this Act, including the adoption of rules and
 8 the transfer of personnel required to implement this
 9 Act."

10 3. Page 13, by inserting after line 11, the
 11 following:

12 "Sec. ____ . Section 99D.2, Code 1993, is amended by
 13 adding the following new subsection:

14 NEW SUBSECTION. 9. "State veterinarian" means the
 15 veterinarian appointed by the secretary of agriculture
 16 pursuant to section 159.5.

17 Sec. ____ . Section 99D.13, subsection 2, Code 1993,
 18 is amended to read as follows:

19 2. Winnings from each racetrack forfeited under
 20 subsection 1 shall escheat to the state and to the
 21 extent appropriated by the general assembly shall be
 22 used by the department of agriculture and land
 23 stewardship to administer section 99D.22. The
 24 remainder shall be paid over to the commission used by
 25 the state veterinarian to pay all or part of the cost
 26 of drug testing at the tracks. The remainder shall be
 27 paid over to the commission. To the extent the
 28 remainder paid over to the commission, less the cost
 29 of drug testing, is from unclaimed winnings from
 30 harness racing meets, the remainder shall be used as
 31 provided in subsection 3. To the extent the remainder
 32 paid to the commission, less the cost of drug testing,
 33 is from unclaimed winnings from licensed dog tracks,
 34 the commission shall remit annually five thousand
 35 dollars, or an equal portion of that amount, to each
 36 licensed dog track to carry out the racing dog
 37 adoption program pursuant to section 99D.27. To the
 38 extent the remainder paid over to the commission, less
 39 the cost of drug testing, is from unclaimed winnings
 40 from tracks licensed for dog or horse races, the

41 commission, on an annual basis, shall remit one-third
42 of the amount to the treasurer of the city in which
43 the racetrack is located, one-third of the amount to
44 the treasurer of the county in which the racetrack is
45 located, and one-third of the amount to the racetrack
46 from which it was forfeited. If the racetrack is not
47 located in a city, then one-third shall be deposited
48 as provided in chapter 556. The amount received by
49 the racetrack under this subsection shall be used only
50 for retiring the debt of the racetrack facilities and

Page 3

1 for capital improvements to the racetrack facilities.
2 Sec. ____ . Section 99D.23, Code 1993, is amended to
3 read as follows:
4 99D.23 COMMISSION STATE VETERINARIAN AND CHEMIST.
5 1. The state veterinarian shall supervise and
6 regulate the health of animals racing under this
7 chapter. The department of agriculture and land
8 stewardship may employ or contract with persons
9 required to assist the state veterinarian in
10 performing duties required under this chapter. The
11 department shall designate or appoint departmental
12 veterinarians to assist the state veterinarian. The
13 department and the racing and gaming commission shall
14 at all times cooperate in administering this chapter,
15 and shall share records and information, including
16 results of inspections and tests as required.
17 1 2. The commission department of agriculture and
18 land stewardship shall employ one or more chemists or
19 contract with a qualified chemical laboratory to
20 determine by chemical testing and analysis of saliva,
21 urine, blood, or other excretions or body fluids
22 whether a substance or drug has been introduced which
23 may affect the outcome of a race or whether an action
24 has been taken or a substance or drug has been
25 introduced which may interfere with the testing
26 procedure. The commission department of agriculture
27 and land stewardship shall adopt rules under chapter
28 17A concerning procedures and actions taken on
29 positive drug reports. The commission department of
30 agriculture and land stewardship may adopt by
31 reference the standards of the national association of
32 state racing commissioners, the association of
33 official racing chemists, and New York jockey club, or
34 the United States trotting association, or may adopt
35 any other procedure or standard. The commission
36 department has the authority to retain and preserve by
37 freezing, test samples for future analysis.

38 ~~2~~ 3. The ~~commission~~ department of agriculture and
 39 land stewardship shall employ or contract with one or
 40 more veterinarians under the direction of the state
 41 veterinarian to extract or procure the saliva, urine,
 42 blood, or other excretions or body fluids of the
 43 horses or dogs for the chemical testing purposes of
 44 this section. A ~~commission~~ departmental veterinarian
 45 shall be in attendance at every race meeting held in
 46 this state.

47 ~~3~~ 4. A chemist or veterinarian who willfully or
 48 intentionally fails to perform the functions or duties
 49 of employment required by this section shall be banned
 50 for life from employment at a race meeting held in

Page 4

1 this state.

2 ~~4~~ 5. The ~~commission~~ state veterinarian shall keep
 3 a continuing record of the racing soundness of all
 4 horses examined by a ~~commission~~ departmental
 5 veterinarian at a racetrack.

6 Sec. ____ . Section 99D.25, subsections 3, 4, 5, 7,
 7 9, 10, and 11, Code 1993, are amended to read as
 8 follows:

9 3. The All of the following conduct is prohibited:

10 a. The entering of a horse or dog in a race by the
 11 trainer or owner of the horse or dog if the trainer or
 12 owner knows or if by the exercise of reasonable care
 13 the trainer or owner should know that the horse or dog
 14 is drugged or numbed;

15 b. The drugging or numbing of a horse or dog with
 16 knowledge or with reason to believe that the horse or
 17 dog will compete in a race while so drugged or numbed.
 18 However, the ~~commission~~ department of agriculture and
 19 land stewardship may by rule establish permissible
 20 trace levels of substances foreign to the natural
 21 horse or dog that the ~~commission~~ department determines
 22 to be innocuous;

23 c. The willful failure by the operator of a racing
 24 facility to disqualify a horse or dog from competing
 25 in a race if the operator has been notified that the
 26 horse or dog is drugged or numbed, or was not properly
 27 made available for tests or inspections as required by
 28 the ~~commission; and~~ department of agriculture and land
 29 stewardship.

30 d. The willful failure by the operator of a racing
 31 facility to prohibit a horse or dog from racing if the
 32 operator has been notified that the horse or dog has
 33 been suspended from racing.

34 4. The owners owner of a horse or dog and their

35 ~~agents and employees or an agent or employee of the~~
36 ~~owner shall permit a member of the commission or a~~
37 ~~person employed or appointed by the commission the~~
38 ~~department of agriculture and land stewardship to make~~
39 ~~conduct or order~~ tests as the ~~commission state~~
40 ~~veterinarian~~ deems proper in order to determine
41 whether ~~a the~~ horse or dog has been improperly
42 drugged. The fact that purse money has been
43 distributed prior to the issuance of a test report
44 shall not be deemed a finding that ~~no a~~ chemical
45 substance has not been administered unlawfully to the
46 horse or dog earning the purse money. The findings of
47 the commission department of agriculture and land
48 stewardship that a horse or dog has been improperly
49 drugged by a narcotic or other drug are prima facie
50 evidence of the fact. The results of the tests shall

Page 5

1 be kept on file by the commission department of
2 agriculture and land stewardship for at least one year
3 following the tests.
4 5. Every horse which suffers a breakdown on the
5 racetrack, in training, or in competition, and is
6 destroyed, and every other horse which expires while
7 stabled on the racetrack under the jurisdiction of the
8 commission, shall undergo a postmortem examination at
9 a time and place acceptable to the commission state
10 veterinarian to determine the injury or sickness which
11 resulted in euthanasia or natural death. The
12 postmortem examination shall be conducted by a
13 veterinarian employed by the owner or the owner's
14 trainer in the presence of and in consultation with
15 the commission a department veterinarian. Test
16 samples shall be obtained from the carcass upon which
17 the postmortem examination is conducted and shall be
18 sent to a laboratory approved by the commission for
19 testing for foreign substances and natural substances
20 at abnormal levels. When practical, blood and urine
21 test samples should be procured prior to euthanasia.
22 The owner of the deceased horse is responsible for
23 payment of any charges due the veterinarian employed
24 to conduct the postmortem examination. The services
25 of the commission department veterinarian and the
26 laboratory testing of postmortem samples shall be made
27 available by the commission department of agriculture
28 and land stewardship without charge to the owner. A
29 record of every postmortem shall be filed with the
30 commission state veterinarian by the owner's
31 veterinarian within seventy-two hours of the death and

32 shall be submitted on a form supplied by the
33 ~~commission state veterinarian~~. Each owner and trainer
34 accepts the responsibility for the postmortem
35 examination provided herein as a requisite for
36 maintaining the occupational license issued by the
37 ~~commission state veterinarian~~.
38 7. Any horse which in the opinion of the
39 ~~commission a department~~ veterinarian has suffered a
40 traumatic injury or disability such that a controlled
41 program of phenylbutazone administration would not aid
42 in restoring the racing soundness of the horse shall
43 not be allowed to race while medicated with
44 phenylbutazone or with phenylbutazone present in the
45 horse's bodily systems.
46 9. Before a horse is allowed to race using
47 phenylbutazone, the veterinarian attending the horse
48 shall certify to the ~~commission department~~
49 veterinarian the course of treatment followed in
50 administering the phenylbutazone.

Page 6

1 10. The ~~commission department veterinarian~~ shall
2 conduct random tests of bodily substances of horses
3 entered to race each day of a race meeting to aid in
4 the detection of any unlawful drugging. The tests
5 shall be conducted both prior to and after a race.
6 The ~~commission department veterinarian~~ shall also test
7 any horse that breaks down during a race and shall
8 perform an autopsy on any horse that is killed or
9 subsequently destroyed as a result of accident during
10 a race.
11 11. Veterinarians must submit daily to the
12 ~~commission a department~~ veterinarian on a prescribed
13 form a report of all medications and other substances
14 which the veterinarian prescribed, administered, or
15 dispensed for horses registered at a current race
16 meeting. A logbook detailing other professional
17 services performed while on the grounds of a racetrack
18 shall be kept by veterinarians and shall be made
19 immediately available to the ~~commission a department~~
20 veterinarian or the stewards upon request.
21 Sec. ____ . Section 99D.25A, subsections 3 through
22 7, Code 1993, are amended to read as follows:
23 3. If a horse is to race with phenylbutazone in
24 its system, the trainer shall be responsible for
25 marking the information on the entry blank for each
26 race in which the horse shall use phenylbutazone.
27 Changes made after the time of entry must be submitted
28 on the prescribed form to the ~~commission a department~~

29 veterinarian no later than scratch time.
30 4. If a test detects concentrations of
31 phenylbutazone in the system of a horse in excess of
32 the level permitted in this section, the commission,
33 upon receiving information from the department of
34 agriculture and land stewardship, shall assess a civil
35 penalty against the trainer of two hundred dollars for
36 the first offense and five hundred dollars for a
37 second offense. The penalty for a third or subsequent
38 offense shall be in the discretion of the commission.
39 A penalty assessed under this subsection shall not
40 affect the placing of the horse in the race.
41 5. Lasix may be administered to certified
42 bleeders. Upon request, any horse placed on the
43 bleeder list shall, in its next race, be permitted the
44 use of lasix. Once a horse has raced with lasix, it
45 must continue to race with lasix in all subsequent
46 races unless a request is made to discontinue the use.
47 If the use of lasix is discontinued, the horse shall
48 be prohibited from again racing with lasix unless it
49 is later observed to be bleeding. Requests for the
50 use of or discontinuance of lasix must be made to the

Page 7

1 ~~commission a department~~ veterinarian by the horse's
2 trainer or assistant trainer on a form prescribed by
3 the ~~commission state veterinarian~~ on or before the day
4 of entry into the race for which the request is made.
5 6. Once a horse has been permitted the use of
6 lasix, it must be brought to the detention barn for
7 treatment not less than four hours prior to scheduled
8 post time for the race in which it is entered to
9 start. After the lasix treatment, the ~~commission~~
10 department of agriculture and land stewardship, by
11 rule, may authorize the release of the horse from the
12 detention barn before the scheduled post time. If a
13 horse is brought to the detention barn late, the
14 ~~commission~~, upon receiving information from the
15 department of agriculture and land stewardship, shall
16 assess a civil penalty of one hundred dollars against
17 the trainer.
18 7. A horse entered to race with lasix must be
19 treated at least four hours prior to post time. The
20 lasix shall be administered intravenously by a
21 veterinarian employed by the owner or trainer of the
22 horse under the visual supervision of the ~~commission a~~
23 department veterinarian. The practicing veterinarian
24 must deposit with the ~~commission a department~~
25 veterinarian at the detention barn an unopened supply

26 of lasix and sterile hypodermic needles and syringes
 27 to be used for the administrations. Lasix shall only
 28 be administered in a dose level of two hundred fifty
 29 milligrams. ~~The commission~~ A department veterinarian
 30 shall extract a test sample of the horse's blood,
 31 urine, or saliva to determine whether the horse was
 32 improperly drugged both before the lasix was
 33 administered and after the race is run.

34 Sec. ____ . Section 159.5, Code 1993, is amended by
 35 adding the following new subsection:

36 NEW SUBSECTION. 16. Appoint a state veterinarian
 37 who shall be responsible for regulating areas relating
 38 to animal health as provided by the secretary."

39 4. Page 20, by inserting after line 45, the
 40 following:

41 "Sec. ____ . EFFECTIVE DATE. Section 700 of this
 42 Act, being deemed of immediate importance takes effect
 43 upon enactment."

44 5. By renumbering and correcting internal
 45 references as necessary.

BERL E. PRIEBE

S-3494

1 Amend the amendment, S-3390, to House File 210, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 1, by striking lines 4 and 5 and
 5 inserting the following: "'months." the following:
 6 "As soon as practicable after the period of suspension
 7 has expired, the department shall expunge".

8 2. Page 1, by inserting after line 7 the
 9 following:

10 " ____ . Page 1, by inserting after line 15 the
 11 following:

12 "Sec. ____ . Section 321.218, subsection 4, Code
 13 1993, is amended by adding the following new
 14 unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. If the department
 16 receives a record of a conviction of a person under
 17 this section but the person's driving record does not
 18 indicate what the original grounds of suspension were,
 19 the period of suspension under this subsection shall
 20 be for a period not to exceed six months.""

21 3. By numbering and renumbering as necessary.

LINN FUHRMAN
 DERRYL McLAREN

S-3495

1 Amend House File 635, as passed by the House, as
2 follows:

3 1. Page 1, line 22, by inserting after the words

4 "election is" the following: "called or".

MICHAEL E. GRONSTAL

S-3496

1 Amend the amendment, S-3485, to House File 623, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 15, by inserting after line 23 the
5 following:

6 "Sec. ____ . Section 206.5, subsection 3, Code 1993,
7 is amended to read as follows:

8 3. a. Commercial applicators A commercial
9 applicator shall choose between a one-year
10 certification for which the applicator shall pay a
11 thirty dollar fee or a three-year certification for
12 which the applicator shall pay a seventy-five dollar
13 fee. Public applicators are exempt from the thirty
14 and seventy-five dollar certification fees and instead
15 are subject to A public applicator shall choose
16 between a one-year certification for which the
17 applicator shall pay a ten-dollar annual certification
18 ten dollar fee or a three-year certification for which
19 the applicator shall pay a fifteen dollar fee for a
20 three-year certification. The A private applicator
21 shall pay a fifteen dollar fee for a three-year
22 certification.

23 b. To be initially certified as a commercial,
24 public, or private applicator shall be tested prior to
25 initial certification, a person must complete an
26 educational program which shall consist of an
27 examination required to be passed by the person. In
28 addition, a After initial certification the
29 commercial, public, or private applicator shall be
30 reexamined every three years following initial
31 certification before the applicator is eligible for a
32 renewal of must renew the certification by completing
33 the educational program which shall consist of either
34 an examination or continuing instructional courses.
35 However, a The commercial, public, or private
36 applicator must pass the examination each third year
37 following initial certification or may elect to attend
38 two hours of continuing instructional courses each
39 year.

40 The department shall adopt rules providing for the
41 program requirements which shall at least include the
42 safe handling, application, and storage of pesticides,
43 the correct calibration of equipment used for the
44 application of pesticides, and the effects of
45 pesticides upon the groundwater. The department shall
46 adopt by rule criteria for allowing a person required
47 to be certified to complete either a written or oral
48 examination. The department shall administer the
49 instructional courses, by either teaching the courses
50 or selecting persons to teach the courses, according

Page 2

1 to criteria as provided by rules adopted by the
2 department. The department shall, to the extent
3 possible, select persons to teach the courses in each
4 county. The department is not required to compensate
5 persons selected to teach the courses. In selecting
6 persons, the department shall rely upon organizations
7 interested in the application of pesticides, including
8 associations representing pesticide applicators and
9 associations representing agricultural producers. The
10 Iowa cooperative extension service in agriculture and
11 home economics of Iowa state university of science and
12 technology shall cooperate with the department in
13 administering the instructional courses. The Iowa
14 cooperative extension service may teach courses, train
15 persons selected to teach courses, or distribute
16 informational materials to persons teaching the
17 courses.

18 c. A commercial, public, or private applicator
19 need is not required to be certified to apply
20 pesticides for a period of twenty-one days from the
21 date of initial employment if the commercial, public,
22 or private applicator is under the direct supervision
23 of a certified applicator. For the purposes of this
24 section, "under the direct supervision of" means that
25 the application of a pesticide is made by a competent
26 person acting under the instructions and control of a
27 certified applicator who is physically present, by
28 being in sight or hearing distance of the supervised
29 person.

30 Sec. ____ . Section 206.5, subsection 4, Code 1993,
31 is amended to read as follows:

32 4. A commercial applicator who applies pesticides
33 to agricultural land may, in lieu of the requirement
34 of direct supervision, elect to be exempt from the
35 certification requirements for a commercial applicator
36 for a period of twenty-one days, if the applicator

37 meets the requirements of a private applicator. The
38 test shall include, but is not limited to, the area of
39 safe handling of agricultural chemicals and the
40 effects of these chemicals on groundwater. The
41 secretary shall also adopt, by rule, the criteria for
42 the allowance of the selection of the written or oral
43 examination by a person requiring certification.”
44 2. By renumbering as necessary.

BRAD BANKS

S-3497

1 Amend the amendment, S-3485, to House File 623, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 15, by inserting after line 23 the
5 following:
6 “Sec. ____ . NEW SECTION. 200.22 LOCAL LEGISLATION
7 -- PROHIBITION.
8 1. As used in this section:
9 a. “Local governmental entity” means any political
10 subdivision, or any state authority which is not the
11 general assembly or under the direction of a principal
12 central department as enumerated in section 7E.5,
13 including a city as defined in section 362.2, a county
14 as provided in chapter 331, or any special purpose
15 district.
16 b. “Local legislation” means any ordinance,
17 motion, resolution, amendment, regulation, or rule
18 adopted by a local governmental entity.
19 2. The provisions of this chapter and rules
20 adopted by the department pursuant to this chapter
21 shall preempt local legislation adopted by a local
22 governmental entity relating to the use, sale,
23 distribution, storage, transportation, disposal,
24 formulation, labeling, registration, or manufacture of
25 a fertilizer or soil conditioner. A local
26 governmental entity shall not adopt or continue in
27 effect local legislation relating to the use, sale,
28 distribution, storage, transportation, disposal,
29 formulation, labeling, registration, or manufacture of
30 a fertilizer or soil conditioner, regardless of
31 whether a statute or rule adopted by the department
32 applies to preempt the local legislation. Local
33 legislation in violation of this section is void and
34 unenforceable.
35 3. This section does not apply to local
36 legislation of general applicability to commercial
37 activity.”

38 2. Page 15, by inserting after line 36 the
 39 following:
 40 "Sec. ____ . NEW SECTION. 206.34 LOCAL LEGISLATION
 41 -- PROHIBITION.
 42 1. As used in this section:
 43 a. "Local governmental entity" means any political
 44 subdivision, or any state authority which is not the
 45 general assembly or under the direction of a principal
 46 central department as enumerated in section 7E.5,
 47 including a city as defined in section 362.2, a county
 48 as provided in chapter 331, or any special purpose
 49 district.
 50 b. "Local legislation" means any ordinance,

Page 2

1 motion, resolution, amendment, regulation, or rule
 2 adopted by a local governmental entity.
 3 2. The provisions of this chapter and rules
 4 adopted by the department pursuant to this chapter
 5 shall preempt local legislation adopted by a local
 6 governmental entity relating to the use, sale,
 7 distribution, storage, transportation, disposal,
 8 formulation, labeling, registration, or manufacture of
 9 a pesticide. A local governmental entity shall not
 10 adopt or continue in effect local legislation relating
 11 to the use, sale, distribution, storage,
 12 transportation, disposal, formulation, labeling,
 13 registration, or manufacture of a pesticide,
 14 regardless of whether a statute or rule adopted by the
 15 department applies to preempt the local legislation.
 16 Local legislation in violation of this section is void
 17 and unenforceable.
 18 3. This section does not apply to local
 19 legislation of general applicability to commercial
 20 activity."
 21 3. By renumbering and correcting internal
 22 references as necessary.

BRAD BANKS

S-3498

1 Amend the amendment, S-3479, to House File 83, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting after line 27 the
 5 following:
 6 "Sec. ____ . NEW SECTION. 708.12 ASSAULT AGAINST A
 7 PEACE OFFICER.

- 8 A person who commits an assault, as defined in
9 section 708.1, against a peace officer while the
10 officer is performing the officer's duties is guilty
11 of a class "D" felony."
12 2. Page 1, line 30, by inserting after the word
13 "terrorism" the following: "establishing the crime
14 of assault against a peace officer,".
15 3. By renumbering as necessary.

RAY TAYLOR

S-3499

- 1 Amend the amendment, S-3479, to House File 83, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 27 the
5 following:
6 "Sec. ____ . **NEW SECTION. 731.2A COERCION AND**
7 **INTIMIDATION PROHIBITED.**
8 It shall be unlawful for any person, labor
9 organization, or employer, or any officer, agent, or
10 member of any labor organization or employer, by any
11 threatened or actual intimidation of an employee or
12 prospective employee, or the employee's parents,
13 spouse, children, grandchildren, or any other persons
14 residing in the employee's or prospective employee's
15 home, or by any damage or threatened damage to the
16 employee's property, to compel or attempt to compel
17 such employee to join, affiliate with, or financially
18 support a labor organization or to refrain from doing
19 so, or to otherwise forfeit the employee's rights as
20 guaranteed by this chapter. It shall also be unlawful
21 to cause such employee to be denied employment or
22 discharged from employment because of support or
23 nonsupport of a labor organization by inducing or
24 attempting to induce any other person to refuse to
25 work with such employee."
26 2. Page 1, line 30, by inserting after the word
27 "terrorism" the following: "and certain forms of
28 coercive and intimidating tactics regarding membership
29 in labor organizations".
30 3. By renumbering as necessary.

RAY TAYLOR

S-3500

- 1 Amend the House amendment, S-3300, to Senate File
2 267, as amended, passed, and reprinted by the Senate,

3 as follows:

4 1. Page 1, by striking lines 3 through 8.

5 2. Page 1, by inserting before line 9 the fol-
6 lowing:

7 " ____ . Page 3, by inserting after line 33 the
8 following:

9 " ____ . The administrative costs and expenses
10 incurred by the attorney general, the treasurer of
11 state, the second injury fund, or the department of
12 revenue and finance, in connection with the second
13 injury fund, may be paid from the fund. However, the
14 payment of administrative costs and expenses incurred
15 by the attorney general, the treasurer of state, the
16 second injury fund, and the department of revenue and
17 finance, as authorized in this subsection, shall only
18 be permitted for administrative costs and expenses
19 incurred in the fiscal year commencing July 1, 1993,
20 and shall not exceed \$170,000."

21 3. Page 1, by striking lines 11 through 30 and
22 inserting the following:

23 ""The department of corrections shall analyze and
24 compare policies and guidelines concerning inmates at
25 the correctional facilities, and shall propose
26 revisions to the general assembly as necessary to
27 ensure that male and female inmates have comparable
28 opportunities for education, vocational education, and
29 treatment at the state correctional facilities. Where
30 legislative action is not necessary to ensure
31 comparable opportunities, the department shall take
32 administrative action to implement the policies or
33 guidelines needed to accomplish the comparable
34 opportunities mandated by this paragraph. The de-
35 partment shall report the progress on the analysis and
36 comparison of the policies and guidelines, and any
37 changes made, to the co-chairpersons and ranking
38 members of the joint appropriations subcommittee on
39 the justice system and the legislative fiscal bureau
40 on or before December 15, 1993."

41 4. Page 1, by striking lines 36 through 43.

42 5. Page 2, by striking lines 9 and 10 and
43 inserting the following:

44 " ____ . Page 22, line 24, by striking the word
45 "subsections" and inserting the following:
46 "subsection".

47 ____ . Page 22, by striking lines 28 through 30.

48 ____ . By striking page 24, line 23 through page
49 26, line 14."

50 6. By renumbering as necessary.

S-3501

- 1 Amend House File 210, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 9.
4 2. Page 1, line 15, by striking the words and
5 figures "321.216, subsection 9" and inserting the
6 following: "321.216B".
7 3. Page 1, by inserting after line 15 the
8 following:
9 "Sec. ____ . **NEW SECTION. 321.216B USE OF MOTOR**
10 **VEHICLE LICENSE BY UNDERAGE PERSON TO OBTAIN ALCOHOL.**
11 A person who is under the age of twenty-one, who
12 alters or displays or has in the person's possession a
13 fictitious or fraudulently altered motor vehicle
14 license and who uses the license to violate or attempt
15 to violate section 123.47 or 123.47A commits a simple
16 misdemeanor. The court shall forward a copy of the
17 conviction or order of adjudication under section
18 232.47 to the department."
19 4. Page 1, lines 20 and 21, by striking the
20 figures "321.210A; ~~321.216~~" and inserting the
21 following: "321.210A, ~~321.216~~ 321.216B".
22 5. Title page, line 2, by striking the words
23 "alters the" and inserting the following: "uses an
24 altered".

JEAN LLOYD-JONES

S-3502

- 1 Amend the amendment, S-3430, to House File 354, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 1, by striking lines 11 through 14 and
5 inserting the following: "shall be served notice of
6 the application and hearing and be provided a copy of
7 the legal description of the property to be condemned
8 by the railway corporation. The department may".
9 2. Page 1, by striking lines 25 through 27.
10 3. By renumbering as necessary.

JEAN LLOYD-JONES

S-3503

- 1 Amend House File 354 as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 18 the
4 following:

5 "Sec. ____ . Section 321.46, Code 1993, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 7. If a motor vehicle is leased
 8 and the lessee purchases the vehicle upon termination
 9 of the lease, the lessor shall, upon claim by the
 10 lessee with the lessor within fifteen days of the
 11 purchase, assign the registration fee credit and
 12 registration plates for the leased motor vehicle to
 13 the lessee. Credit shall be applied as provided in
 14 subsection 3."
 15 2. Title page, line 3, by inserting after the
 16 word "transportation," the following: "by permitting
 17 a credit for certain registration fees on leased
 18 vehicles purchased by the lessee,".
 19 3. By renumbering as necessary.

MERLIN E. BARTZ

S-3504

1 Amend House File 275, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 11, by inserting after the figure
 4 "272." the following: "However, a board of directors
 5 of a school district shall consider applicants with
 6 qualifications described below, in the following order
 7 of priority:
 8 1. A qualified individual who possesses a valid
 9 teaching license with a proper coaching endorsement.
 10 2. A qualified individual who possesses a coaching
 11 authorization issued by the board of educational
 12 examiners.
 13 Qualifications are to be determined by the board of
 14 directors or their designee or a case-by-case basis.
 15 PARAGRAPH DIVIDED."

BILL FINK
 JIM KERSTEN
 EUGENE FRAISE
 RANDAL J. GIANNETTO
 LYLE E. ZIEMAN
 TONY BISIGNANO
 RAY TAYLOR
 JIM LIND
 MIKE CONNOLLY

S-3505

1 Amend the amendment, S-3501, to House File 210, as
 2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 1, by striking lines 4 through 6 and

5 inserting the following:

6 " ____ . Page 1, by striking line 15 and inserting
7 the following: "section 321.216B shall not exceed six
8 months. As soon as practicable after the period of
9 suspension has expired, the department shall expunge
10 information regarding the suspension from the person's
11 driving record.""

12 2. Page 1, by inserting after line 18, the

13 following:

14 "Sec. ____ . Section 321.218, subsection 4, Code

15 1993, is amended by adding the following new

16 unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. If the department
18 receives a record of a conviction of a person under
19 this section but the person's driving record does not
20 indicate what the original grounds of suspension were,
21 the period of suspension under this subsection shall
22 be for a period not to exceed six months.""

23 3. Page 1, by inserting after line 21 the

24 following:

25 " ____ . Page 1, by inserting after line 23 the

26 following:

27 "Sec. ____ . LEGISLATIVE INTENT. It is the intent

28 of the general assembly that suspensions of the motor

29 vehicle license or nonresident operating privileges of

30 minors under section 321.210, subsection 1, paragraph

31 "d", for a violation of section 321.216B, not be used

32 to raise or otherwise negatively impact the insurance

33 rates of those individuals. While the suspension of a

34 motor vehicle license may serve as a useful deterrent

35 to unlawful possession of alcohol, thereby achieving

36 the effect that the general assembly intends, the

37 general assembly intends that only those suspensions

38 that are a result of moving violations be used as the

39 basis for an increase in a person's premium rate for

40 motor vehicle insurance.""

41 4. By renumbering as necessary.

LINN FUHRMAN
DERRYL McLAREN

S-3506

1 Amend House File 361, as passed by the House, as

2 follows:

3 1. Page 1, by inserting after line 2, the

4 following:

5 "Sec. ____ . Section 141.23A, Code 1993, is amended

6 to read as follows:

7 141.23A HUMAN IMMUNODEFICIENCY VIRUS
8 EPIDEMIOLOGICAL ~~BLINDED STUDY~~ STUDIES.

9 1. Notwithstanding section 141.8 regarding
10 informed consent and reporting requirements, and
11 section 141.22 regarding informed consent and
12 preliminary and posttest counseling, the Iowa
13 department of public health or its agent, with the
14 approval of the state board of health, may conduct
15 through the expenditure of federal grant moneys
16 allocated for this purpose an blinded epidemiological
17 blinded study of newborns studies to determine the
18 incidence and prevalence of the human immunodeficiency
19 virus infection. All In blinded studies, all personal
20 identifiers shall be permanently stripped from the
21 specimens selected prior to testing for the human
22 immunodeficiency virus infection.

23 For the purposes of this section subsection,
24 "epidemiological blinded epidemiological study" means
25 a study in which blood specimens which were collected
26 for other purposes are selected according to
27 established criteria, are permanently stripped of
28 personal identifiers, and are then tested.

29 2. The Iowa department of public health, with the
30 approval of the state board of health, may conduct
31 nonblinded epidemiological studies to determine the
32 incidence and prevalence of the human immunodeficiency
33 virus infection. For the purposes of this subsection,
34 "nonblinded epidemiological study" means a study in
35 which specimens are collected, for the express purpose
36 of testing for the human immunodeficiency virus
37 infection, from persons who are selected in accordance
38 with established criteria, subject to section 141.8
39 regarding informed consent and reporting requirements
40 and section 141.22 regarding informed consent and
41 preliminary and posttest counseling."

42 2. Title page, line 3, by inserting after the
43 word "permits," the following: "epidemiological
44 studies,".

45 3. By renumbering as necessary.

RALPH ROSENBERG

S-3507

1 Amend House File 354, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 14 the
4 following:

5 "Sec. 100. Section 321H.2, subsection 3, Code

6 1993, is amended to read as follows:

7 3. "Extension" means a place of business of an
8 ~~authorized vehicle recycler~~ other than the principal
9 place of business within the county of the principal
10 place of business.

11 Sec. 101. Section 321H.2, Code 1993, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 4A. "Salvage pool" means the
14 business of selling at auction wrecked or salvage
15 vehicles, as defined in section 321.52.

16 Sec. 102. Section 321H.3, unnumbered paragraph 1,
17 Code 1993, is amended to read as follows:

18 Except for educational institutions, people
19 licensed as new vehicle dealers under chapter 322,
20 people engaged in a hobby not for profit, people
21 engaged in the business of purchasing bodies, parts of
22 bodies, frames or component parts of vehicles only for
23 sale as scrap metal or a person licensed under the
24 provisions of this chapter as an ~~authorized vehicle~~
25 ~~recycler~~, a person in this state shall not engage in
26 the business of:

27 Sec. 103. Section 321H.3, Code 1993, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 5. Purchasing more than two motor
30 vehicles from a salvage pool in a calendar year. A
31 person who purchases more than two motor vehicles from
32 a salvage pool is considered to be engaging in the
33 business for purposes of this section.

34 Sec. 104. Section 321H.4, subsection 1, Code 1993,
35 is amended by striking the subsection and inserting in
36 lieu thereof the following:

37 1. Upon initial application or renewal and upon
38 payment of a fee, a person may apply for a license to
39 engage in business as either an authorized vehicle
40 recycler or a salvage pool. A person who applies for
41 an authorized vehicle recycler license may apply to
42 engage in one or more of the following businesses:

- 43 a. Vehicle rebuilder.
- 44 b. Used vehicle parts dealer.
- 45 c. Vehicle salvager.

46 Sec. 105. Section 321H.4, subsection 2, unnumbered
47 paragraph 1, Code 1993, is amended to read as follows:

48 Application for a license as an authorized vehicle
49 recycler or ~~salvage pool~~ shall be made to the
50 department on forms provided by the department. The

Page 2

1 application shall be accompanied by a fee of seventy
2 dollars for a two-year license, one hundred forty

- 3 dollars for a four-year license, or two hundred ten
 4 dollars for a six-year license. The license shall be
 5 approved or disapproved within thirty days after
 6 application for the license. A license is valid for
 7 two years, four years, or six years and expires on the
 8 last day of the last month of the two-year, four-year,
 9 or six-year period, as applicable. A separate license
 10 shall be obtained for each county in which an
 11 applicant conducts operations.”
- 12 2. Title page, line 4, by inserting after the
 13 word “application,” the following: “requiring salvage
 14 pool licenses.”
- 15 3. By renumbering as necessary.

EUGENE S. FRAISE
 JOHN W. JENSEN
 JOE J. WELSH
 RICHARD F. DRAKE
 BERL E. PRIEBE

S-3508

- 1 Amend the amendment, S-3501, to House File 210, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
- 4 1. Page 1, by inserting after line 21 the fol-
 5 lowing:
- 6 “ ____ . Title page, line 1, by striking the words
 7 “to provide” and inserting the following:
 8 “establishing a criminal offense and providing”.”
- 9 2. By renumbering as necessary.

JEAN LLOYD-JONES

S-3509

- 1 Amend the amendment, S-3430, to House File 354, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
- 4 1. Page 1, by striking lines 9 through 14 and
 5 inserting the following: “condemn. The railway
 6 corporation shall serve notice of the application and
 7 hearing and provide a copy of the legal description of
 8 the property to be condemned to the owner and any
 9 recordholders of liens and encumbrances on any land
 10 described in the application. The department may.”.
- 11 2. Page 1, by striking lines 25 through 27.
- 12 3. By renumbering as necessary.

JEAN LLOYD-JONES

S-3510

1 Amend House File 409, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 7 through 9 and
4 inserting the following: "of the vehicle or for a
5 multipurpose vehicle if the vehicle's owner or a
6 member of the vehicle owner's household is wheelchair
7 bound shall be ~~seventy-five~~ sixty dollars for the
8 first through fifth model years and shall be ~~fifty-~~
9 ~~five~~ dollars for each model year thereafter. To
10 qualify under this paragraph,".

11 2. Page 1, by striking lines 19 through 21 and
12 inserting the following: "and exit of the vehicle or
13 for a multipurpose vehicle if the vehicle's owner or a
14 member of the vehicle owner's household is wheelchair
15 bound shall be ~~seventy-five~~ sixty dollars for the
16 first through fifth model years and shall be ~~fifty-~~
17 ~~five~~ dollars for each model year thereafter. To
18 qualify under this".

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-3511

1 Amend Senate File 412 as follows:

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

4 "Section 1. NEW SECTION. 9.8 RECORD PRESERVATION
5 FUND.

6 A record preservation fund is established in the
7 state treasury under the control of the secretary of
8 state who shall disburse such moneys as directed by
9 the working group created in section 331.605B. Moneys
10 received pursuant to section 331.605A shall be
11 deposited in the fund. Notwithstanding section 8.33,
12 any unexpended balances in the record preservation
13 fund at the end of each fiscal year shall be retained
14 in the fund and shall not revert to the general fund.
15 Moneys in the fund shall be used to provide grants to
16 counties for the purchase of equipment directly
17 related to the preservation and maintenance of public
18 records as determined by the working group. The
19 working group shall develop a form for such grant
20 requests. Approval of any request shall be based upon
21 the needs of the county and a showing that the fees
22 assessed pursuant to section 331.605A are insufficient
23 to generate the necessary funds to accomplish the
24 purposes established in that section."

- 25 2. Page 1, line 5, by striking the words and
 26 figures "sections 331.604 and 331.605" and inserting
 27 the following: "section 331.604".
- 28 3. Page 1, line 8, by inserting after the word
 29 "which" the following: "ninety-five percent of".
- 30 4. Page 1, line 9, by inserting after the word
 31 "deposited." the following: "The remaining five
 32 percent shall be remitted to the treasurer of state
 33 for deposit in the record preservation fund
 34 established in section 9.8 and used for the purposes
 35 established in that section."
- 36 5. Page 1, line 28, by inserting after the word
 37 "AUDIT" the following: "-- LEGISLATIVE INTENT --
 38 WORKING GROUP".
- 39 6. Page 1, line 29, by striking the word "The"
 40 and inserting the following:
 41 "1. The".
- 42 7. Page 1, by striking line 34.
- 43 8. Page 1, line 35, by striking the figure "1"
 44 and inserting the following: "2".
- 45 9. Page 2, by striking lines 5 through 11 and
 46 inserting the following: "working group shall consist
 47 of nine members and shall include the following:
 48 a. Two persons representing county recorders.
 49 b. One person representing the secretary of state.
 50 c. One person representing the state historical

Page 2

- 1 society in the department of cultural affairs.
 2 d. Five persons representing citizens and business
 3 interests, including lenders,".
- 4 10. Page 2, line 13, by striking the figure "2"
 5 and inserting the following: "3".
- 6 11. Page 2, line 15, by striking the figure "3"
 7 and inserting the following: "4".
- 8 12. Page 2, by inserting after line 19 the
 9 following:
 10 "Sec. ____ . Section 9.8, Code 1993, is repealed
 11 effective July 1, 1998."
 12 13. Renumber as necessary.

LINN FUHRMAN

S-3512

- 1 Amend the amendment, S-3480, to House File 451, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 7 through 10 and

5 inserting the following:

6 "____. Page 1, lines 14 and 15, by striking the
7 words "any such injury of violence a serious injury"
8 and inserting the following: "any such gunshot or
9 stab wound or other serious injury of violence."

RALPH ROSENBERG

HOUSE AMENDMENT TO
SENATE FILE 221

S-3513

1 Amend Senate File 221, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 6, by inserting after line 7 the
4 following:

5 "Sec. 100. Section 237A.27, Code 1993, is amended
6 to read as follows:

7 237A.27 CRISIS CHILD CARE.

8 The department shall establish a special child care
9 registration or licensure classification for crisis
10 child care which is provided on a temporary emergency
11 basis to a child when there is reason to believe that
12 the child may be subject to abuse or neglect. The
13 special classification is not subject to the
14 definitional restrictions of child day care in this
15 chapter relating to the provision of child day care
16 for a period of less than twenty-four hours per day on
17 a regular basis. However, the provision of crisis
18 child care shall be limited to a period of not more
19 than seventy-two hours for a child during any single
20 stay. A person providing crisis child care must be
21 registered or licensed under this chapter and must be
22 participating or have previously participated in the
23 federal crisis nursery pilot project. The department
24 shall adopt rules pursuant to chapter 17A to implement
25 this section."

26 2. Page 6, by inserting after line 16 the
27 following:

28 "Sec. ____ . EMERGENCY RULES. The department of
29 human services shall adopt administrative rules under
30 section 17A.4, subsection 2, and section 17A.5,
31 subsection 2, paragraph "b", to implement the
32 provisions of section 100 of this Act by July 1, 1993.
33 Any rules adopted in accordance with the provisions of
34 this section shall also be published as a notice of
35 intended action as provided in section 17A.4."

36 3. Page 6, by inserting after line 16 the
37 following:

38 "DIVISION ____
 39 JUVENILE SHELTER CARE
 40 Sec. ____ . Section 232.141, subsection 8, Code
 41 1993, is amended by striking the subsection and
 42 inserting in lieu thereof the following:
 43 8. This subsection applies only to placements in a
 44 juvenile shelter care home which is publicly owned,
 45 operated as a county or multicounty shelter care home,
 46 organized under a chapter 28E agreement, or operated
 47 by a private juvenile shelter care home. If the
 48 actual and allowable costs of a child's shelter care
 49 placement exceed the amount the department is
 50 authorized to pay in accordance with law and

Page 2

1 administrative rule, the unpaid costs may be recovered
 2 from the child's county of legal settlement. However,
 3 the maximum amount of the unpaid costs which may be
 4 recovered under this subsection is limited to the
 5 difference between the amount the department is
 6 authorized to pay and the statewide average of the
 7 actual and allowable rates in effect in May of the
 8 preceding fiscal year for reimbursement of juvenile
 9 shelter care homes. In no case shall the home be
 10 reimbursed for more than the home's actual and
 11 allowable costs. The unpaid costs are payable
 12 pursuant to filing of verified claims against the
 13 county of legal settlement. A detailed statement of
 14 the facts upon which a claim is based shall accompany
 15 the claim. Any dispute between counties arising from
 16 filings of claims pursuant to this subsection shall be
 17 settled in the manner provided to determine legal
 18 settlement in section 230.12."
 19 4. Page 6, by striking lines 17 through 25.
 20 5. Title page, line 3, by striking the words "and
 21 child day care" and inserting the following: "child
 22 day care, and juvenile shelter care".
 23 6. By renumbering, relettering, or redesignating
 24 and correcting internal references as necessary.

S-3514

1 Amend House File 409, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 25, the
 4 following:
 5 "Sec. ____ . 1993 Iowa Acts, Senate File 232,

6 sections 17 and 18, are repealed.”
7 2. By renumbering as necessary.

WILLIAM W. DIELEMAN

HOUSE AMENDMENT TO
SENATE FILE 233

S-3515

1 Amend Senate File 233, 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 “DEPARTMENT OF EDUCATION

6 Section 1. There is appropriated from the general
7 fund of the state to the department of education for
8 the fiscal year beginning July 1, 1993, and ending
9 June 30, 1994, the following amounts, or so much
10 thereof as may be necessary, to be used for the
11 purposes designated:

12 1. GENERAL ADMINISTRATION

13 For salaries, support, maintenance, miscellaneous
14 purposes, and for not more than the following full-
15 time equivalent positions:

16	\$ 4,729,911
17	FTEs 91.95

18 The department of education shall work
19 collaboratively with the college of education at the
20 university of northern Iowa in developing activities
21 in order to support the STAR schools program and the
22 work of the college of education relating to the
23 preparation of teachers to effectively use technology
24 in education.

25 The department of education shall prepare and make
26 available to schools and the public suggestions for
27 parental involvement activities in areas including but
28 not limited to the following:

- 29 a. Social involvement for parents and families.
- 30 b. Two-way communication between home and school.
- 31 c. Volunteer opportunities in the schools.
- 32 d. School and community advisory committees.
- 33 e. Joint school and home learning activities.
- 34 f. Classroom visits before problems arise.
- 35 g. Parent surveys.
- 36 h. Parent education and workshops.
- 37 i. Preschool preparation.

38 It is the intent of the general assembly that the
39 department of education shall not require public or
40 nonpublic schools to implement outcomes-based

41 mechanisms developed by the state board of education
 42 without legislative authorization.
 43 2. VOCATIONAL EDUCATION ADMINISTRATION
 44 For salaries, support, maintenance, miscellaneous
 45 purposes, and for not more than the following full-
 46 time equivalent positions:
 47 \$ 624,552
 48 FTEs 25.20
 49 3. VOCATIONAL REHABILITATION DIVISION
 50 a. For salaries, support, maintenance,

Page 2

1 miscellaneous purposes, and for not more than the
 2 following full-time equivalent positions:
 3 \$ 3,442,574
 4 FTEs 278.00

5 It is the intent of the general assembly that the
 6 division of vocational rehabilitation services of the
 7 department of education shall seek, in addition to
 8 state appropriations, funds other than federal funds,
 9 which may include but are not limited to local funds,
 10 for purposes of matching federal vocational
 11 rehabilitation funds.

12 b. For matching funds for programs to enable
 13 severely physically or mentally disabled persons to
 14 function more independently, including salaries and
 15 support, and for not more than the following full-time
 16 equivalent positions:
 17 \$ 20,638
 18 FTEs 1.50

19 4. CORRECTIONS EDUCATION PROGRAM
 20 For educational programs at state penal
 21 institutions:
 22 \$ 1,850,600

23 5. BOARD OF EDUCATIONAL EXAMINERS
 24 For salaries, support, maintenance, miscellaneous
 25 purposes, and for not more than the following full-
 26 time equivalent positions:
 27 \$ 170,386
 28 FTEs 2.00

29 The moneys appropriated by this subsection shall be
 30 reduced by \$50,000 if an increase in the fees charged
 31 by the board of educational examiners does not result
 32 in an increase of at least \$50,000 in revenues to the
 33 board during the fiscal year beginning July 1, 1993.

34 6. SCHOOL FOOD SERVICE
 35 For use as state matching funds for federal
 36 programs which shall be disbursed according to federal
 37 regulations, including salaries, support, maintenance,

38 miscellaneous purposes, and for not more than the
 39 following full-time equivalent positions:
 40 \$ 2,716,859
 41 FTEs 13.00
 42 7. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
 43 To provide funds for costs of providing textbooks
 44 to each resident pupil who attends a nonpublic school
 45 as authorized by section 301.1. The funding is
 46 limited to \$20 per pupil and shall not exceed the
 47 comparable services offered to resident public school
 48 pupils:
 49 \$ 551,000
 50 8. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION

Page 3

1 To assist a vocational agriculture youth
 2 organization sponsored by the schools to support the
 3 foundation established by that vocational agriculture
 4 youth organization, and for other youth activities:
 5 \$ 49,400
 6 9. STATE LIBRARY
 7 For salaries, support, maintenance, miscellaneous
 8 purposes, and for not more than the following full-
 9 time equivalent positions:
 10 \$ 2,004,464
 11 FTEs 35.00
 12 10. REGIONAL LIBRARY
 13 For state aid:
 14 \$ 1,425,000
 15 11. PUBLIC BROADCASTING DIVISION
 16 For salaries, support, maintenance, capital
 17 expenditures, miscellaneous purposes, and for not more
 18 than the following full-time equivalent positions:
 19 \$ 5,831,384
 20 FTEs 91.00
 21 12. COMMUNITY COLLEGES
 22 Notwithstanding chapter 260D, for general state
 23 financial aid, including general financial aid to
 24 merged areas in lieu of personal property tax
 25 replacement payments under section 427A.13, to merged
 26 areas as defined in section 260C.2, for vocational
 27 education programs in accordance with chapters 258 and
 28 260C, to purchase instructional equipment for
 29 vocational and technical courses of instruction in
 30 community colleges, and for salary increases:
 31 \$93,195,486
 32 The funds appropriated in this subsection shall be
 33 allocated as follows:
 34 a. Merged Area I \$ 4,363,808

35	b. Merged Area II	\$ 5,262,237
36	c. Merged Area III	\$ 5,047,150
37	d. Merged Area IV	\$ 2,374,105
38	e. Merged Area V	\$ 5,136,543
39	f. Merged Area VI	\$ 4,734,066
40	g. Merged Area VII	\$ 6,480,501
41	h. Merged Area IX	\$ 8,191,916
42	i. Merged Area X	\$12,685,580
43	j. Merged Area XI	\$13,716,831
44	k. Merged Area XII	\$ 5,354,228
45	l. Merged Area XIII	\$ 5,523,902
46	m. Merged Area XIV	\$ 2,442,563
47	n. Merged Area XV	\$ 7,599,062
48	o. Merged Area XVI	\$ 4,282,994
49	Sec. 2. There is appropriated from the general	
50	fund of the state to the department of education for	

Page 4

1	the fiscal year beginning July 1, 1994, and ending	
2	June 30, 1995, the following amounts, or so much	
3	thereof as is necessary, to be used for the purposes	
4	designated:	
5	1. Notwithstanding chapter 260D for state	
6	financial aid, including general financial aid to	
7	merged areas in lieu of personal property tax	
8	replacement payments under section 427A.13, to merged	
9	areas to be accrued as income and used for	
10	expenditures incurred by the community colleges during	
11	the fiscal year beginning July 1, 1993, and ending	
12	June 30, 1994:	
13		\$16,450,231
14	The funds appropriated in this section shall be	
15	allocated as follows:	
16	a. Merged Area I	\$ 777,072
17	b. Merged Area II	\$ 930,993
18	c. Merged Area III	\$ 894,475
19	d. Merged Area IV	\$ 423,103
20	e. Merged Area V	\$ 897,586
21	f. Merged Area VI	\$ 836,461
22	g. Merged Area VII	\$ 1,152,178
23	h. Merged Area IX	\$ 1,446,020
24	i. Merged Area X	\$ 2,232,424
25	j. Merged Area XI	\$ 2,414,311
26	k. Merged Area XII	\$ 948,649
27	l. Merged Area XIII	\$ 974,188
28	m. Merged Area XIV	\$ 431,773
29	n. Merged Area XV	\$ 1,335,675
30	o. Merged Area XVI	\$ 755,323
31	2. Funds appropriated by this section shall be	

32 allocated pursuant to this section and paid on or
33 about August 15, 1994.

34 Sec. 3. There is appropriated from the general
35 fund of the state to the department of education for
36 the fiscal year beginning July 1, 1993, and ending
37 June 30, 1994, the following amount, or so much
38 thereof as may be necessary, to be used for the
39 purpose designated:

40 To supplement the appropriation in section 294A.25
41 for phase II:

42 \$ 535,755

43 Sec. 4. There is appropriated from the general
44 fund of the state to the department of education for
45 the fiscal year beginning July 1, 1993, and ending
46 June 30, 1994, the following amount, or so much
47 thereof as may be necessary, to be used for the
48 purpose designated:

49 For expenditures incurred by school districts
50 during the previous fiscal year for vocational

Page 5

1 education aid to secondary schools:
2 \$ 3,308,850

3 Funds appropriated in this section shall be used
4 for expenditures made by school districts to meet the
5 standards set in sections 256.11, 258.4, and 260C.23
6 as a result of the enactment of 1989 Iowa Acts,
7 chapter 278. Funds shall be used as reimbursement for
8 vocational education expenditures made by secondary
9 schools in the manner provided by the department of
10 education for implementation of the standards set in
11 1989 Iowa Acts, chapter 278.

12 Sec. 5. There is appropriated from the general
13 fund of the state to the department of education for
14 the fiscal year beginning July 1, 1994, and ending
15 June 30, 1995, the following amount, or so much
16 thereof as may be necessary, to be used for the
17 purpose designated:

18 For expenditures incurred by school districts
19 during the previous fiscal year for vocational
20 education aid to secondary schools:

21 \$ 3,308,850

22 Funds appropriated in this section shall be used
23 for expenditures made by school districts to meet the
24 standards set in sections 256.11, 258.4, and 260C.23
25 as a result of the enactment of 1989 Iowa Acts,
26 chapter 278. Funds shall be used as reimbursement for
27 vocational education expenditures made by secondary
28 schools in the manner provided by the department of

29 education for implementation of the standards set in
30 1989 Iowa Acts, chapter 278.

31 Sec. 6. NONPUBLIC SCHOOL PUPIL TRANSPORTATION

32 SERVICES. Notwithstanding the standing appropriation

33 in section 285.2, there is appropriated pursuant to

34 section 285.2 from the general fund of the state to

35 the department of education for the fiscal year

36 beginning July 1, 1993, and ending June 30, 1994, the

37 following amount or so much thereof as may be

38 necessary, to be used for the purpose designated:

39 To provide funds for costs of providing

40 transportation services to nonpublic school pupils as

41 authorized by section 285.2:

42 \$ 6,894,293

43 COLLEGE STUDENT AID COMMISSION

44 Sec. 7. There is appropriated from the general

45 fund of the state to the college student aid

46 commission for the fiscal year beginning July 1, 1993,

47 and ending June 30, 1994, the following amounts, or so

48 much thereof as may be necessary, to be used for the

49 purposes designated:

50 1. GENERAL ADMINISTRATION

Page 6

1 For salaries, support, maintenance, miscellaneous

2 purposes, and for not more than the following full-

3 time equivalent positions:

4 \$ 290,697

5 FTEs 7.05

6 2. HIGHER EDUCATION STRATEGIC PLANNING COUNCIL

7 For funding the higher education strategic planning

8 council:

9 \$ 28,445

10 3. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH

11 SCIENCES

12 a. For forgivable loans to Iowa students attending

13 the university of osteopathic medicine and health

14 sciences, under the forgivable loan program pursuant

15 to section 261.19A:

16 \$ 379,260

17 b. For the university of osteopathic medicine and

18 health sciences for an initiative in primary health

19 care to direct primary care physicians to shortage

20 areas in the state:

21 \$ 245,000

22 From the moneys appropriated in this lettered

23 paragraph, at least \$122,500 for the fiscal year

24 beginning July 1, 1993, shall be expended to reduce

25 the student loan debt for resident Iowa students in

26 return for a fixed period of medical service in the
27 state of Iowa. The university of osteopathic medicine
28 and health sciences shall report quarterly to the
29 legislative fiscal bureau concerning the expenditure
30 of funds appropriated in this lettered paragraph.

31 4. STUDENT AID PROGRAMS

32 For payments to students for student aid programs:
33 \$ 1,219,790

34 From the moneys appropriated in this subsection,
35 \$1,147,790 for the fiscal year beginning July 1, 1993,
36 shall be expended for an Iowa grant program, with
37 funds to be allocated to institutions pursuant to
38 section 261.93A. The remainder shall be allocated for
39 the graduate student financial assistance program.

40 Sec. 8. There is appropriated from the loan
41 reserve account to the college student aid commission
42 for the fiscal year beginning July 1, 1993, and ending
43 June 30, 1994, the following amounts, or so much
44 thereof as may be necessary, to be used for the
45 purposes designated:

46 For operating costs of the Stafford loan program
47 including salaries, support, maintenance,
48 miscellaneous purposes, and for not more than the
49 following full-time equivalent positions:
50 \$ 4,278,463

Page 7

1 FTEs 33.27
2 STATE BOARD OF REGENTS

3 Sec. 9. There is appropriated from the general
4 fund of the state to the state board of regents for
5 the fiscal year beginning July 1, 1993, and ending
6 June 30, 1994, the following amounts, or so much
7 thereof as may be necessary, to be used for the
8 purposes designated:

9 1. OFFICE OF STATE BOARD OF REGENTS

10 a. For salaries, support, maintenance,
11 miscellaneous purposes, and for not more than the
12 following full-time equivalent positions:
13 \$ 1,078,283
14 FTEs 15.63

15 The moneys provided in this lettered paragraph
16 shall not be augmented by reimbursements from the
17 institutions under the control of the state board of
18 regents for the funding of the office of the state
19 board of regents.

20 It is the intent of the general assembly that the
21 state board of regents shall require that any
22 accounting system at any institution of higher

23 education under its control be compatible to interface
24 with the Iowa financial accounting system on a monthly
25 basis with the department of revenue and finance. The
26 information shall be in the format and at the level of
27 detail as determined jointly by the department of
28 management and the legislative fiscal bureau.

29 b. For allocation by the state board of regents to
30 the state university of Iowa, the Iowa state
31 university of science and technology, and the
32 university of northern Iowa to reimburse the
33 institutions for deficiencies in their operating funds
34 resulting from the pledging of tuitions, student fees
35 and charges, and institutional income to finance the
36 cost of providing academic and administrative
37 buildings and facilities and utility services at the
38 institutions:

39 \$23,608,580

40 c. For funds to be allocated to the southwest Iowa
41 graduate studies center:
42 \$ 67,300

43 d. For funds to be allocated to the siouxland
44 interstate metropolitan planning council for the
45 tristate graduate center under section 262.9,
46 subsection 21:
47 \$ 66,640

48 e. For funds to be allocated to the quad-cities
49 graduate studies center:
50 \$ 142,100

Page 8

1 2. STATE UNIVERSITY OF IOWA

2 a. General university, including lakeside
3 laboratory
4 -For salaries, support, maintenance, equipment,
5 miscellaneous purposes, and for not more than the
6 following full-time equivalent positions:
7 \$178,993,736
8 FTEs 3,980.37

9 From the moneys appropriated in this lettered
10 paragraph, the department of family practice shall
11 allocate \$150,000 for family practice faculty and
12 support staff in the department of family practice to
13 increase family practice educational experiences for
14 medical students, with an emphasis on practices and
15 educational experiences in rural communities. The
16 department of family practice shall report quarterly
17 to the legislative fiscal bureau regarding the status
18 of faculty employed under this paragraph.

19 b. University hospitals

20 For salaries, support, maintenance, equipment, and
 21 miscellaneous purposes for medical and surgical
 22 treatment of indigent patients as provided in chapter
 23 255, and for not more than the following full-time
 24 equivalent positions:

25 \$27,949,615
 26 FTEs 5,364.14

27 Funds appropriated in this lettered paragraph shall
 28 not be used to perform abortions except medically
 29 necessary abortions, and shall not be used to operate
 30 the early termination of pregnancy clinic except for
 31 the performance of medically necessary abortions. For
 32 the purpose of this lettered paragraph, an abortion is
 33 the purposeful interruption of pregnancy with the
 34 intention other than to produce a live-born infant or
 35 to remove a dead fetus, and a medically necessary
 36 abortion is one performed under one of the following
 37 conditions:

38 (1) The attending physician certifies that
 39 continuing the pregnancy would endanger the life of
 40 the pregnant woman.

41 (2) The attending physician certifies that the
 42 fetus is physically deformed, mentally deficient, or
 43 afflicted with a congenital illness.

44 (3) The pregnancy is the result of a rape which is
 45 reported within 45 days of the incident to a law
 46 enforcement agency or public or private health agency
 47 which may include a family physician.

48 (4) The pregnancy is the result of incest which is
 49 reported within 150 days of the incident to a law
 50 enforcement agency or public or private health agency

Page 9

1 which may include a family physician.

2 (5) The abortion is a spontaneous abortion,
 3 commonly known as a miscarriage, wherein not all of
 4 the products of conception are expelled.

5 The total quota allocated to the counties for
 6 indigent patients for the year commencing July 1,
 7 1993, shall not be lower than the total quota
 8 allocated to the counties for the fiscal year
 9 commencing July 1, 1992. The total quota shall be
 10 allocated among the counties on the basis of the 1990
 11 census pursuant to section 255.16.

12 c. Psychiatric hospital

13 For salaries, support, maintenance, equipment,
 14 miscellaneous purposes, and for not more than the
 15 following full-time equivalent positions and for the
 16 care, treatment, and maintenance of committed and

17	voluntary public patients:		
18	.....	\$	6,750,550
19	.....	FTEs	284.00
20	d. Hospital-school		
21	For salaries, support, maintenance, miscellaneous		
22	purposes, and for not more than the following full-		
23	time equivalent positions:		
24	.....	\$	5,403,665
25	.....	FTEs	163.81
26	e. Oakdale campus		
27	For salaries, support, maintenance, miscellaneous		
28	purposes, and for not more than the following full-		
29	time equivalent positions:		
30	.....	\$	2,744,900
31	.....	FTEs	63.58
32	f. State hygienic laboratory		
33	For salaries, support, maintenance, miscellaneous		
34	purposes, and for not more than the following full-		
35	time equivalent positions:		
36	.....	\$	2,971,697
37	.....	FTEs	100.93
38	g. Family practice program		
39	For allocation by the dean of the college of		
40	medicine, with approval of the advisory board, to		
41	qualified participants, to carry out chapter 148D for		
42	the family practice program, including salaries and		
43	support, and for not more than the following full-time		
44	equivalent positions:		
45	.....	\$	1,759,791
46	.....	FTEs	153.74
47	h. Child health care services		
48	For specialized child health care services,		
49	including childhood cancer diagnostic and treatment		
50	network programs, rural comprehensive care for		

Page 10

1	hemophilia patients, and Iowa high-risk infant follow-		
2	up program, including salaries and support, and for		
3	not more than the following full-time equivalent		
4	positions:		
5	.....	\$	416,124
6	.....	FTEs	10.96
7	i. Agricultural health and safety programs		
8	For agricultural health and safety programs, and		
9	for not more than the following full-time equivalent		
10	positions:		
11	.....	\$	242,179
12	.....	FTEs	2.47
13	j. Statewide tumor registry		

14 For the statewide tumor registry, and for not more
 15 than the following full-time equivalent positions:
 16 \$ 183,021
 17 FTEs 3.07
 18 k. Substance abuse consortium
 19 For funds to be allocated to the Iowa consortium
 20 for substance abuse research and evaluation, and for
 21 not more than the following full-time equivalent
 22 positions:
 23 \$ 60,146
 24 FTEs 1.15
 25 l. Center for biocatalysis
 26 For the center for biocatalysis:
 27 \$ 1,278,777
 28 m. National advanced driving simulator
 29 For the national advanced driving simulator:
 30 \$ 266,560
 31 It is the intent of the general assembly to provide
 32 sufficient funding to ensure the university of Iowa
 33 receives federal matching funds for the national
 34 advanced driving simulator to be located at the
 35 Oakdale research park.
 36 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
 37 a. General university
 38 For salaries, support, maintenance, equipment, and
 39 miscellaneous purposes, and for not more than the
 40 following full-time equivalent positions:
 41 \$144,359,834
 42 FTEs 3,556.28
 43 It is the intent of the general assembly that the
 44 institute for physical research and technology
 45 industrial incentive program, under Iowa state
 46 university of science and technology, focus on Iowa
 47 industrial sectors and seek contributions and in-kind
 48 donations from businesses, industrial foundations, and
 49 trade associations and that moneys for the institute
 50 for physical research and technology industrial

Page 11

1 incentive program shall only be allocated for projects
 2 which are matched by private sector moneys for
 3 directed contract research or for nondirected
 4 research. The match required of small businesses as
 5 defined in section 15.102, subsection 4, for directed
 6 contract research or for nondirected research shall be
 7 \$1 for each \$3 of state funds. The match required for
 8 other businesses for directed contract research or for
 9 nondirected research shall be \$1 for each \$1 of state
 10 funds. The match required of industrial foundations

11 or trade associations shall be \$1 for each \$1 of state
12 funds.

13 Iowa state university shall report annually to the
14 joint economic development subcommittee of the senate
15 and house appropriations committees the total amounts
16 of private contributions, the proportion of
17 contributions from small businesses and other
18 businesses, and the proportion for directed contract
19 research and nondirected research of benefit to Iowa
20 businesses and industrial sectors.

21 b. Agricultural experiment station

22 For salaries, support, maintenance, miscellaneous
23 purposes, and for not more than the following full-
24 time equivalent positions:

25 \$27,183,207
26 FTEs 498.56

27 c. Cooperative extension service in agriculture
28 and home economics

29 For salaries, support, maintenance, miscellaneous
30 purposes, including salaries and support for the fire
31 service institute, and for not more than the following
32 full-time equivalent positions:

33 \$17,419,472
34 FTEs 428.28

35 The center for industrial research and service
36 shall maintain at least one outreach specialist in
37 each of the following cities: Council Bluffs,
38 Davenport, Dubuque, Marion, Mason City, Sioux City,
39 Spencer, Urbandale, Washington, and Waterloo.

40 d. Leopold center

41 For agricultural research grants at Iowa state
42 university under section 266.39B, and for not more
43 than the following full-time equivalent positions:

44 \$ 560,560
45 FTEs 12.58

46 e. For deposit in and the use of the livestock
47 disease research fund under section 267.8:

48 \$ 275,969

49 4. UNIVERSITY OF NORTHERN IOWA

50 a. For salaries, support, maintenance, equipment,

Page 12

1 miscellaneous purposes, and for not more than the
2 following full-time equivalent positions:

3 \$63,814,506
4 FTEs 1,410.43

5 The college of education shall work collaboratively
6 with the department of education in developing
7 activities in order to support the work of the

8 department of education technology commission and the
 9 STAR schools program.
 10 b. Recycling and reuse center:
 11 \$ 239,745
 12 5. STATE SCHOOL FOR THE DEAF
 13 For salaries, support, maintenance, miscellaneous
 14 purposes, and for not more than the following full-
 15 time equivalent positions:
 16 \$ 6,094,398
 17 FTEs 124.14
 18 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
 19 For salaries, support, maintenance, miscellaneous
 20 purposes, and for not more than the following full-
 21 time equivalent positions:
 22 \$ 3,427,243
 23 FTEs 91.36
 24 7. TUITION AND TRANSPORTATION COSTS
 25 For payment to local school boards for the tuition
 26 and transportation costs of students residing in the
 27 Iowa braille and sight saving school and the state
 28 school for the deaf pursuant to section 262.43 and for
 29 payment of certain clothing and transportation costs
 30 for students at these schools pursuant to section
 31 270.5:
 32 \$ 6,860
 33 Sec. 10. Reallocations of sums received under
 34 section 9, subsections 2, 3, 4, 5, and 6, of this Act,
 35 including sums received for salaries, shall be
 36 reported on a quarterly basis to the co-chairpersons
 37 and ranking members of the legislative fiscal
 38 committee and the joint appropriations subcommittee on
 39 education.
 40 Sec. 11. For the fiscal year beginning July 1,
 41 1993, the state board of regents may use notes, bonds,
 42 or other evidences of indebtedness issued under
 43 section 262.48 to finance projects that will result in
 44 energy cost savings in an amount that will cause the
 45 state board to recover the cost of the projects within
 46 an average of six years.
 47 Sec. 12. For the fiscal years beginning July 1,
 48 1992, and ending June 30, 1994, the department of
 49 human services shall continue the supplemental
 50 disproportionate share and a supplemental indirect

- 1 medical education adjustment applicable to state-owned
- 2 acute care hospitals with more than 500 beds and shall
- 3 reimburse qualifying hospitals pursuant to that
- 4 adjustment with a supplemental amount for services

5 provided medical assistance recipients. The
6 adjustment shall generate supplemental payments
7 intended to equal the state appropriation made to a
8 qualifying hospital for treatment of indigent patients
9 as provided in chapter 255. To the extent of the
10 supplemental payments, a qualifying hospital shall,
11 after receipt of the funds, transfer to the department
12 of human services an amount equal to the actual
13 supplemental payments that were made in that month.
14 The aggregate amounts for a fiscal year shall not
15 exceed the state appropriation made to the qualifying
16 hospital for treatment of indigent patients as
17 provided in chapter 255. The department of human
18 services shall deposit the portion of these funds
19 equal to the state share in the department's medical
20 assistance account and the balance shall be credited
21 to the general fund of the state. To the extent that
22 state funds appropriated to a qualifying hospital for
23 the treatment of indigent patients as provided in
24 chapter 255 have been transferred to the department of
25 human services as a result of these supplemental
26 payments made to the qualifying hospital, the
27 department shall not, directly or indirectly, recoup
28 the supplemental payments made to a qualifying
29 hospital for any reason, unless an equivalent amount
30 of the funds transferred to the department of human
31 services by a qualifying hospital pursuant to this
32 provision is transferred to the qualifying hospital by
33 the department.

34 If the state supplemental amount allotted to the
35 state of Iowa for the federal fiscal years beginning
36 October 1, 1992, and ending September 30, 1994,
37 pursuant to section 1923 (f)(3) of the federal Social
38 Security Act, as amended, or pursuant to federal
39 payments for indirect medical education is greater
40 than the amount necessary to fund the federal share of
41 the supplemental payments specified in the preceding
42 paragraph, the department of human services shall
43 increase the supplemental disproportionate share or
44 supplemental indirect medical education adjustment by
45 the lesser of the amount necessary to utilize fully
46 the state supplemental amount or the amount of state
47 funds appropriated to the state university of Iowa
48 general education fund and allocated to the university
49 for the college of medicine. The state university of
50 Iowa shall transfer from the allocation for the

Page 14

1 college of medicine to the department of human
2 services, on a monthly basis, an amount equal to the
3 additional supplemental payments made during the
4 previous month pursuant to this paragraph. A
5 qualifying hospital receiving supplemental payments
6 pursuant to this paragraph that are greater than the
7 state appropriation made to the qualifying hospital
8 for treatment of indigent patients as provided in
9 chapter 255 shall be obligated as a condition of its
10 participation in the medical assistance program to
11 transfer to the state university of Iowa general
12 education fund on a monthly basis an amount equal to
13 the funds transferred by the state university of Iowa
14 to the department of human services. To the extent
15 that state funds appropriated to the state university
16 of Iowa and allocated for the college of medicine have
17 been transferred to the department of human services
18 as a result of these supplemental payments made to the
19 qualifying hospital, the department shall not,
20 directly or indirectly, recoup these supplemental
21 payments made to a qualifying hospital for any reason,
22 unless an equivalent amount of the funds transferred
23 to the department of human services by the state
24 university of Iowa pursuant to this paragraph is
25 transferred to the qualifying hospital by the
26 department.

27 Continuation of the supplemental disproportionate
28 share and supplemental indirect medical education
29 adjustment shall preserve the funds available to the
30 university hospital for medical and surgical treatment
31 of indigent patients as provided in chapter 255 and to
32 the state university of Iowa for educational purposes
33 at the same level as provided by the state funds
34 initially appropriated for that purpose.

35 The department of human services shall, in any
36 compilation of data or other report distributed to the
37 public concerning payments to providers under the
38 medical assistance program, set forth reimbursements
39 to a qualifying hospital through the supplemental
40 disproportionate share and supplemental indirect
41 medical education adjustment as a separate item and
42 shall not include such payments in the amounts
43 otherwise reported as the reimbursement to a
44 qualifying hospital for services to medical assistance
45 recipients.

46 For purposes of this section, "supplemental
47 payment" means a supplemental payment amount paid for
48 medical assistance to a hospital qualifying for that

49 payment under this section.

50 DEPARTMENT OF CULTURAL AFFAIRS

Page 15

1 Sec. 13. There is appropriated from the general
2 fund of the state to the department of cultural
3 affairs for the fiscal year beginning July 1, 1993,
4 and ending June 30, 1994, the following amounts, or so
5 much thereof as is necessary, to be used for the
6 purposes designated:

7 1. ARTS DIVISION

8 For salaries, support, maintenance, and
9 miscellaneous purposes, including funds to match
10 federal grants, for areawide arts and cultural service
11 organizations that meet the requirements of chapter
12 303C, and for not more than the following full-time
13 equivalent positions:

14 \$ 1,029,171
15 FTEs 11.00

16 2. HISTORICAL DIVISION

17 For salaries, support, maintenance, miscellaneous
18 purposes, and for not more than the following full-
19 time equivalent positions:

20 \$ 2,278,168
21 FTEs 60.00

22 3. HISTORIC SITES

23 For salaries, support, maintenance, miscellaneous
24 purposes, and for not more than the following full-
25 time equivalent positions:

26 \$ 223,066
27 FTEs 2.50

28 4. ADMINISTRATION

29 For salaries, support, maintenance, miscellaneous
30 purposes, and for not more than the following full-
31 time equivalent positions:

32 \$ 142,622
33 FTEs 3.00

34 5. COMMUNITY CULTURAL GRANTS

35 For planning and programming for the community
36 cultural grants program established under section
37 303.3:

38 \$ 651,600

39 Not more than 5 percent of moneys appropriated for
40 grants under this subsection shall be used for
41 administrative purposes during the fiscal year
42 beginning July 1, 1993.

43 Sec. ____ REDUCTION OF UPPER LEVEL MANAGEMENT. In
44 order to right size upper level management in state
45 government, the department of management, in

46 consultation with the department of personnel, shall,
47 after discussion and collaboration with the department
48 of education, the state board of regents, the college
49 student aid commission, and the department of cultural
50 affairs, make reductions of upper level management

Page 16

1 staff and employees with salaries over \$60,000 per
2 year from those existing in the departments, board,
3 and commission on July 1, 1993, as part of the effort
4 across all departments and agencies of state
5 government to achieve a net state general fund savings
6 of at least \$2,000,000 by June 30, 1994. The
7 department of education, the state board of regents,
8 the college student aid commission, and the department
9 of cultural affairs shall review all staff positions
10 in their respective departments, board, or commission
11 with particular emphasis on upper level management
12 staff and shall determine whether there are
13 superfluous positions and management responsibilities
14 which can be reorganized in order to eliminate
15 positions. As part of the effort for general fund
16 savings under this section, the departments, board,
17 and commission shall make reductions of those
18 positions which are determined to be superfluous or
19 are possible to eliminate through reorganization.

20 Sec. 14. Notwithstanding section 8.33, funds
21 appropriated in 1992 Iowa Acts, chapter 1246, section
22 10, subsection 1, paragraph "b", remaining
23 unencumbered or unobligated on June 30, 1993, shall
24 not revert to the general fund of the state but shall
25 be available for expenditure for the purposes listed
26 in section 9, subsection 1, paragraph "b", of this Act
27 during the fiscal year beginning July 1, 1993, and
28 ending June 30, 1994.

29 Sec. 1600. Notwithstanding section 291.13, if the
30 moneys credited to the schoolhouse fund of a school
31 district from tax revenues collected under the
32 physical plant and equipment levy during the fiscal
33 year beginning July 1, 1992, are insufficient to pay
34 the costs specified in a contract for renovating a
35 high school building located in the district for use
36 by grade school students pursuant to a school reor-
37 ganization contract, and the board has not received
38 authorization from the school budget review committee
39 under section 257.31, subsection 7, the board of the
40 school district may expend an amount not to exceed one
41 hundred thousand dollars of moneys in the district's
42 general fund for purposes of the school building

43 renovation.

44 Sec. 15. Notwithstanding sections 257B.1 and
45 257B.1A, for the fiscal year beginning July 1, 1993,
46 and ending June 30, 1994, the portion of the interest
47 earned on the permanent school fund that is not
48 transferred to the credit of the first in the nation
49 in education foundation and not transferred to the
50 credit of the national center for gifted and talented

Page 17

1 education shall be credited as a payment by the
2 historical division of the department of cultural
3 affairs of the principal and interest due on moneys
4 loaned to the historical division under section
5 303.18.

6 Sec. ____ . Notwithstanding any other provision of
7 the Code, interest earned on moneys in the general
8 university funds of the institutions of higher
9 education under the control of the state board of
10 regents shall be expended for purposes of fire safety
11 and deferred maintenance. In addition, for the fiscal
12 year beginning July 1, 1993, each institution shall
13 spend for fire safety and deferred maintenance the
14 greater of the amount expended for fire safety and
15 deferred maintenance for the fiscal year beginning
16 July 1, 1992, or the amount budgeted for fire safety
17 and deferred maintenance for the fiscal year beginning
18 July 1, 1993, and these moneys shall not be supplanted
19 by the interest earned which is required under this
20 section to be spent for fire safety and deferred
21 maintenance.

22 Sec. 16. Notwithstanding any other provision of
23 the Code, or any provision of the administrative code,
24 the operation of the Plum Grove residence of former
25 Governor Lucas is transferred from the department of
26 natural resources to the historical division of the
27 department of cultural affairs.

28 Sec. 26. Section 257.14, unnumbered paragraph 1,
29 Code 1993, is amended to read as follows:

30 For the budget years commencing July 1, 1991, July
31 1, 1992, and July 1, 1993, July 1, 1994, and July 1,
32 1995, if the department of management determines that
33 the regular program district cost of a school district
34 for a budget year is less than the total of the
35 regular program district cost plus any adjustment
36 added under this section for the base year for that
37 school district, the department of management shall
38 provide a budget adjustment for that district for that
39 budget year that is equal to the difference.

40 Sec. 33. **NEW SECTION. 257A.9 IOWA STATE FAIR**
41 **SCHOLARSHIP FUND CREATED.**

42 The Iowa state fair scholarship fund is established
43 in the office of treasurer of state. Notwithstanding
44 section 12C.7, interest earned on money in the Iowa
45 state fair scholarship fund shall be deposited into
46 the fund and may be used by the governing board only
47 for Iowa state fair scholarship awards.

48 Sec. 34. Section 260D.14A, unnumbered paragraph 1,
49 Code 1993, is amended to read as follows:

50 The department of education shall provide for the

Page 18

1 establishment of a community college excellence 2000
2 account in the office of the treasurer of state for
3 deposit of moneys appropriated to the account for
4 purposes of funding quality instructional centers and
5 program and administrative sharing agreements under
6 sections 260C.45 and 260C.46. There is appropriated
7 from the general fund of the state to the department
8 of education for the fiscal year beginning July 1,
9 ~~1993~~ 1995, an amount equal to two and five-tenths
10 percent of the total state general aid generated for
11 all community colleges during the budget year under
12 this chapter for deposit in the community college
13 excellence 2000 account. In the next succeeding two
14 fiscal years, the percent multiplier shall be
15 increased in equal increments until the multiplier
16 reaches seven and one-half percent of the total state
17 general aid generated for all community colleges
18 during the budget year.

19 Sec. 35. Section 261.2, subsection 4, Code 1993,
20 is amended to read as follows:

21 4. Prepare and administer a state plan for a state
22 supported and administered scholarship program. The
23 state plan shall provide for scholarships to deserving
24 students of Iowa, matriculating in Iowa universities,
25 colleges, community colleges, or schools of
26 professional nursing. Eligibility of a student for
27 receipt of a scholarship ~~during the student's first~~
28 ~~year of eligibility~~ shall be based upon academic
29 achievement and completion of advanced level courses
30 prescribed by the commission. ~~Continuation of the~~
31 ~~scholarship in subsequent years shall be based upon~~
32 ~~the student's financial need and the maintenance by~~
33 ~~the student of a cumulative grade point average of at~~
34 ~~least a three point zero on a four point zero grading~~
35 ~~scale or its equivalent.~~

36 Sec. 36. Section 261.25, subsections 1, 2, and 3,

37 Code 1993, are amended to read as follows:

38 1. There is appropriated from the general fund of
39 the state to the commission for each fiscal year the
40 sum of thirty-one million one five hundred forty six
41 twenty-three thousand eight nine hundred sixty seven
42 thirty dollars for tuition grants.

43 2. There is appropriated from the general fund of
44 the state to the commission for each fiscal year the
45 sum of five four hundred five seventy-four thousand
46 eight hundred eighty two dollars for scholarships.

47 3. There is appropriated from the general fund of
48 the state to the commission for each fiscal year the
49 sum of one million two three hundred sixty one eighty-
50 five thousand seven hundred eighty dollars for

Page 19

1 vocational-technical tuition grants.

2 Sec. 37. Section 261.85, unnumbered paragraph 1,
3 Code 1993, is amended to read as follows:

4 There is appropriated from the general fund of the
5 state to the commission for each fiscal year the sum
6 of two million nine hundred fifty eight eight hundred
7 ninety-eight thousand eight hundred forty dollars for
8 the work-study program.

9 Sec. 38. NEW SECTION. 267.8 LIVESTOCK DISEASE
10 RESEARCH FUND. There is created in the office of the
11 treasurer of state a fund to be known as the livestock
12 disease research fund. Any balance in said fund on
13 June 30 of each fiscal year shall revert to the
14 general fund.

15 Sec. ____ . Section 285.1, subsection 3, unnumbered
16 paragraph 2, Code 1993, is amended to read as follows:

17 However, a parent or guardian shall not receive
18 reimbursement for furnishing transportation for more
19 than three one family members member who attend
20 attends elementary school and one family member who
21 attends high school.

22 Sec. 39. Section 294A.14, unnumbered paragraph 9,
23 Code 1993, is amended to read as follows:

24 For school districts, additional instructional work
25 assignments may include but are not limited to general
26 curriculum planning and development, vertical
27 articulation of curriculum, horizontal curriculum
28 coordination, development of educational measurement
29 practices for the school district, participation in
30 assessment activities leading to certification by the
31 national board for professional teaching standards,
32 attendance at workshops and other programs for service
33 as cooperating teachers for student teachers,

34 development of plans for assisting beginning teachers
 35 during their first year of teaching, attendance at
 36 summer staff development programs, development of
 37 staff development programs for other teachers to be
 38 presented during the school year, and other plans
 39 locally determined in the manner specified in section
 40 294A.15 and approved by the department of education
 41 under section 294A.16 that are of equal importance or
 42 more appropriately meet the educational needs of the
 43 school district.

44 Sec. 40. Section 294A.25, subsection 5A, Code
 45 1993, is amended to read as follows:

46 5A. Commencing with For the fiscal year beginning
 47 July 1, 1992, the amount of ~~three~~ two hundred ~~thirty-~~
 48 ~~five~~ fifty thousand dollars from phase III moneys for
 49 the support of school transformation pilot projects
 50 administered by the department of education through

Page 20

1 the new Iowa schools development corporation. Funds
 2 appropriated in this subsection may be used for
 3 projects by nonprofit corporations representing a
 4 coalition of organizations interested in school
 5 improvement in Iowa.

6 Sec. 41. Section 294A.25, subsection 5A, Code
 7 1993, is amended by striking the subsection.

8 Sec. 42. Section 294A.25, Code 1993, is amended by
 9 adding the following new subsections:

10 NEW SUBSECTION. 5B. Commencing with the fiscal
 11 year beginning July 1, 1993, the amount of fifty
 12 thousand dollars for geography alliance, seventy
 13 thousand dollars for gifted and talented, and one
 14 hundred eighty thousand dollars for a management
 15 information system from additional funds transferred
 16 from phase I to phase III.

17 NEW SUBSECTION. 5C. For the fiscal year beginning
 18 July 1, 1993, and ending June 30, 1994, to the
 19 department of education from phase III moneys as
 20 follows:

21 a. The amount of seven hundred fifty thousand
 22 dollars for purposes specified in the math and science
 23 grant program under section 256.36, which may include
 24 support for the early mathematics prognostic testing
 25 program at Iowa state university of science and
 26 technology. However, the funds appropriated for
 27 purposes specified in the math and science grant
 28 program under section 256.36, are contingent on the
 29 receipt of federal funding from the state systemic
 30 initiative for improving mathematics and science

31 education grant.

32 b. The amount of three hundred thousand dollars to
33 be used for the purpose of developing academic
34 standards in the areas of math, history, science,
35 English, language arts, and geography.

36 c. The amount of two hundred thousand dollars for
37 support for the department of education technology
38 commission and the implementation of two multimedia
39 education technology demonstration grants in public
40 schools which are connected to Part II of the Iowa
41 communications network backbone system.

42 d. The amount of one hundred eighteen thousand
43 dollars for support of design teams created during the
44 fiscal year beginning July 1, 1992, by the new Iowa
45 schools development corporation.

46 e. The amount of fifty thousand dollars for
47 participation by the department of education in a
48 state and national project to determine the academic
49 achievement in math and reading of Iowa students.

50 Sec. 43. Section 303.18, unnumbered paragraph 2,

Page 21

1 Code 1993, is amended to read as follows:

2 The historical division shall repay a portion of
3 the amount of the loan together with annual interest
4 payments due on the balance of the loan over a ten-
5 year period commencing with the fiscal year beginning
6 July 1, 1987. Payments shall be made from gross
7 receipts and other moneys available to the historical
8 division. The historical division shall solicit
9 voluntary contributions on behalf of the historical
10 division, at the entrance and other locations
11 throughout the state historical building and collect
12 entrance fees for the Montauk governor's mansion for
13 purposes of raising funds for making payments under
14 this section. Annual payments shall not be less than
15 the amount of interest on the permanent school fund
16 required to be transferred to the first in the nation
17 in education foundation under section 257B.1A or
18 seventy-five percent of the gross receipts, whichever
19 is greater. Payments of both principal and interest
20 made by the state historical division under this
21 section shall be paid quarterly and shall be
22 considered interest earned on the permanent school
23 fund to the extent necessary for payment of interest
24 to the first in the nation in education foundation
25 under section ~~302.1A~~ 257B.1A.

26 Sec. ____ . DEPARTMENTAL STUDY -- STATE SYMBOLS.

27 The department of cultural affairs, in cooperation

28 with the Iowa statehood sesquicentennial commission,
29 shall conduct a review of the official state symbols,
30 and by January 1, 1996, make a written report to the
31 general assembly regarding any proposed changes in
32 honor of the celebration of the sesquicentenary of
33 Iowa's statehood.

34 Sec. 44. The amounts appropriated in sections 2
35 and 5 of this Act shall be reduced by any amount
36 appropriated to the GAAP deficit reduction account
37 established in section 8.57, subsection 2, which shall
38 be spent during the fiscal year beginning July 1,
39 1993, for the purposes for which moneys are
40 appropriated in sections 2 and 5 of this Act.

41 Sec. 46. Sections 260C.49 through 260C.55, Code
42 1993, are repealed.

43 Sec. 47. 1992 Iowa Acts, chapter 1246, sections 7
44 and 13, are repealed.

45 Sec. 48. EFFECTIVE DATE. Sections 12, 14, 40, and
46 47 of this Act, being deemed of immediate importance,
47 take effect upon enactment. Section 1600, being
48 deemed of immediate importance, takes effect upon
49 enactment and is applicable to the school budget year
50 beginning July 1, 1992."

S-3516

1 Amend Senate Concurrent Resolution No. 29 as
2 follows:

3 1. Page 2, line 29, by striking the words "Saint
4 Louis Southwestern Railway" and inserting the
5 following: "Chicago Central and Pacific Railroad".

6 2. Page 3, line 17, by striking the words "Saint
7 Louis Southwestern Railway" and inserting the
8 following: "Chicago Central and Pacific Railroad".

JEAN LLOYD-JONES

S-3517

1 Amend House File 361, as passed by the House, as
2 follows:

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

5 "Sec. ____ . EFFECTIVE DATE. If House File 518 is
6 enacted by the Seventy-fifth General Assembly, 1993
7 Session, section 54 of House File 518, relating to
8 indoor air, being deemed of immediate importance,
9 takes effect upon enactment of this Act."

10 2. Title page, line 3, by inserting after the
11 word "permits," the following: "indoor air,".

12 3. Title page, line 5, by inserting after the
 13 word "corrections" the following: ", and providing an
 14 effective date".

JEAN LLOYD-JONES

S-3518

1 Amend the amendment, S-3470, to House File 637, as
 2 passed by the House, as follows:

3 1. Page 4, by striking lines 4 through 18, and
 4 inserting the following:

5 " ____ . Page 2, lines 34 and 35, by striking the
 6 words "appropriate care according to" and inserting
 7 the following: "care consistent with"."

8 2. Page 4, line 24, by inserting after the figure
 9 "717.1A" the following: "; does not include game,
 10 fur-bearing animals, fish, amphibians, or reptiles,
 11 all as defined in section 481A.1; and does not include
 12 species of nongame declared to be a nuisance pursuant
 13 to section 481A.42".

14 3. Page 4, by inserting after line 46 the
 15 following:

16 "Sec. ____ . **NEW SECTION. 717B.6 NEGLECTED ANIMALS**
 17 **-- DISABLED ANIMALS KILLED.**

18 1. An official designated by a county or city may
 19 take charge of an animal when the owner fails to
 20 properly take care and provide for it, and may furnish
 21 the animal with proper care, either on the person's
 22 own premises or on the premises of the owner. The
 23 county or city has a lien on the animal for the care,
 24 and the reasonable value of the care may be collected
 25 by the county or city from the owner.

26 2. A peace officer or officer of a society for the
 27 prevention of cruelty to animals, may humanely destroy
 28 a disabled animal that is neglected or stray."

29 4. By renumbering as necessary.

BERL E. PRIEBE
 BILL FINK

S-3519

1 Amend House File 354 as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 4, by striking lines 9 through 13 and
 4 inserting the following: "official of the state does
 5 not create or constitute a lien against public
 6 property held by the state."

7 2. Page 4, by striking line 14.

- 8 3. Page 4, by striking lines 17 through 19 and
9 inserting the following: "department, agency,
10 division, or official of the state."
11 4. By renumbering as necessary.

BERL E. PRIEBE
JEAN LLOYD-JONES

HOUSE AMENDMENT TO
SENATE FILE 320

S-3520

- 1 Amend Senate File 320, as passed by the Senate, as
2 follows:
3 1. Page 1, line 11, by inserting after the word
4 "studies." the following: "The general assembly finds
5 that the exchange of such medical and claims
6 information, while vital in the effort to control
7 health care administrative costs and in analyzing
8 benefit plans and medical effectiveness, must be done
9 such that all unnecessary identifying information
10 remains confidential; that authorized users of the
11 system must keep such information confidential; and
12 that the privacy rights of individuals must not be
13 violated as a result of the exchange of such
14 information."
15 2. Page 1, line 17, by inserting after the word
16 "The" the following: "health data commission shall
17 monitor the progress and continuation of the
18 development and implementation of a community health
19 management information system based upon the study
20 established in 1992 Iowa Acts, chapter 1241, section
21 37. The".

S-3521

- 1 Amend House File 267, 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. 483A.1B RESIDENCY**
6 **STATUS FOR HUNTING, TRAPPING, AND FISHING LICENSES.**
7 For the purpose of purchasing a hunting, fishing,
8 trapping, or hunting and fishing combined license
9 pursuant to this chapter, a person is a resident if
10 the person resides in this state for thirty
11 consecutive days or more immediately before
12 application and does not claim residency in another
13 state. A resident includes a person who is a full-

14 time student at an educational institution located in
 15 this state and who resides in this state while
 16 attending the educational institution. A resident
 17 includes a nonresident person under eighteen years of
 18 age whose parent is a resident of this state."

PATTY JUDGE
 JIM LIND
 BILL FINK

S-3522

1 Amend Senate File 393 as follows:
 2 1. Page 1, line 15, by striking the words
 3 "qualified physicians" and inserting the following:
 4 "physicians deemed qualified by the board of medical
 5 examiners".
 6 2. Page 1, line 19, by inserting after the word
 7 "program." the following: "A health care facility, a
 8 health care referral program, or a health care
 9 provider participating in the program shall not bill
 10 or charge a patient for any physician service provided
 11 under the volunteer physician program."
 12 3. Title page, line 2, by inserting after the
 13 word "health" the following: "and providing for
 14 certain immunity from liability".

ELAINE SZYMONIAK

S-3523

1 Amend House File 267, 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. 483A.1B RESIDENCY**
 6 **STATUS FOR HUNTING, TRAPPING, AND FISHING LICENSES.**
 7 For the purpose of purchasing a hunting, fishing,
 8 trapping, or hunting and fishing combined license
 9 pursuant to this chapter, a person is a resident if
 10 the person resides in this state for thirty
 11 consecutive days or more immediately before
 12 application and does not claim residency in another
 13 state. A resident includes a person who is a full-
 14 time student at an educational institution located in
 15 this state, who resides in this state while attending
 16 the educational institution, and who does not claim
 17 residency in another state. A resident includes a

18 nonresident person under eighteen years of age whose
19 parent is a resident of this state.”

PATTY JUDGE

S-3524

1 Amend House File 632 as amended, passed, and
2 reprinted by the House, as follows:

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

5 “Sec. 100. Section 455B.331, Code 1993, is amended
6 to read as follows:

7 455B.331 DEFINITIONS.

8 As used in this part 2 of division IV, unless the
9 context otherwise requires:

10 1. “Nuclear waste disposal site” means all
11 facilities and appurtenances including all real and
12 personal property connected with such facilities,
13 which are acquired, leased, purchased, constructed,
14 reconstructed, equipped, improved, extended,
15 maintained, or operated off the site of a nuclear
16 power plant to facilitate the temporary or permanent
17 storage or the final disposition of high level
18 radioactive waste without creating a significant
19 hazard to the public health or safety, and which are
20 approved by the general assembly.

21 2. “Radiation” means any ionizing radiation
22 including, but not limited to, high-speed electrons,
23 neutrons, protons and other nuclear particles, but not
24 sound waves.

25 3. “Radioactive material” means any solid,
26 liquid, or gaseous material which emits radiation
27 spontaneously.

28 3. “Nuclear waste disposal site” means all
29 facilities and appurtenances including all real and
30 personal property connected with such facilities,
31 which are acquired, leased, purchased, constructed,
32 reconstructed, equipped, improved, extended,
33 maintained, or operated to facilitate the final
34 disposition of radioactive waste without creating a
35 significant hazard to the public health or safety, and
36 which are approved by the director.

37 4. “High level radioactive waste” means any of the
38 following:

39 a. Irradiated reactor fuel.

40 b. Liquid wastes resulting from reprocessing
41 irradiated reactor fuel.

42 c. Solids into which the liquid wastes have been
43 converted.

44 d. Radioactive waste containing alpha emitting
45 transuranic elements that is not acceptable for near-
46 surface disposal as defined in 10 C.F.R. § 61.55.
47 e. Any other highly radioactive materials
48 determined by the federal nuclear regulatory
49 commission or the federal department of energy to
50 require permanent isolation.

Page 2

1 f. Any byproduct material as defined in the
2 federal Atomic Energy Act of 1954, 42 U.S.C. §
3 2014(11e)(2).
4 Sec. 101. Section 455B.334, Code 1993, is amended
5 by striking the section and inserting in lieu thereof
6 the following:
7 455B.334 NUCLEAR WASTE DISPOSAL SITE.
8 A person shall not establish or operate a nuclear
9 waste disposal site and shall not perform any testing
10 of a specific area or site related to establishment of
11 a nuclear waste disposal site in this state unless the
12 general assembly expressly authorizes the granting of
13 a permit for the site.
14 The commission shall develop criteria for the
15 evaluation of a proposal for the siting of a nuclear
16 waste disposal site including the need for a site in
17 the state, the existing physical conditions,
18 topography, soils and geology, climate,
19 transportation, and land use at a proposed site, the
20 rules, standards, and procedures for the safe
21 operation and maintenance of a proposed site, and the
22 ability of a proposed permittee to provide sufficient
23 surety bonds or financial commitment to ensure
24 perpetual maintenance and monitoring of the site.
25 If a person applies to the commission for the
26 granting of a permit under this section, the
27 commission shall evaluate the proposed nuclear waste
28 disposal site based upon the criteria established by
29 the commission and shall present the commission's
30 findings and recommendations to the general assembly
31 for review and appraisal.
32 Sec. 102. APPLICABILITY. Sections 100 and 101 of
33 this Act apply to nuclear waste disposal sites for
34 which application for a permit is made on or after the
35 effective date of this Act."
36 2. Title page, line 1, by inserting after the
37 word "Act" the following: "relating to the disposal
38 of waste including nuclear waste disposal and

39 including”.

40 3. By renumbering as necessary.

PATTY JUDGE

HOUSE AMENDMENT TO
SENATE FILE 349

S-3525

1 Amend Senate File 349 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 2, by striking lines 20 through 23 and
4 inserting the following:

5 “___ . The modification or adjustment of the
6 underlying judgment by a foreign jurisdiction does not
7 affect the registered order in this state unless
8 confirmed by a court of this state.”

9 2. Page 2, line 28, by inserting before the word
10 “order” the following: “registered”.

11 3. Page 2, line 29, by striking the word “order”
12 and inserting the following: “underlying judgment in
13 this state”.

14 4. Page 2, line 31, by striking the word “order”
15 and inserting the following: “underlying judgment”.

16 5. Page 2, line 33, by inserting before the word
17 “order” the following: “registered”.

18 6. Page 3, by striking lines 2 through 7 and
19 inserting the following:

20 “1. The director shall require an application fee
21 of ~~twenty-five~~ five dollars.”

22 7. Page 3, by striking line 23 and inserting the
23 following: “establish fees which provide for recovery
24 of”.

25 8. Page 3, line 24 by striking the words “other
26 costs” and inserting the following: “other fees”.

27 9. Page 3, by striking lines 26 through 30, and
28 inserting the following:

29 “Sec. ___ . Section 252B.5, Code 1993, is amended
30 by adding the following new subsection:

31 **NEW SUBSECTION. 8.** The review and adjustment or
32 modification of a support order pursuant to chapter
33 252H upon adoption of rules pursuant to chapter 17A
34 governing policies and procedures for review and
35 adjustment or modification.”

36 10. Page 8, by striking lines 29 through 32 and
37 inserting the following: “parte order, terminate an
38 income withholding order when the current support
39 obligation has terminated and when the delinquent
40 support obligation has been fully satisfied as

41 applicable to all of the children covered by the
42 income withholding order."

43 11. Page 11, line 28, by inserting after the
44 figure "252C," the following: "252H."

45 12. Page 11, line 29, by striking the words
46 "applicable provision" and inserting the following:
47 "support chapter, or".

48 13. Page 14, line 27, by inserting after the word
49 "established" the following: ", or in which support
50 was previously established and subsequently terminated

Page 2

1 prior to the emancipation of the children affected".

2 14. Page 15, line 18, by inserting after the
3 figure "252C.1" the following: "or an order
4 establishing support entered pursuant to an
5 administrative or quasi-judicial process if authorized
6 by law".

7 15. Page 16, by striking lines 2 through 5 and
8 inserting the following: "600B, or any other support
9 chapter if the unit is providing enforcement services
10 pursuant to chapter 252B. The unit is not required to
11 intervene to administratively adjust or modify a
12 support order under this chapter."

13 16. Page 16, line 12, by inserting after the word
14 "rules" the following: "pursuant to chapter 17A".

15 17. Page 16, line 13, by striking the words "and
16 the" and inserting the following: ", the".

17 18. Page 16, line 15, by inserting after the word
18 "appropriate" the following: ", and other rules
19 necessary to implement this chapter".

20 19. Page 16, by striking lines 18 and 19.

21 20. Page 16, line 26, by striking the words "this
22 chapter" and inserting the following: "subchapter
23 II".

24 21. Page 16, by striking lines 29 through 32, and
25 inserting the following:

26 "2. A parent requesting a service shall pay the
27 fee established for that service as established under
28 this subsection. The fees established are not
29 applicable to a parent who as a condition of
30 eligibility for receiving public assistance benefits
31 has assigned the rights to child or medical support
32 for the order to be reviewed. The following fees
33 shall be paid for the following services:".

34 22. Page 17, by striking lines 23 through 34 and
35 inserting the following:

36 "e. A fee for conducting a conference requested
37 pursuant to section 252H.20.

- 38 3. A parent who requests a review of a".
39 23. Page 18, line 4, by inserting after the word
40 "full." the following: "The service of process fee
41 requirement of this subsection is not applicable to a
42 parent who as a condition of eligibility for public
43 assistance benefits has assigned the rights to child
44 or medical support for the order to be reviewed."
45 24. Page 18, line 8, by striking the figure "5"
46 and inserting the following: "4".
47 25. Page 18, line 13, by striking the figure "6"
48 and inserting the following: "5".
49 26. Page 19, by striking line 19 and inserting
50 the following: "section 252H.8, subsection 2, for

Page 3

- 1 requesting a court hearing, or in section 252H.20 for
2 requesting a conference."
3 27. Page 19, line 20, by striking the word
4 "parents," and inserting the following: "parents who
5 are".
6 28. Page 20, by inserting after line 1, the
7 following:
8 "a. A court hearing shall not be granted if the
9 review resulted in a determination that the adjustment
10 was not appropriate.
11 b. If a court hearing is not granted pursuant to
12 paragraph "a", a party retains the right to file a
13 modification action upon the party's own initiative."
14 29. Page 20, line 14, by inserting after the word
15 "unit" the following: "and the granting of the
16 request is not precluded pursuant to subsection 1".
17 30. Page 20, line 25, by striking the figure
18 "252H.17" and inserting the following: "252H.16".
19 31. Page 21, by striking lines 2 through 4 and
20 inserting the following:
21 "5. The court shall set the matter for hearing and
22 notify the parties of the time and place of the
23 hearing."
24 32. Page 21, by striking lines 15 through 21 and
25 inserting the following:
26 "9. Notwithstanding any other law to the contrary,
27 if more than one support order exists involving
28 children with the same legally established parents,
29 one hearing on all of the affected support orders
30 shall be held in the district court in the county
31 where the unit files the action. For the purposes of
32 this subsection, the district court hearing the matter
33 shall have jurisdiction over all other support orders
34 entered by a court of this state and affected under

35 this subsection.”

36 33. Page 23, lines 5 and 6, by striking the words
37 and figure “, paragraph “k”, subparagraph (2)”.

38 34. Page 24, line 25, by striking the figure
39 “252H.20” and inserting the following: “252H.19”.

40 35. Page 26, line 13, by striking the words
41 “pursuant to section 252C.2” and inserting the
42 following: “due to the receipt of public assistance”.

43 36. Page 26, line 15, by striking the words
44 “pursuant to section 252C.2” and inserting the
45 following: “due to the receipt of public assistance”.

46 37. Page 27, by striking lines 9 and 10 and
47 inserting the following: “right to personal service
48 of the notice in writing and accept service by regular
49 mail. If the service by regular mail does not occur
50 within ninety days of the written waiver of personal

Page 4

1 service, personal service of the notice is required
2 unless a new waiver of personal service is obtained.”

3 38. Page 27, line 16, by striking the words
4 “obtaining or”.

5 39. Page 31, by striking lines 7 through 10, and
6 inserting the following:

7 “3. The child was conceived or born during a
8 marriage or paternity has been legally established.”

9 40. Page 31, line 26, by striking the words
10 “obtaining or”.

11 41. Page 32, line 35, by inserting after the word
12 “chapter” the following: “234”.

13 42. Page 33, by striking line 1, and inserting the
14 following: “252A, ~~chapter 252C~~, 600B, or this
15 chapter, or any other support chapter or proceeding
16 between parties to the”.

17 43. Page 33, lines 6 and 7, by striking the words
18 “or section”.

19 44. Page 33, line 7, by inserting after the
20 figure “239.3,” the following: “or 252E.11”.

21 45. Page 33, line 25, by inserting after the
22 figure “249A” the following: “or a comparable statute
23 of a foreign jurisdiction”.

24 46. Page 34, line 9, by inserting after the word
25 “modification” the following: “or adjustment”.

26 47. Page 34, line 18, by inserting after the
27 figure “252D.12” the following: “, 252D.13,”.

28 48. By renumbering, relettering and correcting
29 internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 376

S-3526

- 1 Amend Senate File 376, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 3, line 31 through page 4,
- 4 line 1, and inserting the following: "amended by
- 5 striking the subsection."

HOUSE AMENDMENT TO
SENATE FILE 394

S-3527

- 1 Amend Senate File 394, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 11 through 17 and
- 4 inserting the following: "defined in section 702.14,
- 5 from a transferor to a transferee for less than fair
- 6 consideration, made while the transferor is receiving
- 7 medical assistance or within five years prior to
- 8 application for medical assistance by the transferor.
- 9 Any such transfer or assignment is presumed to be".
- 10 2. Page 1, by striking lines 24 through 27 and
- 11 inserting the following: "transfer or assignment."
- 12 3. Page 1, by striking lines 30 through 35 and
- 13 inserting the following:
- 14 "(1) Transfers to or for the sole benefit of the
- 15 transferor's spouse, including a transfer to a spouse
- 16 by an institutionalized spouse pursuant to section
- 17 1924(f)(1) of the federal Social Security Act."
- 18 4. Page 2, line 19, by striking the words
- 19 "dollars, and" and inserting the following:
- 20 "dollars."
- 21 5. Page 2, by striking lines 20 through 22 and
- 22 inserting the following: "For purposes of this
- 23 chapter,".
- 24 6. Page 2, by inserting after line 24 the
- 25 following:
- 26 "(6) Transfers of property that would, at the time
- 27 of the transferor's application for medical
- 28 assistance, have been exempt from consideration as a
- 29 resource if it had been retained by the transferor,
- 30 pursuant to 42 U.S.C. § 1382b(a), as implemented by
- 31 regulations adopted by the secretary of the United
- 32 States department of health and human services, and
- 33 pursuant to section 561.16 and chapter 627."
- 34 7. Page 2, by striking line 30 and inserting the

35 following:

36 "A transfer of".

37 8. Page 2, by striking line 35 and inserting the
38 following: "the assets which are not exempt under
39 section 249F.1."

40 9. Page 6, by striking lines 16 through 23.

41 10. Renumber as necessary.

HOUSE AMENDMENT TO
SENATE FILE 271

S-3528

1 Amend Senate File 271, as amended, passed, and

2 reprinted by the Senate, as follows:

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

5 "___ . The sale of goods or services by
6 corporations, partnerships, unincorporated
7 associations, or other business enterprises which sell
8 products to direct sellers as defined by section 3508
9 of the Internal Revenue Code, where the initial
10 contract establishing the relationship with the direct
11 seller is terminable at will by either party, and
12 where the corporation, partnership, unincorporated
13 association, or other business enterprise offers to
14 repurchase the products at reasonable commercial
15 terms."

16 2. Page 2, by inserting before line 4 the
17 following:

18 "For purposes of subsection 6, "reasonable
19 commercial terms" includes the repurchase of all
20 unencumbered products which are in an unused,
21 commercially resalable condition within one year from
22 the direct seller's date of purchase. The repurchase
23 shall be at a price not less than ninety percent of
24 the original net cost to the direct seller of the
25 products being returned. "Original net cost" means
26 the amount actually paid by the direct seller for the
27 products, less any consideration received by the
28 direct seller for the purchase of the products being
29 returned. Products which are no longer marketed by a
30 program shall be deemed resalable if the products are
31 otherwise in an unused, commercially resalable
32 condition and are returned to the seller within one
33 year from the direct seller's date of purchase,
34 provided, however, that products which are no longer
35 marketed by a program shall not be deemed resalable if
36 the products are sold to direct sellers as
37 nonreturnable, discontinued, seasonal, or special

38 promotion items and the nonreturnable nature of the
39 product was clearly disclosed to the direct seller
40 prior to purchase.”

41 3. By renumbering, relettering, or redesignating
42 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 11

S-3529

1 Amend Senate File 11, 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 352.6, unnumbered paragraph 1,
6 Code 1993, is amended to read as follows:

7 An owner of farmland may submit a proposal to the
8 county board for the creation of an agricultural area
9 within the county. An agricultural area, at its
10 creation, shall include at least ~~five~~ three hundred
11 acres of farmland, however, a smaller area may be
12 created if the farmland is adjacent to farmland
13 subject to an agricultural land preservation ordinance
14 pursuant to section 335.27. The proposal shall
15 include a description of the proposed area, including
16 its boundaries. The territory shall be as compact and
17 as nearly adjacent as feasible. Land shall not be
18 included in an agricultural area without the consent
19 of the owner. Agricultural areas shall not exist
20 within the corporate limits of the city. Agricultural
21 areas may be created in a county which has adopted
22 zoning ordinances. Except as provided in this
23 section, the use of the land in agricultural areas is
24 limited to farm operations.

25 Sec. 2. Section 352.9, unnumbered paragraph 2,
26 Code 1993, is amended to read as follows:

27 The board shall cause the description of that
28 agricultural area filed with the county auditor and
29 recorded with the county recorder to be modified to
30 reflect any withdrawal. Withdrawal shall be effective
31 on the date of recording. The agricultural area from
32 which the land is withdrawn shall continue in
33 existence even if smaller than ~~five~~ three hundred
34 acres after withdrawal.”

35 2. Title page, by striking lines 1 through 3, and
36 inserting the following: “An Act providing for
37 agricultural areas.”

S-3530

- 1 Amend House File 348, 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. Section 144.13, subsection 4, Code
- 6 1993, is amended by striking the subsection."

LINN FUHRMAN
MARY KRAMER

S-3531

- 1 Amend Senate File 405 as follows:
- 2 1. Page 2, line 24, by striking the words "a
- 3 process that converts" and inserting the following:
- 4 "the manufacturing process and resulting directly in
- 5 the conversion of".

RALPH ROSENBERG

S-3532

- 1 Amend House File 384, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 11.
- 4 2. Page 1, line 23, by inserting after the figure
- 5 "261C.6" the following: "and shall reimburse the
- 6 school district for its costs".
- 7 3. Page 1, by inserting after line 28 the
- 8 following:
- 9 "If the local area education agency verifies that
- 10 the pupil was unable to complete the course for
- 11 reasons including but not limited to the pupil's
- 12 physical incapacity, death in the family, or the
- 13 pupil's move to another school district, a
- 14 verification by the area education agency shall
- 15 constitute a waiver to the requirement that the pupil,
- 16 pupil's parent, guardian, or legal custodian pay the
- 17 costs of the course to the school district."
- 18 4. Page 1, by inserting after line 28 the
- 19 following:
- 20 "Sec. ____ . NEW SECTION. 261C.9 TUITION REFUND.
- 21 An eligible postsecondary institution shall make
- 22 pro rata adjustments to tuition reimbursement amounts
- 23 based upon federal guidelines established pursuant to

24 20 U.S.C. § 1091b.”

25 5. By renumbering as necessary.

LARRY MURPHY
MIKE CONNOLLY
MARY KRAMER
JIM LIND

S-3533

- 1 Amend House File 632, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 31, by inserting after the word
- 4 “co-generation” the following: “, or railroad ties”.

EUGENE FRAISE

S-3534

- 1 Amend Senate File 277 as follows:
- 2 1. Page 4, by striking lines 4 and 5.
- 3 2. Title page, lines 2 and 3, by striking the
- 4 words “and providing an effective date”.

JOE WELSH

S-3535

- 1 Amend Senate File 277 as follows:
- 2 1. Page 3, by inserting after line 1 the
- 3 following:
- 4 “g. Within twenty-four months of the time a
- 5 service or group of services is available to customers
- 6 in any local exchange of the participating utility,
- 7 the same or substantially identical services will be
- 8 made available to customers in all local exchanges of
- 9 the utility.”
- 10 2. By relettering as necessary.

JOE WELSH

S-3536

- 1 Amend House File 361, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 25 the
- 4 following:
- 5 “Sec. 100. TREATMENT FUNDING APPLICATION DEADLINE
- 6 DELAYED. This section relates to the deadline date
- 7 established by the Iowa department of public health,

8 division of substance abuse and health promotion, for
 9 applications for funding of comprehensive outpatient,
 10 residential, and halfway treatment services in the
 11 memorandum issued by the division on January 7, 1993,
 12 to applicants for treatment funds. Notwithstanding
 13 the application deadline date of February 25, 1993, as
 14 established in the memorandum, the application
 15 deadline date shall be on or after May 15, 1993, and
 16 any other dates established by the division relating
 17 to applications for treatment funds shall be revised
 18 to accommodate the change in the application deadline.
 19 If the effective date of this Act is after February
 20 25, 1993, the division shall accept and consider
 21 applications beginning on the effective date of this
 22 Act and continuing through May 15, 1993.
 23 Sec. ____ . EFFECTIVE DATE. Section 100 of this
 24 Act, being deemed of immediate importance, takes
 25 effect upon enactment."
 26 2. Title page, line 3, by inserting after the
 27 word "permits," the following: "treatment funding."
 28 3. Title page, line 5, by inserting after the
 29 word "corrections" the following: ", and providing an
 30 effective date."
 31 4. By renumbering as necessary.

BERL E. PRIEBE
 JIM LIND

S-3537

1 Amend Senate File 277 as follows:
 2 1. Page 3, by inserting after line 1 the
 3 following:
 4 "____. The utilities board shall study the
 5 effectiveness of any plans for alternative regulation
 6 which are approved. A study shall include a
 7 description of the plan, identification of the local
 8 exchange utility or utilities participating under the
 9 plan, and an analysis of the effects of the plan. The
 10 results of a study conducted pursuant to this
 11 subsection shall be reported to the general assembly
 12 by January 15 after the first full year that the plan
 13 is in effect."
 14 2. Renumber as necessary.

JOE WELSH
 PATRICK J. DELUHERY

S-3538

- 1 Amend Senate File 277 as follows:
2 1. Page 2, by inserting after line 7 the
3 following:
4 " ____ . Before a rate-regulated public utility
5 furnishing communications services can operate under a
6 plan for alternative regulation, the consumer advocate
7 may file a petition under section 476.3, subsection 2.
8 The consumer advocate shall indicate whether a
9 complaint will be filed no later than ninety days
10 after the utility requests permission to operate under
11 a plan for alternative regulation under subsection 2.
12 If the consumer advocate indicates an intent to file a
13 petition, the consumer advocate shall have an
14 additional ninety days to file such petition. A
15 refund or rate adjustment to the customers of such
16 utility which results from a petition filed by the
17 consumer advocate, shall not be affected as a result
18 of the implementation or existence of a plan for
19 alternative regulation."
20 2. By renumbering as necessary.

PATRICK J. DELUHERY
MICHAEL E. GRONSTAL
RICHARD J. VARN
JOE J. WELSH

S-3539

- 1 Amend Senate File 277 as follows:
2 1. Page 3, by inserting after line 1 the
3 following:
4 "6. The board shall establish, in consultation
5 with the consumer advocate, a method for the
6 determination of earnings of a utility participating
7 under a plan of alternative regulation which are
8 directly related to efficiencies realized by the
9 utility as a result of such participation. The board
10 shall provide that at least fifty percent of the
11 earnings identified pursuant to such method shall be
12 returned to the customers of the utility."

MICHAEL E. GRONSTAL
PATRICK J. DELUHERY
RICHARD J. VARN
JOE J. WELSH

S-3540

1 Amend Senate File 277 as follows:
2 1. Page 2, line 9, by inserting after the word
3 "years." the following: "However, a plan for
4 alternative regulation shall not be approved or
5 implemented for a period longer than five years
6 without being renewed. At the expiration of the time
7 period for a plan for alternative regulation, the
8 consumer advocate and the utility participating under
9 the plan shall have a reasonable opportunity to
10 request a rate adjustment pursuant to section 476.3,
11 subsection 2, and section 476.6."

MICHAEL GRONSTAL
PATRICK J. DELUHERY
RICHARD J. VARN
JOE J. WELSH

S-3541

1 Amend House File 637, as passed by the House, as
2 follows:
3 1. Page 2, by striking line 14 and inserting the
4 following:
5 " ____ . "Livestock" means an animal kept in a
6 confined location, from which is commercially produced
7 food, fiber, or hides, and shall include, but not be
8 limited to, an animal belonging to the bovine."
9 2. Page 2, by striking lines 28 through 32 and
10 inserting the following: "~~to section 481A.60, or dog~~
11 ~~or cat, and fails to supply the animal during~~
12 ~~confinement with a sufficient quantity of food, and~~
13 ~~water, or who fails~~ does any of the following commits
14 the offense of livestock neglect."
15 3. Page 3, line 3, by striking the word "Beats"
16 the and inserting the following: "Repeatedly beats".
17 4. Page 3, line 7, by inserting before the word
18 "commits" the following: "intentionally".
19 5. Page 8, line 13, by inserting after the word
20 "not" the following: "intentionally".
21 6. By renumbering as necessary.

MERLIN E. BARTZ
BERL E. PRIEBE
PATTY JUDGE
DERRYL McLAREN

S-3542

- 1 Amend House File 632, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 31, by inserting after the word
- 4 "co-generation" the following: ", or creosote-treated
- 5 railroad ties".

EUGENE FRAISE

HOUSE AMENDMENT TO
SENATE FILE 335

S-3543

- 1 Amend Senate File 335, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 29, by striking the word "ten"
- 4 and inserting the following: "nine".
- 5 2. Page 1, line 32, by inserting after the figure
- 6 "2.32" the following: "for the terms determined by
- 7 the board at its first meeting which shall not exceed
- 8 three years".
- 9 3. Page 2, line 7, by striking the word "ten" and
- 10 inserting the following: "nine".
- 11 4. Page 2, by striking lines 20 through 23 and
- 12 inserting the following: "universities."
- 13 5. Page 3, line 8, by striking the word and
- 14 figures "December 31, 1993" and inserting the
- 15 following: "June 30, 1994".
- 16 6. Page 3, by striking lines 22 through 26.
- 17 7. By renumbering and relettering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 191

S-3544

- 1 Amend Senate File 191, as follows:
- 2 1. Page 1, by striking lines 27 through 34, and
- 3 inserting the following: "contract and the tax levy
- 4 may be discontinued by a petition signed by eligible
- 5 electors residing in the former district. The
- 6 petition requesting the discontinuance must be signed
- 7 by not less than one hundred eligible electors or
- 8 thirty percent of the number voting at the last
- 9 preceding school election in the former district,
- 10 whichever is greater. The petition must be filed with
- 11 the secretary of the board of directors of the school
- 12 district at least seventy-five days before the next

13 regular school election. The proposal to discontinue
 14 the levy shall be deemed adopted if the vote in favor
 15 of the discontinuance is equal to at least a majority
 16 of the total vote cast on the proposal by the electors
 17 of the former school district."

HOUSE AMENDMENT TO
 SENATE FILE 206

S-3545

1 Amend Senate File 206, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 3 the follow-
 4 ing:
 5 "Sec. 201A. Section 257.31, subsection 14,
 6 unnumbered paragraph 2, Code 1993, is amended by
 7 striking the unnumbered paragraph."
 8 2. Page 3, by striking lines 4 through 8 and
 9 inserting the following:
 10 "Sec. ____ . Section 257.6, subsection 1, paragraph
 11 f, Code 1993, is amended to read as follows:
 12 f. Resident pupils receiving competent private
 13 instruction under dual enrollment pursuant to chapter
 14 299A shall be counted as one-tenth of one pupil or in
 15 the proportion that the number of classes in which
 16 they are enrolled or receive instruction bears to the
 17 total number of classes that full-time pupils,
 18 carrying a normal course schedule, are enrolled or
 19 receive instruction, whichever is the greater."
 20 3. Page 5, by inserting after line 30 the follow-
 21 ing:
 22 "Sec. ____ . Section 201A of this Act, being deemed
 23 of immediate importance, takes effect upon enactment
 24 and applies retroactively to July 1, 1992, for
 25 purposes of determining the balance of funds of a
 26 school district for the school budget year ending June
 27 30, 1992."
 28 4. Title page, by striking line 2 and inserting
 29 the following: "procedures and providing effective
 30 and applicability date provisions."
 31 5. By renumbering, relettering, or redesignating
 32 and correcting internal references as necessary.

S-3546

1 Amend House File 652, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 25, by inserting after the word
 4 "election" the following: ", including a question on

5 the recall of elected officials of political
6 subdivisions”.

7 2. Page 4, line 14, by inserting after the word
8 “measure” the following: “, including a question on
9 the recall of an elected official of a political
10 subdivision,”.

11 3. Page 8, line 20, by striking the words “and
12 elections” and inserting the following: “,
13 elections”.

14 4. Page 8, line 21, by inserting after the figure
15 “69.14,” the following: “and elections held pursuant
16 to chapter 66A,”.

17 5. Page 15, by inserting after line 35, the
18 following:

19 “Sec. ____ . NEW SECTION. 66A.1 OFFICERS SUBJECT
20 TO RECALL.

21 1. Any elective public officer of a political sub-
22 division in the state is subject to recall from office
23 by the electors of the political subdivision from
24 which the officer was elected. The eligible electors
25 of a political subdivision may petition for the recall
26 of the elective officer by filing a petition with the
27 county commissioner of elections demanding the recall
28 of the officeholder.

29 2. A public officer who is appointed to an
30 elective office is subject to recall in the same
31 manner as provided for an officer who is elected to
32 that office.

33 3. An officer shall not be recalled for performing
34 a duty or obligation of the office to which the
35 officer was elected, which duty or obligation is
36 imposed by law, nor for failure to perform any act
37 that if performed would subject the officer to
38 prosecution.

39 4. For the purpose of this chapter, “political
40 subdivision” means a county, township, school
41 corporation, city, or any local board or commission.

42 Sec. ____ . NEW SECTION. 66A.2 PETITION FOR RECALL
43 -- PERSONS QUALIFIED TO PETITION -- PENALTY.

44 Any eligible elector of a political subdivision of
45 this state may sign a petition for recall of an
46 officer elected from that political subdivision.
47 However, if the political subdivision from which the
48 officer is elected is divided into election districts,
49 the eligible elector signing the petition must be an
50 eligible elector of that election district from which

Page 2

1 the officer was elected.

2 A person signing a name other than that person's
3 own to a petition for recall or who knowingly signs
4 the same petition for recall more than once or who is
5 not an eligible elector at the time of signing a
6 petition for recall is guilty of a serious
7 misdemeanor.

8 Sec. ____ . **NEW SECTION. 66A.3 PETITION FOR RECALL**
9 -- CONTENTS, REQUIREMENTS, LIMITATIONS.

10 1. A petition for recall must contain the
11 following:

12 a. The signatures of eligible electors of the
13 political subdivision or election district affected by
14 the recall equal to at least twenty percent of the
15 total votes cast in the last preceding election for
16 the office affected by the recall, but in no case
17 shall a petition for recall contain less than fifty
18 signatures. The county commissioner shall determine
19 and certify to any interested person the number of
20 signatures required on a petition for recall for that
21 office.

22 b. The residence address of each person signing
23 the petition and the date the petition was signed by
24 that person.

25 c. A statement, in two hundred words or less,
26 detailing the reason for recall of the officer.

27 2. a. A petition for recall shall be eight and
28 one-half by fourteen inches in size and shall be in
29 substantially the following form:

30 **WARNING**

31 A person signing a name other than the person's own
32 name to a petition or who knowingly signs the person's
33 name to this petition more than once or who is not an
34 eligible elector at the time the signature is affixed
35 to this petition is guilty of a serious misdemeanor.

36 **RECALL PETITION**

37 We, the undersigned eligible electors of (name of
38 applicable political subdivision or election district)
39 respectfully petition that an election be held as
40 provided by law on the question of whether (officer's
41 name), holding the office of _____, should be
42 recalled for the following reasons: (Setting out the
43 statement of the reason for recall in not more than
44 two hundred words). By affixing the signature, each
45 signer certifies the following: I have personally
46 signed this petition; I am an eligible elector of the
47 state of Iowa and (appropriate political subdivision
48 or election district); and my residence address is

49 correctly written after my name to the best of my
50 knowledge and belief.

Page 3

1 b. Numbered lines shall follow the heading. Each
2 numbered line shall contain spaces for the signature,
3 signer's residence address, and the date of the
4 signature.

5 c. Each separate page of a petition for recall
6 shall contain the warning in paragraph "a".

7 d. When a petition contains more than one page,
8 the pages shall be neatly arranged and securely
9 fastened together before filing.

10 3. Before a petition for recall may be circulated
11 for signatures, a sample petition form, including the
12 statement of the reason for recall, must be submitted
13 to the county commissioner. Within five days of
14 receipt of the sample petition, the commissioner shall
15 review the sample petition and determine whether it
16 meets the requirements of this section. If the
17 petition meets the requirements of this section, the
18 commissioner shall certify the petition and return it
19 immediately to the person who submitted the petition.
20 If the petition does not meet the requirements of this
21 section, the commissioner shall inform the person who
22 submitted the sample petition that the petition does
23 not meet the requirements imposed by law and the
24 reasons therefore.

25 4. a. A petition for recall shall not name more
26 than one officer to be recalled.

27 b. A person shall not be recalled within the first
28 one hundred eighty days after the person takes the
29 oath of office nor within one hundred eighty days from
30 the date on which the office is to be filled by the
31 qualified electors in the general, regular city, or
32 school district election, whichever is applicable.

33 c. A petition for recall shall not be filed
34 against an officer for whom a recall election has been
35 held within a period of two years during a term of
36 office.

37 Sec. ____ . NEW SECTION. 66A.4 FILING OF PETITION
38 FOR RECALL.

39 1. A petition for recall must be filed within
40 ninety days of the date the form of the petition is
41 certified pursuant to section 66A.3. The petition for
42 recall shall be filed with the county commissioner.

43 2. When filing a petition for recall, an affidavit
44 in substantially the following form shall be attached
45 to the petition:

46 I, (name of person filing petition), being duly
 47 sworn, say that I circulated or assisted in
 48 circulating the petition to which this affidavit is
 49 attached, and I believe the signatures affixed to the
 50 petition are genuine, and are the signatures of the

Page 4

1 persons whose names they purport to be, and that the
 2 signers were aware of the contents of the petition
 3 before signing the petition.

4 _____

5 (Signed)

6 Subscribed and sworn to before me by _____, on the

7 ____ day of _____, 19__

8 _____

9 (Name)

10 _____

11 (Official title)

12 3. After a petition for recall has been filed, it
 13 shall not be returned to the person who filed the
 14 petition, nor shall any signature or other information
 15 be added to the petition for recall. If a signature
 16 on a petition sheet is crossed out by the petitioner
 17 before the sheet is offered for filing, the
 18 elimination of the signature does not affect the
 19 validity of other signatures on the petition sheet.

20 Sec. ____ . NEW SECTION. 66A.5 VERIFICATION OF
 21 PETITION.

22 Upon the filing of a petition for recall, the
 23 county commissioner shall verify that the petition has
 24 been signed by the required number of eligible
 25 electors as specified in section 66A.3. If the
 26 petition for recall does not contain the required
 27 number of signatures, the county commissioner shall
 28 notify the person filing the petition that the
 29 petition is not valid.

30 Sec. ____ . NEW SECTION. 66A.6 NOTIFICATION TO
 31 OFFICER -- STATEMENT OF JUSTIFICATION.

32 Upon the filing of the petition for recall, the
 33 county commissioner shall immediately send written
 34 notice to the officer named in the petition. The
 35 notice shall state that a petition for recall of the
 36 officer has been filed, shall include a copy of the
 37 statement of the reason for recall as printed on the
 38 petition, and shall inform the officer that the
 39 officer may have printed on the special election
 40 ballot a statement of justification in not more than
 41 two hundred words stating why the officer should not
 42 be recalled. To be printed on the ballot, the

43 statement of justification must be submitted to the
44 county commissioner within ten days of the date the
45 notice is sent to the officer named in the petition
46 for recall.

47 Sec. ____ . NEW SECTION. 66A.7 OBJECTION TO THE
48 PETITION -- NOTICE AND HEARING.

49 Objections to the legal sufficiency of a petition
50 for recall may be filed in writing by any person who

Page 5

1 would have the right to vote for a candidate for the
2 office in question. The objections must be filed with
3 the county commissioner not more than fourteen days
4 after the petition for recall is filed.

5 When objections have been filed, notice shall be
6 mailed within seventy-two hours by certified mail to
7 the person who filed the petition. A hearing on the
8 objections shall be held in the manner provided for
9 objections to nomination petitions or certificates of
10 nomination filed pursuant to chapter 43 or chapter
11 277, whichever is applicable.

12 Sec. ____ . NEW SECTION. 66A.8 PRESUMPTION OF
13 VALIDITY.

14 A petition for recall filed under this chapter, and
15 being apparently in conformity with law, shall be
16 regarded as valid, unless objection is made in
17 writing, and the petition shall be open to public
18 inspection and preserved by the county commissioner
19 for not less than six months after the special recall
20 election is held.

21 Sec. ____ . NEW SECTION. 66A.9 RECALL ELECTION.

22 If the officer named in the petition for recall
23 submits a resignation in writing, it shall be accepted
24 and become effective the day it is offered. The
25 vacancy created by the resignation shall be filled as
26 provided by law, except that the officer named in the
27 petition for recall shall not be appointed to fill the
28 vacancy. If the officer named in the petition does
29 not resign within five days after the petition for
30 recall is filed, a special election on the recall of
31 the officer shall be called. The recall election
32 shall be held the first Tuesday following sixty days
33 after the date the petition is filed. However, the
34 special election shall not be held on the same day as
35 a regularly scheduled election. If the first Tuesday
36 following sixty days after the date the petition is
37 filed is the same day as a regularly scheduled
38 election, the special election shall be held the first
39 Tuesday following the regularly scheduled election.

40 Sec. ____ . NEW SECTION. 66A.10 CONDUCT OF RECALL
41 ELECTION.

42 A special election for recall of an officer shall
43 be conducted, and the results canvassed and certified,
44 in the same manner that a regularly scheduled election
45 to fill that office is conducted.

46 The ballot submitted at a recall election shall set
47 forth the statement contained in the petition for
48 recall stating the reason for demanding the recall of
49 the officer and the statement of justification
50 submitted by the officer, if submitted in a timely

Page 6

1 manner. The question of whether the officer should be
2 recalled shall be placed on the ballot in
3 substantially the following form:

4 ____ FOR recalling ____ who holds the office of
5 _____

6 ____ AGAINST recalling ____ who holds the office
7 of _____

8 Expenses of a recall election shall be paid in the
9 same manner as the expenses of a regularly scheduled
10 election to fill that office.

11 Sec. ____ . NEW SECTION. 66A.11 ELECTION RESULTS -
12 - FILLING OF VACANCY.

13 1. The officer named in the petition for recall
14 shall continue in office until the officer resigns or
15 the results of the recall election are officially
16 declared.

17 2. If a majority of those voting on the question
18 vote to remove the officer, the office becomes vacant
19 and the vacancy shall be filled as provided by chapter
20 69. However, in no event shall the officer recalled
21 be appointed to fill the vacancy."

22 6. By renumbering as necessary.

MERLIN E. BARTZ

S-3547

1 Amend House File 384, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 28 the follow-
4 ing:

5 "Sec. ____ . NEW SECTION. 279.38A MEMBERSHIP IN
6 OTHER ORGANIZATIONS.

7 Duly elected members of boards of directors and
8 designated administrators of school corporations may
9 join and participate in local, regional, and national

10 organizations which directly relate to the functions
11 of the board of directors.”
12 2. Title page, line 3, by inserting after the
13 word “Act” the following: “and membership in
14 organizations relating to duties of a board of
15 directors of a school corporation”.
16 3. By renumbering as necessary.

MIKE CONNOLLY

S-3548

1 Amend the amendment, S-3468, to House File 639, as
2 amended, passed and reprinted by the House, as
3 follows:
4 1. By striking lines 10 through 12 and inserting
5 the following: “remediation” the following:
6 “provided that if due to the fault of the state there
7 is an additional release of a hazardous substance or
8 the exacerbation of existing contamination, the costs
9 attributable to such release or exacerbation shall be
10 allocated to the state.”
11 2. Page 1, by inserting after line 12 the
12 following:
13 “— . Page 1, line 21, by striking the word “The”
14 and inserting the following: “If requested by the
15 state, the”.
16 — . Page 1, line 24, by striking the words
17 “during construction”.”

MICHAEL GRONSTAL

HOUSE AMENDMENT TO
SENATE FILE 174

S-3549

1 Amend Senate File 174, 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 103A.7, subsection 5, Code
6 1993, is amended to read as follows:
7 5. The accessibility and use by ~~physically~~
8 ~~handicapped persons with disabilities~~ and elderly
9 persons, of buildings, structures and facilities which
10 are constructed and intended for use by the general
11 public. The rules shall be consistent with federal
12 standards for building accessibility.
13 Sec. 2. Section 104A.1, Code 1993, is amended to

14 read as follows:

15 104A.1 INTENT OF CHAPTER.

16 It is the intent of this chapter that standards and
 17 specifications are followed in the construction of
 18 public and private buildings and facilities which are
 19 intended for use by the general public to ensure that
 20 these buildings and facilities are accessible to and
 21 functional for the physically handicapped persons with
 22 disabilities.

23 Sec. 3. Section 104A.2, Code 1993, is amended to
 24 read as follows:

25 104A.2 APPLICABILITY.

26 The standards and specifications adopted by the
 27 state building code commissioner and as set forth in
 28 this chapter shall apply to all public and private
 29 buildings and facilities, temporary and permanent,
 30 used by the general public. The specific occupancies
 31 and minimum extent of accessibility shall be in
 32 accordance with the conforming standards set forth in
 33 section 104A.6. Notwithstanding the standards set
 34 forth in section 104A.6, in In every covered multiple-
 35 dwelling-unit building containing twelve four or more
 36 individual dwelling units the requirements of this
 37 chapter which apply to apartments shall be met by at
 38 least one dwelling unit or by at least ten percent of
 39 the dwelling units, whichever is the greater number,
 40 on each of the floor levels in the building which are
 41 accessible to the physically handicapped. Any
 42 fraction five-tenths or below shall be rounded to the
 43 next lower whole unit and those adopted by the state
 44 building code commissioner shall be met.

45 Sec. 4. Section 104A.6, Code 1993, is amended to
 46 read as follows:

47 104A.6 CONFORMING STANDARDS.

48 In addition to complying with the standards and
 49 specifications set forth in sections 104A.3 and
 50 104A.4, the The authority responsible for the

Page 2

1 construction of any building or facility covered by
 2 section 104A.2 shall conform with rules promulgated
 3 adopted by the state building code commissioner as
 4 provided in section 103A.7.

5 Sec. 5. NEW SECTION. 104A.6A ENFORCEMENT. This
 6 chapter is subject to enforcement as provided in
 7 chapter 103A.

8 Sec. 6. Section 216C.1, Code 1993, is amended by
 9 adding the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. To encourage

11 participation by the disabled, it is the policy of
12 this state to ensure compliance with federal
13 requirements concerning persons with disabilities.
14 Sec. 7. Section 216C.9, Code 1993, is amended by
15 adding the following new subsection:
16 NEW SUBSECTION. 3. Curbs constructed that are
17 subject to the requirements of this section shall
18 comply with federal requirements concerning persons
19 with disabilities.
20 Sec. 8. Sections 104A.3, 104A.4, and 104A.7, Code
21 1993, are repealed.”
22 2. Title page, by striking lines 1 through 2 and
23 inserting the following: “An Act concerning
24 accessibility standards for persons with disabilities
25 and making penalties applicable.”

S-3550

1 Amend Senate File 405 as follows:
2 1. Page 2, line 24, by inserting after the word
3 “converts” the following: “scrap metal.”
4 2. Title page, line 2, by inserting after the
5 word “of” the following: “scrap metal.”

PATRICK J. DELUHERY
EMIL J. HUSAK

S-3551

1 Amend Senate File 405 as follows:
2 1. Page 3, by inserting after line 6 the
3 following:
4 “A person who receives a grant awarded by the
5 department of natural resources for projects or
6 programs related to recycling is not eligible for the
7 exemption under this subsection relating to recycling
8 property during the term of the grant.”

BERL PRIEBE

S-3552

1 Amend House File 230, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 5, by inserting after line 20 the
4 following:
5 “Sec. ____ . Section 462A.23, subsection 2,
6 paragraph b, Code 1993, is amended to read as follows:
7 b. Operating a ~~vessel or manipulating water skis,~~
8 ~~surfboard or similar device~~ motorboat or sailboat

9 while in an intoxicated condition or under influence
 10 of a narcotic drug in violation of section 462A.14A."
 11 2. By renumbering as necessary.

LINN FUHRMAN

S-3553

1 Amend the amendment, S-3547, to House File 384, as
 2 passed by the House, as follows:
 3 1. Page 1, line 9, by inserting after the word
 4 "join" the following: ", including the payment of
 5 dues,".

MIKE CONNOLLY

S-3554

1 Amend the House amendment, S-3486, to Senate File
 2 266, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 4, by striking lines 16 through 26, and
 5 inserting the following:
 6 "___ . Page 13, by inserting after line 17 the
 7 following:
 8 "It is the intent of the general assembly that the
 9 racing and gaming commission shall employ persons in
 10 additional full-time equivalent positions only for
 11 riverboat gambling enforcement and for supervision and
 12 management of a two-year pilot project, subject to
 13 approval in each affected county by county-wide
 14 referendum, to be established through adoption of
 15 rules modifying the wagering structure on excursion
 16 boats per excursion, reclassifying racetrack
 17 enclosures at all Iowa pari-mutuel racetracks as
 18 excursion boats within the meaning of chapter 99F, and
 19 making other related changes deemed necessary by the
 20 racing and gaming commission, in order to determine
 21 and report to the general assembly at the conclusion
 22 of the pilot project concerning the impact of the
 23 changes on the enforcement and administration of
 24 gambling laws. Rules established and implementing the
 25 pilot project are authorized notwithstanding
 26 limitations or restrictions in sections 99F.4,
 27 subsection 4, 99F.7, subsection 10, paragraph "c", and
 28 99F.9, subsection 2, or otherwise imposed by law."

LARRY MURPHY
 WILLIAM D. PALMER
 HARRY G. SLIFE

TONY BISIGNANO
JOE J. WELSH
JIM LIND
PATRICK J. DELUHERY

S-3555

1 Amend the House amendment, S-3486, to Senate File
2 266, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking line 3 through page 4,
5 line 15.

6 2. Page 4, by striking lines 16 through 26, and
7 inserting the following:

8 "___ . Page 13, by inserting after line 17 the
9 following:

10 "It is the intent of the general assembly that the
11 racing and gaming commission shall employ persons in
12 additional full-time equivalent positions only for
13 riverboat gambling enforcement and for supervision and
14 management of a two-year pilot project, subject to
15 approval in each affected county by county-wide
16 referendum, to be established through adoption of
17 rules modifying the wagering structure on excursion
18 boats per excursion, reclassifying racetrack
19 enclosures at all Iowa pari-mutuel racetracks as
20 excursion boats within the meaning of chapter 99F, and
21 making other related changes deemed necessary by the
22 racing and gaming commission, in order to determine
23 and report to the general assembly at the conclusion
24 of the pilot project concerning the impact of the
25 changes on the enforcement and administration of
26 gambling laws. Rules established and implementing the
27 pilot project are authorized notwithstanding
28 limitations or restrictions in sections 99F.4,
29 subsection 4, 99F.7, subsection 10, paragraph "c", and
30 99F.9, subsection 2, or otherwise imposed by law."

31 3. Page 4, by striking line 27 through page 6,
32 line 34.

LARRY MURPHY
WILLIAM D. PALMER
HARRY G. SLIFE
TONY BISIGNANO
JOE J. WELSH
JIM LIND
PATRICK J. DELUHERY

S-3556

1 Amend Senate File 226 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 256.11, subsection 10,
5 unnumbered paragraph 2, Code 1993, is amended by
6 striking the paragraph and inserting in lieu thereof
7 the following:

8 Phase I shall consist of annual monitoring by the
9 department of education of all accredited schools and
10 school districts for compliance with accreditation
11 standards adopted by the state board of education as
12 provided in this section. The phase I monitoring
13 requires that accredited schools and school districts
14 annually complete accreditation compliance forms
15 adopted by the state board and file them with the
16 department of education. Phase I monitoring requires
17 a comprehensive desk audit of all accredited schools
18 and school districts including review of accreditation
19 compliance forms, accreditation visit reports, methods
20 of administration reports, and reports submitted in
21 compliance with sections 280.12 and 280.18.

22 The department shall conduct site visits to schools
23 and school districts to address accreditation issues
24 identified in the desk audit. Such a visit may be
25 conducted by an individual departmental consultant or
26 may be a comprehensive site visit by a team of
27 departmental consultants and other educational
28 professionals. The purpose of a comprehensive site
29 visit is to determine that a district is in compliance
30 with minimum standards and to provide a general
31 assessment of educational practices in a school or
32 school district and make recommendations with regard
33 to the visit findings for the purposes of improving
34 educational practices above the level of minimum
35 compliance. The department shall establish a long-
36 term schedule of site visits that includes visits of
37 all accredited schools and school districts at least
38 once every five years.

39 Sec. 2. Section 256.11, subsection 12, Code 1993,
40 is amended to read as follows:

41 12. During the period of time specified in the
42 plan for its implementation by a school district or
43 nonpublic school, the ~~school or school district or~~
44 school remains accredited. The accreditation
45 committee shall revisit the school district or
46 nonpublic school and shall determine whether the
47 deficiencies in the standards have been corrected and
48 shall make a report and recommendation to the director

49 and the state board. The committee recommendation
50 shall specify whether the school district or school

Page 2

1 shall remain accredited or under what conditions the
2 district may remain accredited. The conditions may
3 include, but are not limited to, providing temporary
4 oversight authority, operational authority, or both
5 oversight and operational authority to the director
6 and the state board for some or all aspects of the
7 school district operation, in order to bring the
8 school district into compliance with minimum
9 standards. The state board shall review the report
10 and recommendation, may request additional
11 information, and shall determine whether the
12 deficiencies have been corrected. If the deficiencies
13 have not been corrected, and the conditional
14 accreditation alternatives contained in the report are
15 not mutually acceptable to the local board and the
16 state board, the state board shall merge the territory
17 of the school district with one or more contiguous
18 school districts at the end of the school year.
19 Division of assets and liabilities of the school
20 district shall be as provided in sections 275.29
21 through 275.31. Until the merger is completed, and
22 subject to a decision by the state board of education,
23 the school district shall pay tuition for its resident
24 students to an accredited school district under
25 section 282.24. However, in lieu of merger and
26 payment of tuition by a nonaccredited school district,
27 the state board may place a district under
28 receivership for the remainder of the school year.
29 The receivership shall be under the direct supervision
30 and authority of the director. The decision of
31 whether to merge the school district and require
32 payment of tuition for the district's students or to
33 place the district under receivership shall be based
34 upon a determination by the state board of the best
35 interests of the students, parents, residents of the
36 community, teachers, administrators, and board members
37 of the district and the recommendations of the
38 accreditation committee and the director. If the
39 state board declares a nonpublic school to be
40 nonaccredited, the removal of accreditation shall take
41 effect on the date established by the resolution of
42 the state board, which shall be no later than the end
43 of the school year in which the nonpublic school is
44 declared to be nonaccredited.

45 Sec. 3. Section 280.4, Code 1993, is amended by

46 striking the section and inserting in lieu thereof the
47 following:
48 280.4 LIMITED ENGLISH PROFICIENCY -- WEIGHTING.
49 1. The medium of instruction in all secular
50 subjects taught in both public and nonpublic schools

Page 3

1 shall be the English language, except when the use of
2 a foreign language is deemed appropriate in the
3 teaching of any subject or when the student is limited
4 English proficient. When the student is limited
5 English proficient, both public and nonpublic schools
6 shall provide special instruction, which shall include
7 but need not be limited to either instruction in
8 English as a second language or transitional bilingual
9 instruction until the student is fully English
10 proficient or demonstrates a functional ability to
11 speak, read, write, and understand the English
12 language. As used in this section, "limited English
13 proficient" means a student's language background is
14 in a language other than English, and the student's
15 proficiency in English is such that the probability of
16 the student's academic success in an English-only
17 classroom is below that of an academically successful
18 peer with an English language background. "Fully
19 English proficient" means a student who is able to
20 read, understand, write, and speak the English
21 language and to use English to ask questions, to
22 understand teachers and reading materials, to test
23 ideas, and to challenge what is being asked in the
24 classroom.

25 2. The department of education shall adopt rules
26 relating to the identification of limited English
27 proficient students who require special instruction
28 under this section and to application procedures for
29 funds available under this section.

30 3. In order to provide funds for the excess costs
31 of instruction of limited English proficient students
32 above the costs of instruction of pupils in a regular
33 curriculum, students identified as limited English
34 proficient shall be assigned an additional weighting
35 that shall be included in the weighted enrollment of
36 the school district of residence for a period not
37 exceeding three years. However, the school budget
38 review committee may grant supplemental aid or
39 modified allowable growth to a school district to
40 continue funding a program for students after the
41 expiration of the three-year period. The school
42 budget review committee shall calculate the additional

43 amount for the weighting to the nearest one-hundredth
44 of one percent so that to the extent possible the
45 moneys generated by the weighting will be equivalent
46 to the moneys generated by the two-tenths weighting
47 provided prior to July 2, 1991.

48 Sec. 4. Section 285.1, subsection 1, Code 1993, is
49 amended by adding the following new paragraph:

50 NEW PARAGRAPH. c. Children attending

Page 4

1 prekindergarten programs offered or sponsored by the
2 district may be provided transportation services.

3 Sec. 5. Section 285.10, subsection 7, paragraph b,
4 Code 1993, is amended to read as follows:

5 b. May purchase buses and enter into contract to
6 pay for such buses over a five-year period as follows:
7 One-fourth of the cost when the bus is delivered and
8 the balance in equal annual installments, plus simple
9 interest due. The interest rate shall be the lowest
10 rate available and shall not exceed the rate in effect
11 under section 74A.2. The bus shall serve as security
12 for balance due. ~~Bus bodies and chassis shall be~~
13 ~~purchased on separate contracts~~ Competitive bids on
14 comparable equipment shall be requested on all school
15 bus body and chassis purchases and shall be based upon
16 minimum construction standards established by the
17 department of education. Separate body and chassis
18 bids shall be requested unless the bus is constructed
19 as an integral unit, inseparable as to body and
20 chassis, by the manufacturer or is a used or
21 demonstrator bus.

22 Sec. 6. Section 291.2, Code 1993, is amended by
23 striking the section and inserting in lieu thereof the
24 following:

25 291.2 BONDS OF SECRETARY AND TREASURER.

26 The secretary and treasurer, within ten days after
27 appointment and before entering upon the duties of the
28 office, shall execute to the school corporation a
29 surety bond in an amount sufficient to cover current
30 operations as determined by the board. All such bonds
31 shall be continued to the faithful discharge of the
32 duties of the office. The amount and sufficiency of
33 all surety bonds shall be determined and approved by
34 the board and shall be filed with the president. The
35 cost of the surety bond shall be paid by the school
36 corporation. If a single person serves as secretary
37 and treasurer, pursuant to section 279.3 or 260C.12,
38 only one bond is necessary for that person. The
39 secretary and treasurer may give bond under a single

40 bond covering other employees of the district.

41 Sec. 7. Section 291.7, Code 1993, is amended to
42 read as follows:

43 291.7 MONTHLY RECEIPTS, DISBURSEMENTS, AND
44 BALANCES.

45 The secretary of each district shall file monthly,
46 on or before the tenth day of each month, with the
47 board of directors, a complete statement of all
48 receipts and disbursements from the various funds
49 during the preceding month, and also the balance
50 remaining on hand in the various funds at the close of

Page 5

1 the period covered by said ~~the~~ statement, which
2 monthly statements shall be open to public inspection.

3 Sec. 8. Section 321.375, subsection 2, paragraph
4 d, Code 1993, is amended to read as follows:

5 d. The commission of or conviction for a public
6 offense as defined by the Iowa criminal code, if the
7 offense is relevant to and affects driving ability, or
8 if the offense includes sexual involvement with a
9 minor student with the intent to commit acts and
10 practices proscribed under sections 709.2 through
11 709.4, section 709.8, and sections 725.1 through
12 725.3, or is a violation of the rules of the
13 department of education adopted to implement section
14 280.17.

15 Sec. 9. Section 321.376, subsection 1, Code 1993,
16 is amended to read as follows:

17 1. ~~The driver of a school bus shall hold a school~~
18 ~~bus driver's permit issued annually by the department~~
19 ~~of education and a driver's license issued by the~~
20 ~~department of transportation valid for the operation~~
21 ~~of the school bus. The driver of a school bus shall~~
22 ~~hold a driver's license issued by the department of~~
23 ~~transportation valid for the operation of the school~~
24 ~~bus and shall hold a school bus driver's permit issued~~
25 ~~by the department of education when transporting~~
26 ~~student or adult passengers to or from school~~
27 ~~activities.~~ The department of education shall charge
28 a fee for the issuance of a school bus driver's permit
29 in the amount of five dollars, which shall be
30 deposited in the general fund of the state. A person
31 holding a temporary restricted license issued under
32 chapter 321J shall be prohibited from operating a
33 school bus. The department of education shall revoke
34 or refuse to issue a permit to any person who, after
35 notice and opportunity for hearing, is determined to
36 have committed any of the acts proscribed under

37 section 321.375, subsection 2. The department of
38 education shall recommend, and the state board of
39 education shall adopt under chapter 17A, rules and
40 procedures for the revocation and issuance of permits
41 to persons. Rules and procedures adopted shall
42 include, but are not limited to, provisions for the
43 revocation of, or refusal to issue, permits to persons
44 who are determined to have committed any of the acts
45 proscribed under section 321.375, subsection 2.
46 Sec. 10. REPEAL. 1992 Iowa Acts, chapter 1159,
47 section 6, is repealed.
48 Sec. 11. EFFECTIVE DATE. Section 10 of this Act,
49 being deemed of immediate importance, takes effect
50 upon enactment."

Page 6

1 2. Title page, by striking line 2 and inserting
2 the following: "transportation, and providing
3 effective and applicability dates."

MIKE CONNOLLY

S-3557

1 Amend Senate File 411 as follows:
2 1. Page 2, line 1, by striking the word "six" and
3 inserting the following: "six twelve".

ANDY McKEAN
EMIL J. HUSAK
BRAD BANKS

S-3558

1 Amend Senate File 411 as follows:
2 1. Page 1, by striking line 13 and inserting the
3 following:
4 "2. If principal and interest".
5 2. Page 1, line 18, by striking the words "a
6 majority" and inserting the following: "sixty
7 percent".
8 3. Page 8, line 7, by striking the words
9 "However, if" and inserting the following: "However,
10 if If".
11 4. Page 9, line 22, by striking the words
12 "However, if" and inserting the following: "If".
13 5. Page 10, line 29, by striking the words
14 "However, if" and inserting the following: "If".
15 6. Page 11, line 23, by striking the words

- 16 "However, if" and inserting the following: "If".
 17 7. Page 14, line 34, by striking the words
 18 "However, if" and inserting the following: "If".

ANDY McKEAN
 BRAD BANKS

S-3559

- 1 Amend Senate File 405 as follows:
 2 1. Page 1, by striking lines 3 and 4 and
 3 inserting the following:
 4 "32. POLLUTION CONTROL SPECIAL PROPERTY. a.
 5 Pollution-control property Property as defined in this
 6 subsection shall be".
 7 2. Page 1, line 9, by striking the words
 8 "pollution-control or recycling" and inserting the
 9 following: "pollution-control".
 10 3. Page 1, by striking lines 14 and 15 and
 11 inserting the following: "1970."
 12 4. Page 1, lines 17 and 18, by striking the words
 13 "pollution-control or recycling" and inserting the
 14 following: "pollution-control".
 15 5. Page 1, line 18, by striking the words
 16 "pollution-control or recycling" and inserting the
 17 following: "pollution-control".
 18 6. Page 1, line 21, by striking the words
 19 "pollution-control or recycling" and inserting the
 20 following: "pollution-control".
 21 7. Page 1, lines 27 and 28, by striking the words
 22 "pollution-control or recycling" and inserting the
 23 following: "pollution-control".
 24 8. Page 2, line 14, by striking the words
 25 "pollution-control or recycling" and inserting the
 26 following: "pollution-control the".
 27 9. Page 2, by inserting after line 16 the fol-
 28 lowing:
 29 "For purposes of the exemption in this subsection,
 30 "property" means pollution-control property, property
 31 described in section 427B.17 as authorized in
 32 paragraph "b", and recycling property."
 33 10. Page 3, by inserting after line 6 the follow-
 34 ing:
 35 "b. A city governing body or county board of
 36 supervisors may provide by ordinance an exemption from
 37 taxation for property described in section 427B.17,
 38 which is acquired after December 31, 1993. The
 39 ordinance may be enacted not less than thirty days
 40 after a public hearing on the ordinance is held.
 41 Notice of the hearing shall be published in accordance

42 with section 331.305 in the case of a county, or
 43 section 362.3 in the case of a city.
 44 An ordinance enacted by a city shall exempt that
 45 entire portion of the total levy against the 427B.17
 46 property which is equal to the sum of the city levy
 47 and school district levy for school districts whose
 48 taxable property is located within the incorporated
 49 area of the city. An ordinance enacted by a county
 50 shall exempt that entire portion of the total levy

Page 2

1 against the 427B.17 property which is equal to the sum
 2 of the county levy in the unincorporated and
 3 incorporated areas of the county and the school
 4 district levy for school districts whose taxable
 5 property is located in the unincorporated area of the
 6 county.
 7 If in the opinion of the city governing body or the
 8 county board of supervisors continuation of the
 9 exemption granted under this subsection ceases to be
 10 of benefit to the city or county, the city governing
 11 body or the county board of supervisors may repeal the
 12 ordinance authorized by this paragraph. Exemptions
 13 allowed prior to repeal of the ordinance shall
 14 continue until their expiration."
 15 11. Title page, by striking lines 2 and 3 and
 16 inserting the following: "exemption."

WAYNE BENNETT
 MAGGIE TINSMAN
 RANDAL J. GIANNETTO
 BRAD BANKS
 MERLIN E. BARTZ

HOUSE AMENDMENT TO
 SENATE FILE 268

S-3560

1 Amend Senate File 268, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 3 through 20.
 4 2. By striking page 1, line 21 through page 2,
 5 line 4.
 6 3. Page 2, line 10, by inserting after the word
 7 "governor" the following: "or the governor's
 8 designee".
 9 4. Page 4, line 17, by striking the words "family
 10 development plans" and inserting the following:

- 11 "family investment agreements".
- 12 5. Page 6, lines 23 and 24, by striking the words
13 "family development agreement" and inserting the
14 following: "family investment agreement".
- 15 6. Page 7, line 18, by striking the word
16 "disregard" and inserting the following: "disregard
17 not more than \$10,000 of".
- 18 7. Page 7, line 25, by striking the words "family
19 development agreements" and inserting the following:
20 "family investment agreements".
- 21 8. Page 7, line 29, by striking the words "family
22 development agreement" and inserting the following:
23 "family investment agreement".
- 24 9. Page 7, line 34, by striking the words "family
25 development agreement" and inserting the following:
26 "family investment agreement".
- 27 10. Page 8, line 2, by striking the words "family
28 development agreement" and inserting the following:
29 "family investment agreement".
- 30 11. Page 8, line 13, by striking the words
31 "family development agreement" and inserting the
32 following: "family investment agreement".
- 33 12. Page 8, line 15, by inserting after the word
34 "options." the following: "An individual's level of
35 participation in one or more of the options shall be
36 equivalent to the level of commitment required for
37 full-time employment or shall be significant so as to
38 move toward that level."
- 39 13. Page 8, by striking line 27 and inserting the
40 following:
41 "(7) Unpaid community service. Community service
42 shall be authorized in any nonprofit association which
43 has been determined under section 501(c)(3) of the
44 Internal Revenue Code to be exempt from taxation or in
45 any government agency. Upon request, the department
46 shall provide a listing of potential community service
47 placements to an individual, however, an individual
48 shall locate the individual's own placement and
49 perform the number of hours required by the agreement.
50 The individual shall file a monthly report with the

Page 2

- 1 department which is signed by the director of the
2 community service placement verifying the community
3 service hours performed by the individual during that
4 month. The department shall develop a form for this
5 purpose."
- 6 14. Page 8, by inserting after line 27 the fol-
7 lowing:

8 "(8) If the individual participates in at least
9 one other option, any other arrangement which would
10 strengthen the individual's ability to be a better
11 parent, including but not limited to participation in
12 a parenting education program."

13 15. Page 8, line 29, by striking the words
14 "family development agreement" and inserting the
15 following: "family investment agreement".

16 16. Page 9, line 7, by striking the words "family
17 development agreement" and inserting the following:
18 "family investment agreement".

19 17. Page 9, lines 12 and 13, by striking the
20 words "family development agreement" and inserting the
21 following: "family investment agreement".

22 18. Page 10, line 1, by inserting after the word
23 "amounts." the following: "The provisions of this
24 subsection shall not apply to an individual who was
25 previously a resident of this state before living in
26 another state and receiving aid to dependent children
27 or to an individual who has moved to this state to be
28 near the individual's parent or sibling."

29 19. Page 10, by striking lines 23 through 31.

30 20. Page 10, line 33, by striking the word and
31 figure "and 4" and inserting the following: "4, and
32 5".

33 21. By striking page 13, line 15 through page 15,
34 line 1.

35 22. By striking page 17, line 12, through page
36 25, line 17, and inserting the following:

37 "Sec. 18. Section 422.7, Code 1993, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 28. If the taxpayer is owner of
40 an individual development account certified under
41 chapter 541A at any time during the tax year the
42 following adjustments shall be made:

43 a. Subtract, to the extent included, all of the
44 following:

45 (1) Contributions made to the account by persons
46 and entities, other than the taxpayer, as authorized
47 in chapter 541A.

48 (2) The amount of any savings refund authorized
49 under section 541A.3, subsection 1.

50 (3) Earnings from the account to the extent not

Page 3

1 withdrawn.

2 b. Add, to the extent not included, all of the
3 following:

4 (1) Earnings from the account which are withdrawn.

5 (2) Amounts withdrawn which are not authorized by
6 section 541A.2, subsection 4, paragraphs "a" and "b"
7 and which are attributable to contributions by persons
8 and entities, other than the taxpayer, as provided in
9 section 541A.2, subsection 4.

10 (3) If the account is closed, amounts received by
11 the taxpayer which have not previously been taxed
12 under this division, except amounts that are
13 redeposited in another individual development account,
14 or the state human investment reserve pool as provided
15 in section 541A.2, subsection 5, and including the
16 total amount of any savings refund authorized under
17 section 541A.3.

18 Sec. 19. Section 450.4, Code 1993, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 6. On property in an individual
21 development account in the name of the decedent that
22 passes to another individual development account, up
23 to ten thousand dollars, or the state human investment
24 reserve pool created in section 541A.4. For purposes
25 of this subsection, "individual development account"
26 means an account that has been certified as an
27 individual development account pursuant to chapter
28 541A.

29 Sec. 20. NEW SECTION. 541A.1 DEFINITIONS.

30 For the purposes of this chapter, unless the
31 context otherwise requires:

32 1. "Account holder" means an individual who is the
33 owner of an individual development account.

34 2. "Administrator" means the executive branch
35 agency selected by the governor to administer
36 individual development accounts.

37 3. "Charitable contributor" means a nonprofit
38 association described in section 501(c)(3) of the
39 Internal Revenue Code which makes a deposit to an
40 individual development account and which is exempt
41 from taxation under section 501(a) of the Internal
42 Revenue Code.

43 4. "Federal poverty level" means the first poverty
44 income guidelines published in the calendar year by
45 the United States department of health and human
46 services.

47 5. "Financial institution" means a financial
48 institution approved by the administrator as an
49 investment mechanism for individual development
50 accounts.

Page 4

1 6. "Individual contributor" means an individual
2 who makes a deposit to an individual development
3 account and is not the account holder or a charitable
4 contributor.

5 7. "Individual development account" means a
6 financial instrument which is certified to have the
7 characteristics described in section 541A.2 by the
8 operating organization.

9 8. "Operating organization" means an agency
10 selected by the administrator for involvement in
11 operating individual development accounts directed to
12 a specific target population.

13 9. "Reserve pool" means the state human investment
14 reserve pool under the authority of the administrator
15 created in section 541A.4.

16 10. "Source of principal" means any of the sources
17 of a deposit to an individual development account
18 under section 541A.2, subsection 2.

19 Sec. 21. NEW SECTION. 541A.2 INDIVIDUAL
20 DEVELOPMENT ACCOUNTS.

21 A financial instrument known as an individual
22 development account is established. An individual
23 development account shall have all of the following
24 characteristics:

25 1. The account is kept in the name of an
26 individual account holder.

27 2. Deposits made to an individual development
28 account shall be made in any of the following manners
29 and are subject to the indicated conditions:

30 a. Deposits made by the account holder.

31 b. Deposits of a savings refund authorized under
32 section 541A.3, subsection 1 due the account holder
33 because of the account holder's deposits in the
34 account holder's account.

35 c. Deposits of individual development account
36 moneys which are transferred from another individual
37 account holder.

38 d. A deposit made on behalf of the account holder
39 by an individual or a charitable contributor. This
40 type of deposit may include but is not limited to
41 moneys to match the account holder's deposits. A
42 deposit made under this paragraph shall be held in
43 trust for the account holder and shall only be used to
44 earn income in the account or to be withdrawn by the
45 account holder for a purpose provided in subsection 4.

46 3. The account earns income.

47 4. During a calendar year, an account holder may
48 withdraw without penalty from the account holder's

49 account the sum of the following:
50 a. With the approval of the operating

Page 5

1 organization, amounts withdrawn for any of the
2 following approved purposes:
3 (1) Educational costs at an accredited institution
4 of higher education.
5 (2) Training costs for an accredited or licensed
6 training program.
7 (3) Purchase of a primary residence.
8 (4) Capitalization of a small business start-up.
9 Amounts withdrawn for purposes of this paragraph shall
10 be charged to the source of principal on a prorated
11 basis. Moneys transferred from another individual
12 development account shall be considered to be a
13 deposit made by the account holder for purposes of
14 charges to the source of principal.
15 b. At the adult account holder's discretion any
16 income earned by the account. An account holder who
17 is ten or more but less than eighteen years of age may
18 withdraw any income earned by the account with the
19 approval of the account holder's parent or guardian
20 and of the operating organization. If the account
21 holder is less than ten years of age, any income
22 earned by the account may be withdrawn by the account
23 holder's parent or guardian with the approval of the
24 operating organization.
25 c. At the account holder's discretion, if the
26 account holder is at least fifty-nine and one-half
27 years of age, any amount.
28 5. If an account holder is less than eighteen
29 years of age, moneys shall not be withdrawn from the
30 holder's account unless the withdrawal is authorized
31 under subsection 4. If an account holder is eighteen
32 or more years of age, any amount of the adjusted
33 account holder deposits withdrawn during a calendar
34 year which is not authorized under subsection 4, is
35 subject to a penalty of fifteen percent. In addition,
36 if at any time the cumulative amount withdrawn by the
37 account holder over the life of the account that is
38 not authorized under subsection 4 exceeds fifty
39 percent of the amount of the adjusted account holder
40 deposits, the contributions made by a charitable or
41 individual contributor held in trust in the account
42 holder's account shall be removed from the account and
43 redeposited in another individual development account
44 or the reserve pool as directed by the contributor and
45 deposits made by the state of a savings refund

46 authorized under section 541A.3, subsection 1 shall be
47 withdrawn and deposited in the reserve pool. The
48 amount of the adjusted account holder deposits is the
49 amount remaining after subtracting from the cumulative
50 moneys deposited by the account holder all amounts

Page 6

1 withdrawn pursuant to subsection 4, paragraph "a". At
2 the time a charitable or individual contributor
3 contributes moneys to an account the contributor shall
4 indicate the contributor's directions for disposition
5 of moneys which are removed. If the designated choice
6 of the contributor does not exist the contributed
7 moneys shall be withdrawn and deposited in the reserve
8 pool.

9 6. Penalty amounts collected pursuant to
10 subsection 5 shall be deposited in the reserve pool.

11 7. An adult account holder may transfer all or
12 part of the assets the adult account holder has
13 deposited in the account to any other account holder's
14 account. However, an account holder who is less than
15 eighteen years of age is prohibited from transferring
16 account assets to any other account holder. Moneys
17 contributed by a charitable or individual contributor
18 are not subject to transfer except as authorized by
19 the contributor. Amounts transferred in accordance
20 with this subsection are not subject to a penalty.

21 8. If approved by the federal government, moneys
22 in an individual development account and any earnings
23 on the moneys shall not be considered by the
24 department of human services for determining the
25 eligibility of an individual under the family
26 investment program under chapter 239 or the work and
27 training program under chapter 249C.

28 9. In the event of an account holder's death, the
29 account may be transferred to the ownership of a
30 contingent beneficiary or to the individual
31 development account of another account holder. An
32 account holder shall name contingent beneficiaries or
33 transferees at the time the account is established and
34 a named beneficiary or transferee may be changed at
35 the discretion of the account holder. If the named
36 beneficiary or transferee is deceased or otherwise
37 cannot accept the transfer, the moneys shall be
38 transferred to the reserve pool.

39 10. The total amount of sources of principal which
40 may be in an individual development account shall be
41 limited to fifty thousand dollars.

42 Sec. 22. NEW SECTION. 541A.3 INDIVIDUAL

43 DEVELOPMENT ACCOUNTS -- REFUND AND TAX PROVISIONS.

44 All of the following state tax provisions shall
45 apply to an individual development account:
46 1. Payment by the state of a savings refund on
47 amounts of up to two thousand dollars per calendar
48 year that an account holder deposits in the account
49 holder's account. Moneys transferred to an individual
50 development account from another account shall not be

Page 7

1 considered an account holder deposit for purposes of
2 determining a savings refund. Payment shall be made
3 directly to the account in the most appropriate manner
4 as determined by the administrator. The state savings
5 refund shall be the indicated percentage of the amount
6 deposited:

7 a. For an account holder with a household income,
8 as defined in section 425.17, subsection 6, which is
9 less than one hundred fifty percent of the federal
10 poverty level, twenty percent.

11 b. For an account holder with a household income
12 which is one hundred fifty percent or more but less
13 than one hundred sixty percent of the federal poverty
14 level, eighteen percent.

15 c. For an account holder with a household income
16 which is one hundred sixty percent or more but less
17 than one hundred seventy percent of the federal
18 poverty level, sixteen percent.

19 d. For an account holder with a household income
20 which is one hundred seventy percent or more but less
21 than one hundred eighty percent of the federal poverty
22 level, fourteen percent.

23 e. For an account holder with a household income
24 which is one hundred eighty percent or more but less
25 than one hundred ninety percent of the federal poverty
26 level, twelve percent.

27 f. For an account holder with a household income
28 which is one hundred ninety percent or more but less
29 than two hundred percent of the federal poverty level,
30 ten percent.

31 g. For an account holder with a household income
32 which is two hundred percent or more of the federal
33 poverty level, zero percent.

34 2. Income earned by an individual development
35 account is not subject to tax until withdrawn.

36 3. Amounts transferred between individual
37 development accounts are not subject to state tax.

38 4. The administrator shall work with the United
39 States secretary of the treasury and the state's

40 congressional delegation as necessary to secure an
41 exemption from federal taxation for individual
42 development accounts and the earnings on those
43 accounts. The administrator shall report annually to
44 the governor and the general assembly concerning the
45 status of federal approval.

46 5. The administrator shall coordinate the filing
47 of claims for savings refunds authorized under
48 subsection 1, between account holders, operating
49 organizations, and the department of revenue and
50 finance. Claims approved by the administrator may be

Page 8

1 paid by the department of revenue and finance to each
2 account or for an aggregate amount for distribution to
3 the accounts in a particular financial institution,
4 depending on the efficiency for issuing the refunds.
5 Claims shall be initially filed with the administrator
6 on or before a date established by the administrator.

7 **Sec. 23. NEW SECTION. 541A.4 INDIVIDUAL**
8 **DEVELOPMENT ACCOUNT -- PILOT PHASE.**

9 A state human investment reserve pool is created in
10 the state treasury under the authority of the
11 administrator. The governor shall name an executive
12 branch agency as administrator to have authority over
13 the reserve pool. Interest on moneys in the reserve
14 pool shall remain in the reserve pool and
15 notwithstanding sections 8.33 and 8.39, moneys in the
16 reserve pool are not subject to reversion or transfer.
17 Moneys in the reserve pool shall be used for
18 administrative expenses of the administrator. The
19 administrator shall perform all of the following
20 duties or may delegate the performance of the duties
21 to a suitable entity in administering the individual
22 development accounts:

23 1. For the five-year pilot phase period beginning
24 March 1, 1994, and ending February 28, 1999, the total
25 number of individual development accounts shall be
26 limited to ten thousand accounts, with not more than
27 five thousand accounts in the first calendar year of
28 the period, and to individuals with a household income
29 which does not exceed two hundred percent of the
30 federal poverty level. The administrator shall ensure
31 that the family income status of account holders at
32 the time an account is opened proportionately reflects
33 the distribution of the household income status of the
34 state's population up to two hundred percent of the
35 federal poverty level.

36 2. Issue a request for proposals for operating

37 organizations to be involved with the operation of
38 individual development accounts on behalf of a
39 specific target population. The administrator shall
40 determine the review criteria used to select operating
41 organizations. The initial review criteria used to
42 evaluate organizations' proposed projects and
43 requirements associated with operating organizations
44 shall include but are not limited to all of the
45 following:

46 a. Provision of a safe and secure investment
47 mechanism for the individual development accounts
48 utilizing a financial institution approved by the
49 administrator.

50 b. The proposed project has a strong relationship

Page 9

1 to goals established by other initiatives deemed a
2 priority by the administrator.

3 c. The proposed project links the making of an
4 account holder's contributions to an individual
5 development account with other services or outcomes
6 identified by the operating organization in the
7 proposal. The proposed project includes mechanisms
8 for the operating organization to monitor and enforce
9 the identified outcomes and services.

10 d. The operating organization is capable of
11 performing the project as proposed. Minimum
12 capabilities shall include an ability to provide
13 financial counseling, familiarity and ability to work
14 with the proposed target population, and a strong
15 record of successful management.

16 e. The operating organization proposes to provide
17 a significant amount of matching funds for individual
18 development accounts.

19 f. The proposal includes a monitoring and
20 evaluation plan for certifying the proposed project's
21 outcomes.

22 g. The responsibilities of an operating
23 organization shall include but are not limited to all
24 of the following:

25 (1) Certifying that a financial instrument is an
26 individual development account based upon its having
27 the characteristics described in section 541A.2.

28 (2) Certifying the income status and the amount of
29 contributions to an individual development account by
30 an account holder during a tax year which are eligible
31 for a savings refund authorized under section 541A.3,
32 subsection 1.

33 (3) Calculating the adjusted contribution

34 principal amounts for the account holder, state, and
35 individual and charitable contributors as required for
36 purposes of section 541A.2, subsections 4 and 5.
37 3. Utilizing guidelines established in law for
38 this purpose, the administrator shall contract for an
39 independent evaluation of the implementation of the
40 individual development accounts. The evaluation shall
41 consider the following: implementation and process
42 used for the implementation, program impact, and
43 financial effectiveness.
44 Sec. 24. EFFECTIVE DATE AND APPLICABILITY
45 PROVISIONS. Sections 18 and 19 of this Act are
46 effective January 1, 1994. Section 18 applies to tax
47 years beginning on or after January 1, 1994. Section
48 19 applies to decedents dying on or after January 1,
49 1994.”
50 23. Page 26, line 2, by striking the words

Page 10

1 “FAMILY DEVELOPMENT PLAN” and inserting the following:
2 “FAMILY INVESTMENT PROGRAM”.
3 24. Page 26, line 10, by striking the words
4 “family development plan” and inserting the following:
5 “family investment program”.
6 25. Page 26, line 19, by striking the words
7 “family development plan” and inserting the following:
8 “family investment program”.
9 26. Page 26, line 29, by striking the words
10 “family development plan” and inserting the following:
11 “family investment program”.
12 27. Page 27, line 2, by striking the words
13 “family development plan” and inserting the following:
14 “family investment program”.
15 28. Page 27, line 9, by striking the words
16 “family development plan” and inserting the following:
17 “family investment program”.
18 29. Page 27, line 12, by striking the words
19 “family development plan” and inserting the following:
20 “family investment program”.
21 30. Page 27, line 17, by striking the words
22 “family development plan” and inserting the following:
23 “family investment program”.
24 31. Page 27, line 21, by striking the words
25 “family development plan” and inserting the following:
26 “family investment program”.
27 32. Page 27, lines 22 and 23, by striking the
28 words “family development plan” and inserting the
29 following: “family investment program”.
30 33. Page 27, line 30, by striking the words

- 31 "family development plan" and inserting the following:
 32 "family investment program".
 33 34. Page 28, lines 19 and 20, by striking the
 34 words "family development plan" and inserting the
 35 following: "family investment program".
 36 35. Page 28, line 35, by striking the words
 37 "family development" and inserting the following:
 38 "family investment".
 39 36. Page 29, line 1, by striking the word "plan"
 40 and inserting the following: "program".
 41 37. Page 29, line 27, by striking the words
 42 "family development plan" and inserting the following:
 43 "family investment program".
 44 38. Page 29, line 31, by striking the words
 45 "family development plan" and inserting the following:
 46 "family investment program".
 47 39. Page 29, line 32, by striking the words
 48 "FAMILY DEVELOPMENT PLAN" and inserting the following:
 49 "FAMILY INVESTMENT PROGRAM".
 50 40. Page 30, line 1, by striking the words

Page 11

- 1 "family development plan" and inserting the following:
 2 "family investment program".
 3 41. Page 31, line 14, by striking the words
 4 "FAMILY DEVELOPMENT PLAN" and inserting the following:
 5 "FAMILY INVESTMENT PROGRAM".
 6 42. Page 31, lines 17 and 18, by striking the
 7 words "family development plan" and inserting the
 8 following: "family investment program".
 9 43. Page 32, line 3, by striking the words
 10 "family development plan" and inserting the following:
 11 "family investment program".
 12 44. Page 32, line 11, by striking the words
 13 "family development plan" and inserting the following:
 14 "family investment program".
 15 45. Page 32, line 22, by striking the words
 16 "family development plan" and inserting the following:
 17 "family investment program".
 18 46. Page 32, lines 29 and 30, by striking the
 19 words "family development plan" and inserting the
 20 following: "family investment program".
 21 47. Page 33, lines 9 and 10, by striking the
 22 words "family development plan" and inserting the
 23 following: "family investment program".
 24 48. Page 33, lines 13 and 14, by striking the
 25 words "family development plan" and inserting the
 26 following: "family investment program".
 27 49. Page 33, line 19, by striking the words

- 28 "family development plan" and inserting the following:
29 "family investment program".
30 50. Page 33, line 22, by striking the words
31 "family development plan" and inserting the following:
32 "family investment program".
33 51. Page 33, line 28, by striking the words
34 "family development plan" and inserting the following:
35 "family investment program".
36 52. Page 33, lines 34 and 35, by striking the
37 words "family development plan" and inserting the
38 following: "family investment program".
39 53. Page 34, lines 4 and 5, by striking the words
40 "family development plan" and inserting the following:
41 "family investment program".
42 54. Page 34, lines 10 and 11, by striking the
43 words "family development plan" and inserting the
44 following: "family investment program".
45 55. Page 34, lines 16 and 17, by striking the
46 words "family development plan" and inserting the
47 following: "family investment program".
48 56. Page 34, line 24, by striking the words
49 "family development plan" and inserting the following:
50 "family investment program".

Page 12

- 1 57. Page 34, line 35, by striking the words
2 "family development plan" and inserting the following:
3 "family investment program".
4 58. By renumbering, relettering, or redesignating
5 and correcting internal references as necessary.

S-3561

- 1 Amend House File 360, as passed by the House, as
2 follows:
3 1. Page 1, line 10, by inserting after the word
4 "compound" the following: "except when the owner is
5 unable to supply liquified petroleum gas to a person
6 to whom the owner is leasing the container and to whom
7 the owner ordinarily supplies the liquified petroleum
8 gas".
9 2. Page 1, line 16, by striking the word "of" and
10 inserting the following: "indicating ownership by".

ALBERT SORENSEN
JOHN P. KIBBIE

S-3562

1 Amend Senate File 413 as follows:

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

4 "Section 1. NEW SECTION. 135.12 HEALTH CARE
5 PROVIDER RECORDS -- FEES.

6 A health care provider shall not charge more than
7 an initial ten dollars and an additional twenty-five
8 cents per page for certified duplicate health care
9 records requested by an attorney for possible
10 admission as evidence at a legal proceeding. In
11 addition, the health care provider may charge a fee
12 for the actual costs of the delivery of the records if
13 the requesting attorney has approved the means of
14 delivery prior to delivery. As used in this section,
15 "health care provider" means a person licensed to
16 practice a profession pursuant to chapter 147, a
17 hospital licensed pursuant to chapter 135B, or a
18 health care facility licensed pursuant to chapter
19 135C."

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

22 "Sec. ____ . Section 602.8102, Code 1993, is amended
23 by adding the following new subsection:

24 NEW SUBSECTION. 164A. Accept and file facsimile
25 copies of orders signed by a district judge, district
26 associate judge, or magistrate and the motion, if any,
27 requesting the order."

28 3. By renumbering as necessary.

AL STURGEON

S-3563

1 Amend Senate File 405 as follows:

2 1. Page 1, by striking line 3 and inserting the
3 following:

4 "32. POLLUTION CONTROL, RECYCLING, AND COMPOSTING.
5 Pollution-control, recycling, or composting".

6 2. Page 1, line 4, by striking the word
7 "recycling".

8 3. Page 1, line 9, by striking the words "or
9 recycling" and inserting the following: ", recycling,
10 or composting".

11 4. Page 1, line 15, by inserting after the word
12 "recycling" the following: "and composting".

13 5. Page 1, by striking lines 17 and 18 and
14 inserting the following: "defined in section 441.21,
15 of the pollution-control, recycling, or composting

- 16 property. If the pollution-control, recycling, or
17 composting".
- 18 6. Page 1, line 21, by striking the words "or
19 recycling" and inserting the following: ", recycling,
20 or composting".
- 21 7. Page 1, line 28, by striking the words "or
22 recycling" and inserting the following: ", recycling,
23 or composting".
- 24 8. Page 1, lines 29 and 30, by striking the words
25 "or recycling" and inserting the following: ",
26 recycling, or composting".
- 27 9. Page 2, line 2, by inserting after the word
28 "recycling" the following: "or, if the property is
29 composting property, that the primary use of the
30 property is for composting".
- 31 10. Page 2, line 10, by striking the words "or
32 recycling" and inserting the following: ", recycling,
33 or composting".
- 34 11. Page 2, line 14, by striking the words "or
35 recycling" and inserting the following: ", recycling,
36 or composting".
- 37 12. Page 2, line 22, by striking the words "state
38 and" and inserting the following: "state".
- 39 13. Page 2, line 26, by inserting after the word
40 "material" the following: ", and "composting
41 property" means personal property or improvements to
42 real property or any portion of the property, used
43 primarily in a process that converts biodegradable
44 waste into composts".
- 45 14. Page 2, lines 32 and 33, by striking the
46 words "or for recycling" and inserting the following:
47 "for recycling, or for composting".
- 48 15. Title page, line 2, by inserting after the
49 word "for" the following: "composting and to property,
50 used for".

JIM RIORDAN

S-3564

- 1 Amend the amendment, S-3555, to the House
2 amendment, S-3486, to Senate File 266, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 1, line 17, by inserting after the word
5 "structure" the following: "by eliminating the five-
6 dollar per hand limit and increasing to one thousand
7 dollars the maximum loss limit".
8 2. Page 1, line 20, by inserting after the figure
9 "99F," the following: "as regards only the use of
10 slot machines, and with the exception of the racetrack

11 located in Polk county, whose two-year pilot project
 12 shall authorize, subject to approval by county-wide
 13 referendum, the use of slot machines only, shall
 14 authorize a live racing season of 60 days, and shall
 15 authorize year-round simulcasting of horse races,".

JOE J. WELSH

S-3565

1 Amend House File 419, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, line 32, by inserting after the word
 4 "property" the following: "or a person holding a
 5 security interest in the property".

JOE WELSH

S-3566

1 Amend the amendment, S-3550, to Senate File 405 as
 2 follows:
 3 1. Page 1, line 3, by inserting after the word
 4 "metal," the following: "metal, tires, scrap tires,
 5 shredded tires".
 6 2. Page 1, line 5, by inserting after the word
 7 "metal," the following: "metal, tires, scrap tires,
 8 shredded tires,".

JIM KERSTEN
 BERL E. PRIEBE

S-3567

1 Amend the House amendment, S-3544, to Senate File
 2 191, as passed by the Senate, as follows:
 3 1. Page 1, line 7, by striking the words "not
 4 less" and inserting the following: "no fewer".

JEAN LLOYD-JONES

S-3568

1 Amend the amendment, S-3314, to House File 430, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 12, by inserting after line 41 the
 5 following:
 6 "Sec. ____ . SECOND INJURY FUND. The administrative
 7 costs and expenses incurred by the treasurer of state,

8 the attorney general, the second injury fund, or the
9 department of revenue and finance, in connection with
10 the second injury fund, may be paid from the second
11 injury fund. However, the payment of administrative
12 costs and expenses incurred by the treasurer of state,
13 the attorney general, the second injury fund, and the
14 department of revenue and finance, as authorized in
15 this section, shall only be permitted for
16 administrative costs and expenses incurred in the
17 fiscal year commencing July 1, 1993, shall not exceed
18 \$170,000, and shall be contingent upon the treasurer
19 of state assessing the surcharge authorized in 1992
20 Iowa Acts, chapter 1056, section 2, on or before June
21 30, 1993.”
22 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3569

1 Amend the amendment, S-3555, to the House
2 amendment, S-3486, to Senate File 266, as amended,
3 passed, and reprinted by the Senate as follows:
4 1. Page 1, by striking lines 10 through 30 and
5 inserting the following:
6 “Sec. 100. Section 99D.11, subsection 6, paragraph
7 b, Code 1993, is amended to read as follows:
8 b. The commission may authorize the licensee to
9 simultaneously telecast within the racetrack
10 enclosure, for the purpose of pari-mutuel wagering, a
11 horse or dog race licensed by the racing authority of
12 another state subject to the requirements of this
13 paragraph. It is the responsibility of each licensee
14 to obtain the consent of appropriate racing officials
15 in other states as required by the federal Interstate
16 Horseracing Act of 1978, 15 U.S.C. § 3001-3007, to
17 televise races for the purpose of conducting pari-
18 mutuel wagering. ~~A licensee may also obtain the~~
19 ~~permission of~~ The commission shall authorize a person
20 licensed by the commission to conduct horse or dog
21 races in this state to televise races conducted by
22 that person for the purpose of conducting pari-mutuel
23 racing at other licensed racetracks within the state.
24 However, arrangements made by a licensee to televise
25 any race for the purpose of conducting pari-mutuel
26 wagering are subject to the approval of the
27 commission, and the commission shall select the races
28 to be televised. The races selected by the commission
29 shall be the same for all licensees approved by the
30 commission to televise races for the purpose of

31 conducting pari-mutuel wagering. The commission shall
32 not authorize the simultaneous telecast or televising
33 of and a licensee shall not simultaneously telecast or
34 televise any horse or dog race for the purpose of
35 conducting pari-mutuel wagering unless the
36 simultaneous telecast or televising is done at the
37 racetrack of a licensee that schedules no less than
38 ~~ninety~~ sixty performances of nine live races each day
39 of the season. For purposes of the taxes imposed
40 under this chapter, races televised by a licensee for
41 purposes of pari-mutuel wagering shall be treated as
42 if the races were held at the racetrack of the
43 licensee.

44 Sec. 101. Section 99F.1, subsection 7, Code 1993,
45 is amended to read as follows:

46 7. "Excursion gambling boat" means a self-
47 propelled excursion boat on which lawful gambling is
48 authorized and licensed as provided in this chapter.
49 "Excursion gambling boat" also means the grandstand of
50 a dog or horse racetrack licensed for pari-mutuel

Page 2

1 wagering before January 1, 1992, and which is licensed
2 for gambling as provided in this chapter.

3 Sec. 102. Section 99F.1, subsections 8 and 15,
4 Code 1993, are amended by striking the subsections.

5 Sec. 103. Section 99F.4, subsection 4, Code 1993,
6 is amended by striking the subsection and inserting in
7 lieu thereof the following:

8 4. To specify the excursion season of at least six
9 months and the off-season for excursion gambling
10 boats.

11 Sec. 104. Section 99F.4, subsection 17, Code 1993,
12 is amended to read as follows:

13 17. To define the duration of an excursion which
14 shall be at least three hours during the excursion
15 season. ~~For the off season, the commission shall~~
16 ~~adopt rules limiting times of admission to excursion~~
17 ~~gambling boats consistent with maximum loss per player~~
18 ~~per gambling excursion specified in subsection 4.~~

19 Sec. 105. Section 99F.4, subsection 20, Code 1993,
20 is amended by striking the subsection and inserting in
21 lieu thereof the following:

22 20. To require a licensee to schedule at least one
23 excursion daily during the excursion season, and
24 otherwise allow a licensee to conduct gambling games
25 as if the licensee were operating during the off-
26 season.

27 Sec. 106. NEW SECTION. 99F.4A GAMBLING GAMES AT

28 PARI-MUTUEL DOG OR HORSE RACETRACKS.

29 1. The commission shall license the licensee of a
30 pari-mutuel dog or horse racetrack to conduct gambling
31 games at the pari-mutuel dog or horse racetrack
32 enclosure subject to the requirements of this chapter
33 except as otherwise provided in this section.

34 a. A person licensed pursuant to chapter 99D is
35 exempt from further investigation and examination for
36 licensing purposes under this chapter.

37 b. The annual license fee based on passenger or
38 guest capacity as provided in section 99F.5 shall be
39 equivalent to the maximum occupancy authorized for the
40 space allocated for gambling games at a pari-mutuel
41 dog or horse racetrack which is licensed to conduct
42 gambling games.

43 c. Section 99F.7, subsection 10, which requires
44 approval of the county electorate for excursion boat
45 gambling, applies to the licensing of gambling games
46 at a pari-mutuel dog or horse racetrack.

47 2. The commission shall adopt rules, pursuant to
48 chapter 17A, as necessary to administer this section.

49 Sec. 107. Section 99F.5, subsection 1, Code 1993,
50 is amended to read as follows:

Page 3

1 1. A qualified sponsoring organization may apply
2 to the commission for a license to conduct gambling
3 games on an excursion gambling boat as provided in
4 this chapter. A person may apply to the commission
5 for a license to operate an excursion gambling boat.
6 The application shall be filed with the administrator
7 of the commission at least ninety days before the
8 first day of the next excursion season as determined
9 by the commission, shall identify the excursion
10 gambling boat upon which gambling games will be
11 authorized, shall specify the exact location where the
12 excursion gambling boat will be docked, and shall be
13 in a form and contain information as the commission
14 prescribes. The minimum passenger capacity of an
15 excursion gambling boat is two hundred fifty persons.

16 Sec. 108. Section 99F.6, subsection 4, Code 1993,
17 is amended to read as follows:

18 4. Before a license is granted, the division of
19 criminal investigation of the department of public
20 safety shall conduct a thorough background
21 investigation of the applicant for a license to
22 operate a gambling game operation on an excursion
23 gambling boat. The applicant shall provide
24 information on a form as required by the division of

25 criminal investigation. Before a qualified sponsoring
26 organization is licensed to operate gambling games
27 under this chapter, the qualified sponsoring
28 organization shall certify that the receipts of all
29 gambling games, less reasonable expenses, charges,
30 taxes, fees, and deductions allowed under this
31 chapter, will be distributed as winnings to players or
32 participants or will be distributed for educational,
33 civic, public, charitable, patriotic, or religious
34 uses as defined in section 99B.7, subsection 3,
35 paragraph "b". However, a licensee who is also
36 licensed to conduct dog races for pari-mutuel wagering
37 may use receipts from gambling games to supplement
38 purses for dog races pursuant to an agreement which
39 shall be negotiated between the licensee and
40 representatives of dog owners. For a licensee who is
41 also licensed to conduct horse races for pari-mutuel
42 wagering, seventy-five percent of any receipts
43 available from gambling games shall be used first to
44 repay all annual indebtedness incurred in the
45 construction and operation of the horse racing
46 facilities and twenty-five percent of the receipts
47 shall be used to supplement purses for horse races as
48 agreed to between the licensee and the representatives
49 of horse owners. A qualified sponsoring organization
50 shall not make a contribution to a candidate,

Page 4

1 political committee, candidate's committee, state
2 statutory political committee, county statutory
3 political committee, national political party, or
4 fund-raising event as these terms are defined in
5 section 56.2. The membership of the board of
6 directors of a qualified sponsoring organization shall
7 represent a broad interest of the communities.
8 Sec. 109. Section 99F.7, subsection 5, paragraph
9 a, Code 1993, is amended by striking the paragraph and
10 inserting in lieu thereof the following:
11 a. The square footage allowed to be used for
12 gambling activity shall be determined by the
13 commission.
14 Sec. 110. Section 99F.9, subsection 2, Code 1993,
15 is amended by striking the subsection.
16 Sec. 111. Section 99F.10, subsection 4, Code 1993,
17 is amended to read as follows:
18 4. In determining the license fees and state
19 admission fees to be charged as provided under section
20 99F.4 and this section, the commission shall use the
21 amount appropriated to the commission plus the cost of

22 auditing excursion gambling boat activities as the
 23 basis for determining the amount of revenue to be
 24 raised from the license fees and admission fees. The
 25 costs of auditing shall include, but are not limited
 26 to, salary and associated costs incurred by other
 27 agencies of the state for personnel assigned to
 28 enforcement of excursion boat gambling rules and
 29 regulations adopted by the commission."

30 2. Page 1, by inserting after line 32 the
 31 following:

32 " . Page 6, by inserting before line 35 the
 33 following:

34 " . Page 22, by inserting after line 8 the
 35 following:

36 "Sec. . Sections 103 and 110 of this Act, and
 37 this section, being deemed of immediate importance,
 38 take effect upon enactment.""

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO
 SENATE FILE 3

S-3570

1 Amend Senate File 3, as amended, passed, and re-
 2 printed by the Senate, as follows:

3 1. Page 3, by inserting after line 32 the fol-
 4 lowing:

5 "Sec. . **NEW SECTION. 231B.4 APPLICABILITY.**

6 This chapter shall not be construed to require that
 7 a facility, currently licensed or licensed as a
 8 different type of facility and serving persons sixty
 9 years of age or older, also comply with the
 10 requirements of this chapter."

S-3571

1 Amend the amendment, S-3555, to the House
 2 amendment, S-3486, to Senate File 266, as amended,
 3 passed, and reprinted by the Senate, as follows:

4 1. Page 1, line 17, by inserting after the word
 5 "structure" the following: "by eliminating the five-
 6 dollar per hand limit and increasing to one thousand
 7 dollars the maximum loss limit".

8 2. Page 1, line 20, by inserting after the figure -
 9 "99F," the following: "as regards only the use of
 10 slot machines, and with the exception of the racetrack
 11 located in Polk county, whose two-year pilot project
 12 shall authorize, subject to approval by county-wide

13 referendum, the use of slot machines only, shall
 14 authorize a live racing season of 60 days, and shall
 15 authorize year-round simulcasting of horse and dog
 16 races.”

MICHAEL E. GRONSTAL

S-3572

1 Amend the House amendment, S-3486, to Senate File
 2 266, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 6, by inserting before line 35 the
 5 following:
 6 “___ . Page 13, by inserting before line 18 the
 7 following:
 8 “Sec. ___ . Section 99F.10, subsection 4, Code
 9 1993, is amended to read as follows:
 10 4. In determining the license fees and state
 11 admission fees to be charged as provided under section
 12 99F.4 and this section, the commission shall use the
 13 amount appropriated to the commission plus the cost of
 14 auditing excursion gambling boat activities as the
 15 basis for determining the amount of revenue to be
 16 raised from the license fees and admission fees. The
 17 costs of auditing shall include, but are not limited
 18 to, salary and associated costs incurred by other
 19 agencies of the state for personnel assigned to
 20 enforcement of excursion boat gambling rules and
 21 regulations adopted by the commission.””

ANDY McKEAN
 MICHAEL E. GRONSTAL

S-3573

1 Amend the amendment, S-3555, to House amendment, S-
 2 3486, to Senate File 266, as amended, passed, and
 3 reprinted by the Senate, as follows:
 4 1. Page 1, by striking line 15 and inserting the
 5 following: “approval statewide by a statewide”.

ANDY McKEAN

S-3574

1 Amend the amendment, S-3510, to House File 409, as
 2 passed by the House, as follows:
 3 1. Page 1, lines 6 and 7, by striking the words
 4 “is wheelchair bound” and inserting the following:

- 5 "uses a wheelchair as the only means of mobility".
6 2. Page 1, by inserting after line 10 the
7 following:
8 " ____ . Page 1, line 12, by inserting after the
9 word "services." the following: "For purposes of this
10 unnumbered paragraph, "uses a wheelchair" does not
11 include use of a wheelchair due to a temporary injury
12 or medical condition."
13 3. Page 1, lines 14 and 15, by striking the words
14 "is wheelchair bound" and inserting the following:
15 "uses a wheelchair as the only means of mobility".
16 4. Page 1, by inserting after line 18 the
17 following:
18 " ____ . Page 1, line 25, by inserting after the
19 word "services." the following: "For purposes of this
20 subparagraph, "uses a wheelchair" does not include use
21 of a wheelchair due to a temporary injury or medical
22 condition."
23 5. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-3575

- 1 Amend the amendment, S-3555, to House amendment, S-
2 3486, to Senate File 266, as amended, passed, and
3 reprinted by the Senate, as follows:
4 1. Page 1, line 30, by striking the word "law."
5 and inserting the following: "law."
6 2. Page 1, by inserting after line 30 the follow-
7 ing:
8 ____ . Page 13, by inserting before line 18 the
9 following:
10 "It is the intent of the general assembly that the
11 department of public safety shall employ sufficient
12 additional full-time employees for criminal
13 investigation and enforcement of gambling games at
14 pari-mutuel horse and dog racetracks."

MICHAEL E. GRONSTAL

S-3576

- 1 Amend the amendment, S-3554, to House amendment, S-
2 3486, to Senate File 266, as amended, passed, and
3 reprinted by the Senate, as follows:
4 1. Page 1, by striking line 28 and inserting the
5 following: "99F.9, subsection 2, or otherwise imposed
6 by law."
7 ____ . Page 13, by inserting before line 18 the

8 following:

- 9 "It is the further intent of the general assembly
- 10 that the racing and gaming commission shall employ
- 11 persons in additional full-time equivalent positions
- 12 only for excursion gambling boat enforcement."

MICHAEL E. GRONSTAL

S-3577

1 Amend the amendment, S-3554, to House amendment, S-
2 3486, to Senate File 266, as amended, passed, and
3 reprinted by the Senate, as follows:

- 4 1. Page 1, by striking line 28 and inserting the
- 5 following: "99F.9, subsection 2, or otherwise imposed
- 6 by law."

7 ____ Page 13, by inserting before line 18 the
8 following:

- 9 "It is the further intent of the general assembly
- 10 that the department of public safety shall employ
- 11 sufficient additional full-time employees for criminal
- 12 investigation and enforcement of gambling games at
- 13 pari-mutuel horse or dog racetracks."

MICHAEL E. GRONSTAL

S-3578

1 Amend the amendment, S-3558, to Senate File 411 as
2 follows:

- 3 1. Page 1, line 6, by striking the word "sixty"
- 4 and inserting the following: "fifty-five".

HARRY G. SLIFE
EMIL J. HUSAK

S-3579

1 Amend the House amendment, S-3545, to Senate File
2 206, as amended, passed, and reprinted by the Senate,
3 as follows:

- 4 1. Page 1, by striking lines 8 through 19.

MIKE CONNOLLY

S-3580

1 Amend Senate File 411 as follows:

- 2 1. Page 1, line 24, by inserting after the word
- 3 "subdivision" the following: "imposing the surtax".

4 2. Page 5, by striking line 24 and inserting the
5 following: "sections 422.11A, 422.11B, 422.11C,
6 422.12, and 422.12B, and shall be imposed upon the
7 state".

8 3. Page 6, line 28, by striking the figures
9 "422.20, 422.22" and inserting the following: "422.4,
10 422.20".

11 4. Page 7, line 3, by inserting after the word
12 "property" the following: "located in the political
13 subdivision and".

14 5. Page 7, line 8, by striking the words "tax due
15 in the calendar" and inserting the following: "taxes
16 payable in the fiscal".

17 6. Page 9, by striking lines 28 and 29 and
18 inserting the following:

19 "Sec. ____ . Section 298.14, unnumbered paragraph 1,
20 Code 1993, is amended to read as follows:

21 For each fiscal year, the cumulative total of the
22 percents of surtax approved by the board of directors
23 of a school district and collected by the department
24 of revenue and finance under sections 257.21, 257.29,
25 279.54, and 298.2, and the enrichment surtax under
26 section 442.15, Code 1989, and an income surtax
27 collected by a political subdivision under chapter
28 422D, shall not exceed twenty percent. In addition,
29 if an income surtax is imposed under section 76.19,
30 the cumulative total of percents of surtax imposed on
31 any taxpayer in a school district under sections
32 76.19, 257.21, 257.29, 279.54, 298.2, 442.15, Code
33 1989, and chapter 422D shall not exceed twenty percent
34 in the first year in which one or more of these income
35 surtaxes is imposed."

36 7. Page 15, by inserting after line 32, the
37 following:

38 "Sec. ____ . APPLICABILITY DATE. This Act applies
39 to bond issuances approved at elections held on or
40 after the effective date of this Act."

41 8. Title page, line 3, by inserting after the
42 word "bonds" the following: "by providing a property
43 tax credit, and providing for the Act's
44 applicability".

45 9. By renumbering as necessary.

LARRY MURPHY

S-3581

1 Amend House File 625 as passed by the House, as
2 follows:

3 1. Page 1, line 4, by striking the word

- 4 "biennium" and inserting the following: "year".
- 5 2. Page 1, line 5, by striking the figure "1995"
- 6 and inserting the following: "1994".
- 7 3. Page 1, by striking lines 19 and 20.
- 8 4. Page 2, by striking line 11.
- 9 5. Page 2, by striking line 19.

LARRY MURPHY

S-3582

- 1 Amend the amendment, S-3555, to House amendment, S-
- 2 3486, to Senate File 266, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, line 30, by striking the word "law."
- 5 and inserting the following: "law."
- 6 2. Page 1, by inserting after line 30 the follow-
- 7 ing:
- 8 — . Page 13, by inserting before line 18 the
- 9 following:
- 10 "It is the further intent of the general assembly
- 11 that the racing and gaming commission shall employ
- 12 persons in additional full-time equivalent positions
- 13 only for excursion gambling boat enforcement."

MICHAEL E. GRONSTAL

S-3583

- 1 Amend House File 652, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 20, line 21, by striking the words
- 4 "ordinance shall be summarized" and inserting the
- 5 following: "proposal shall be stated".
- 6 2. Page 20, line 22, by inserting after the words
- 7 "the voters" the following: "pursuant to section
- 8 52.25".

MICHAEL E. GRONSTAL

S-3584

- 1 Amend the amendment, S-3554, to House amendment, S-
- 2 3486, to Senate File 266, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, line 24, by inserting after the word
- 5 "laws." the following: "A separate referendum
- 6 required under this paragraph shall be held for
- 7 approval to reduce live racing to no fewer than sixty

8 days and for approval of excursion boat gambling games
9 at pari-mutuel racetracks."

WILLIAM W. DIELEMAN

S-3585

1 Amend the amendment, S-3555, to House amendment, S-
2 3486, to Senate File 266, as amended, passed, and
3 reprinted by the Senate, as follows:
4 1. Page 1, line 30, by inserting after the word
5 "law." the following:
6 "If, after May 1, 1993, the five-dollar per hand
7 maximum wager or the two hundred dollar maximum loss
8 is removed or increased by legal gambling facilities
9 in this state which are not licensed by the state
10 racing and gaming commission, the commission shall
11 authorize comparable wagering and loss limitations for
12 gambling facilities licensed by the commission."

BERL E. PRIEBE

S-3586

1 Amend Senate File 405 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 18.21, Code 1993, is amended
5 to read as follows:
6 18.21 CERTAIN POLYSTYRENE PACKAGING PRODUCTS --
7 RECYCLING - PROHIBITION.
8 The department of general services shall comply
9 with the recycling goal; and recycling schedule; and
10 ultimate termination of the purchase and use of
11 polystyrene products for the purpose of storing;
12 packaging; or serving food for immediate consumption
13 pursuant to section 455D.16.
14 Sec. 2. Section 216B.3, subsection 13, Code 1993,
15 is amended to read as follows:
16 13. In conjunction with the recommendations made
17 by the department of natural resources, purchase and
18 use recycled printing and writing paper in accordance
19 with the schedule established in section 18.18;
20 establish a wastepaper recycling program, by January
21 1, 1990, in accordance with the recommendations made
22 by the department of natural resources and
23 requirements of section 18.20; comply with the
24 recycling goal; and recycling schedule; and ultimate
25 termination of purchase and use of polystyrene
26 products for the purpose of storing; packaging; or

27 ~~servicing food for immediate consumption~~ pursuant to
 28 section 455D.16; and, in accordance with section 18.6,
 29 require product content statements, the provision of
 30 information regarding on-site review of waste
 31 management in product bidding and contract procedures,
 32 and compliance with requirements regarding contract
 33 bidding.

34 Sec. 3. Section 262.9, subsection 5, Code 1993, is
 35 amended to read as follows:

36 5. In conjunction with the recommendations made by
 37 the department of natural resources, purchase and use
 38 recycled printing and writing paper, with the
 39 exception of specialized paper when no recyclable
 40 product is available, in accordance with the schedule
 41 established in section 18.18; establish a wastepaper
 42 recycling program by January 1, 1990, for all
 43 institutions governed by the board in accordance with
 44 recommendations made by the department of natural
 45 resources and the requirements of section 18.20;
 46 comply with, and the institutions governed by the
 47 board shall also comply with the recycling goal; and
 48 ~~recycling schedule, and ultimate termination of~~
 49 ~~purchase and use of polystyrene products for the~~
 50 ~~purpose of storing, packaging, or servicing food for~~

Page 2

1 ~~immediate consumption~~ pursuant to section 455D.16;
 2 shall, in accordance with the requirements of section
 3 18.6, require product content statements, the
 4 provision of information regarding on-site review of
 5 waste management in product bidding and contract
 6 procedures, and compliance with requirements regarding
 7 procurement specifications; and shall comply with the
 8 requirements for the purchase of lubricating oils and
 9 industrial oils as established pursuant to section
 10 18.22.

11 Sec. 4. Section 307.21, subsection 4, paragraph b,
 12 subparagraph (3), Code 1993, is amended to read as
 13 follows:

14 (3) Comply with the recycling goal; and recycling
 15 schedule; ~~and ultimate termination of purchase and use~~
 16 ~~of polystyrene products for the purpose of storing,~~
 17 ~~packaging, or servicing food for immediate consumption~~
 18 ~~pursuant to section 455D.16."~~

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

21 "Sec. ____ . Section 455D.16, Code 1993, is amended
 22 to read as follows:

23 455D.16 PACKAGING PRODUCTS - RECYCLING -

24 PROHIBITION OF POLYSTYRENE PRODUCTS.

25 The department, in cooperation with businesses
 26 involved in the manufacturing and use of packaging
 27 products or food service items, shall establish a
 28 recycling program to increase the recycling of
 29 packaging products or food service items by twenty-
 30 five percent by July 1, 1993, and by fifty percent by
 31 July 1, 1994. ~~If the recycling goals are not reached,
 32 beginning January 1, 1996, a person shall not
 33 manufacture, offer for sale, sell, or use any
 34 polystyrene packaging products or food service items
 35 in this state."~~

36 3. Title page, line 1, by inserting after the
 37 word "Act" the following: "relating to waste volume
 38 reduction and recycling by removing the prohibition
 39 against the manufacture, sale, and use of polystyrene
 40 packaging products or food service items in the state
 41 and by".

42 4. By renumbering as necessary.

LARRY MURPHY

S-3587

1 Amend the amendment, S-3550, to Senate File 405 as
 2 follows:

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

5 "— . Page 1, by inserting before line 1 the
 6 following:

7 "Section 1. Section 18.21, Code 1993, is amended
 8 to read as follows:

9 **18.21 CERTAIN POLYSTYRENE PACKAGING PRODUCTS --**
 10 **RECYCLING - PROHIBITION.**

11 The department of general services shall comply
 12 with the recycling goal; ~~and~~ recycling schedule; ~~and~~
 13 ~~ultimate termination of the purchase and use of~~
 14 ~~polystyrene products for the purpose of storing;~~
 15 ~~packaging, or serving food for immediate consumption~~
 16 pursuant to section 455D.16.

17 Sec. 2. Section 216B.3, subsection 13, Code 1993,
 18 is amended to read as follows:

19 13. In conjunction with the recommendations made
 20 by the department of natural resources, purchase and
 21 use recycled printing and writing paper in accordance
 22 with the schedule established in section 18.18;
 23 establish a wastepaper recycling program, by January
 24 1, 1990, in accordance with the recommendations made
 25 by the department of natural resources and
 26 requirements of section 18.20; comply with the

27 recycling goal; ~~and recycling schedule; and ultimate~~
 28 ~~termination of purchase and use of polystyrene~~
 29 ~~products for the purpose of storing; packaging; or~~
 30 ~~servng food for immediate consumption pursuant to~~
 31 section 455D.16; and, in accordance with section 18.6,
 32 require product content statements, the provision of
 33 information regarding on-site review of waste
 34 management in product bidding and contract procedures,
 35 and compliance with requirements regarding contract
 36 bidding.

37 Sec. 3. Section 262.9, subsection 5, Code 1993, is
 38 amended to read as follows:

39 5. In conjunction with the recommendations made by
 40 the department of natural resources, purchase and use
 41 recycled printing and writing paper, with the
 42 exception of specialized paper when no recyclable
 43 product is available, in accordance with the schedule
 44 established in section 18.18; establish a wastepaper
 45 recycling program by January 1, 1990, for all
 46 institutions governed by the board in accordance with
 47 recommendations made by the department of natural
 48 resources and the requirements of section 18.20;
 49 comply with, and the institutions governed by the
 50 board shall also comply with the recycling goal; and

Page 2

1 recycling schedule; and ultimate termination of
 2 purchase and use of polystyrene products for the
 3 purpose of storing; packaging; or serving food for
 4 immediate consumption pursuant to section 455D.16;
 5 shall, in accordance with the requirements of section
 6 18.6, require product content statements, the
 7 provision of information regarding on-site review of
 8 waste management in product bidding and contract
 9 procedures, and compliance with requirements regarding
 10 procurement specifications; and shall comply with the
 11 requirements for the purchase of lubricating oils and
 12 industrial oils as established pursuant to section
 13 18.22.

14 Sec. 4. Section 307.21, subsection 4, paragraph b,
 15 subparagraph (3), Code 1993, is amended to read as
 16 follows:

17 (3) Comply with the recycling goal; and recycling
 18 schedule; and ultimate termination of purchase and use
 19 of polystyrene products for the purpose of storing;
 20 packaging; or serving food for immediate consumption
 21 pursuant to section 455D.16."

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

24 " ____ . Page 3, by inserting after line 6 the
25 following:
26 "Sec. ____ . Section 455D.16, Code 1993, is amended
27 to read as follows:
28 455D.16 PACKAGING PRODUCTS - RECYCLING -
29 PROHIBITION OF POLYSTYRENE PRODUCTS.
30 The department, in cooperation with businesses
31 involved in the manufacturing and use of packaging
32 products or food service items, shall establish a
33 recycling program to increase the recycling of
34 packaging products or food service items by twenty-
35 five percent by July 1, 1993, and by fifty percent by
36 July 1, 1994. ~~If the recycling goals are not reached,~~
37 ~~beginning January 1, 1995, a person shall not~~
38 ~~manufacture, offer for sale, sell, or use any~~
39 ~~polystyrene packaging products or food service items~~
40 ~~in this state."~~
41 ____ . Title page, line 1, by inserting after the
42 word "Act" the following: "relating to waste volume
43 reduction and recycling by removing the prohibition
44 against the manufacture, sale, and use of polystyrene
45 packaging products or food service items in the state
46 and by".
47 3. By renumbering as necessary.

LARRY MURPHY

S-3588

1 Amend the amendment, S-3555, to House amendment, S-
2 3486, to Senate File 266, as amended, passed, and
3 reprinted by the Senate, as follows:
4 1. Page 1, line 30, by striking the word "law."
5 and inserting the following: "law."
6 2. Page 1, by inserting after line 30 the
7 following:
8 " ____ . Page 13, by inserting before line 18 the
9 following:
10 "Sec. ____ . Section 99D.14, subsection 6, Code
11 1993, is amended by striking the subsection."

JOE WELSH
WILLIAM W. DIELEMAN

S-3589

1 Amend House File 360, as passed by the House, as
2 follows:
3 1. Page 1, lines 7 and 8, by striking the words
4 "in writing".

- 5 2. Page 1, line 10, by inserting after the word
 6 "compound" the following: "except when the owner is
 7 unable to supply liquified petroleum gas to a person
 8 to whom the owner is leasing or furnishing the
 9 container and to whom the owner ordinarily supplies
 10 the liquified petroleum gas".
 11 3. Page 1, line 16, by striking the word "of" and
 12 inserting the following: "indicating ownership by".

ALBERT SORENSEN
 JOHN P. KIBBIE
 EUGENE FRAISE

HOUSE AMENDMENT TO
 SENATE FILE 287

S-3590

- 1 Amend Senate File 287, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 27, by inserting after the word
 4 "applies." the following: "This section shall not be
 5 construed to authorize the denial of clinical
 6 privileges to a practitioner or class of practitioners
 7 solely because a hospital has as employees of the
 8 hospital identically licensed practitioners providing
 9 the same or similar services."

HOUSE AMENDMENT TO
 SENATE FILE 94

S-3591

- 1 Amend Senate File 94, 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. NEW SECTION. 200.22 PREEMPTION OF
 6 COUNTY LEGISLATION.
 7 1. As used in this section, "legislation" means an
 8 ordinance, motion, resolution, rule, or any other
 9 enactment adopted by a county board of supervisors
 10 except orders given to its employees relating to their
 11 use, storage, transportation, or disposal of a
 12 fertilizer or soil conditioner in their capacity as
 13 public employees or the approved terms of a service or
 14 sales contract between a person and the county
 15 relating to the use of a fertilizer or soil
 16 conditioner.
 17 2. The provisions of this chapter and rules

18 adopted by the department pursuant to this chapter
19 shall preempt all legislation adopted by a county
20 relating to the use, sale, distribution, storage,
21 transportation, disposal, formulation, labeling,
22 registration, or manufacture of a fertilizer or soil
23 conditioner. A county shall not adopt or continue in
24 effect legislation relating to the use, sale,
25 distribution, storage, transportation, disposal,
26 formulation, labeling, registration, or manufacture of
27 a fertilizer or soil conditioner, regardless of
28 whether a statute or rule adopted by the department
29 applies to preempt the legislation. Legislation in
30 violation of this section is void and unenforceable.

31 3. This section does not apply to legislation
32 which applies generally to all commercial activity and
33 which is not directed specifically to a matter
34 relating to fertilizers or soil conditioners,
35 including but not limited to zoning.

36 4. This section does not apply to legislation
37 which is required to be adopted by a county in order
38 to comply with a federal or state statute, regulation,
39 or rule.

40 Sec. 2. NEW SECTION. 206.34 PREEMPTION OF COUNTY
41 LEGISLATION.

42 1. As used in this section, "legislation" means an
43 ordinance, motion, resolution, rule, or any other
44 enactment adopted by a county board of supervisors
45 except orders given to its employees relating to their
46 use, storage, transportation, or disposal of a
47 pesticide in their capacity as public employees or the
48 approved terms of a service or sales contract between
49 a person and the county relating to the use of a
50 pesticide.

Page 2

1 2. The provisions of this chapter and rules
2 adopted by the department pursuant to this chapter
3 shall preempt all legislation adopted by a county
4 relating to the use, sale, distribution, storage,
5 transportation, disposal, formulation, labeling,
6 registration, or manufacture of a pesticide. A county
7 shall not adopt or continue in effect legislation
8 relating to the use, sale, distribution, storage,
9 transportation, disposal, formulation, labeling,
10 registration, or manufacture of a pesticide,
11 regardless of whether a statute or rule adopted by the
12 department applies to preempt the legislation.
13 Legislation in violation of this section is void and
14 unenforceable.

15 3. This section does not apply to legislation
 16 which applies generally to all commercial activity and
 17 which is not directed specifically to a matter
 18 relating to pesticides, including but not limited to
 19 zoning.

20 4. This section does not apply to legislation
 21 which is required to be adopted by a county in order
 22 to comply with a federal or state statute, regulation,
 23 or rule.

24 Sec. 3. MORATORIUM -- LEGISLATION BY LOCAL
 25 GOVERNMENT ENTITIES.

26 The provisions of sections 200.22 and 206.34
 27 enacted in this Act, shall also apply to other
 28 political subdivisions of this state or any other
 29 state authority which is not the general assembly or
 30 under the direction of a principal central department
 31 as enumerated in section 7E.5, including a city or any
 32 special purpose district, until July 1, 1994.

33 Sec. 4. PREEMPTION STUDY. The legislative council
 34 shall establish an interim study committee to examine
 35 ordinances adopted by local governmental entities
 36 other than counties which regulate the use, sale,
 37 distribution, storage, transportation, disposal,
 38 formulation, labeling, registration, and manufacture
 39 of fertilizers or soil conditioners or of pesticides.
 40 The study committee shall examine the need to adopt
 41 legislation which preempts local governmental entities
 42 from adopting such ordinances. The study committee
 43 shall report its findings and recommendations to the
 44 Seventy-fifth General Assembly by a date established
 45 by the legislative council."

46 2. Title page, by striking lines 2 and 3, and
 47 inserting the following: "pesticides."

HOUSE AMENDMENT TO
 SENATE FILE 370

S-3592

1 Amend Senate File 370, as passed by the Senate, as
 2 follows:

3 1. Page 1, by striking lines 16 through 31.

4 2. By striking page 1, line 32, through page 2,
 5 line 6, and inserting the following:

6 "If professional collection services are procured,
 7 the county attorney shall ~~enter on the appropriate~~
 8 ~~record of file with~~ the clerk of the district court an
 9 indication of the satisfaction of each obligation to
 10 the full extent of all moneys collected in
 11 satisfaction of that obligation, including all fees

12 and compensation retained by the collection service
13 incident to the collection and not paid into the
14 office of the clerk.

15 Before a county attorney designates another county
16 official or agency to assist with collection of debts,
17 revenues, moneys, fines, penalties, restitution of
18 court-appointed attorney fees or expense of a public
19 defender, and forfeitures, the board of supervisors of
20 the county must approve the designation.
21 ~~Notwithstanding the disposition provisions of sections~~
22 ~~602.8106 and 911.3, the county may retain up to~~
23 ~~thirty-five percent of all moneys collected, excluding~~
24 ~~amounts collected for victim restitution, as~~
25 ~~compensation for collection services. The county~~
26 ~~attorney shall enter on the appropriate record of the~~
27 ~~clerk of the district court an indication of the~~
28 ~~satisfaction of each obligation, including the amount~~
29 ~~retained by the county for collection services and not~~
30 ~~paid into the office of the clerk.~~

31 Sec. ____ . Section 331.756, subsection 5, Code
32 1993, is amended by adding the following new
33 unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. All fines, penalties,
35 court costs, fees, and restitution for court-appointed
36 attorney fees or expenses of a public defender which
37 are delinquent as defined in section 602.8107 may be
38 collected by the county attorney or the county
39 attorney's designee. In order to receive a percentage
40 of the amounts collected pursuant to section 602.8107,
41 the county attorney must file with the clerk of the
42 district court a notice of full commitment to collect
43 delinquent obligations. The notice shall contain a
44 list of procedures which will be initiated by the
45 county attorney. Amounts collected by the county
46 attorney or the county attorney's designee shall be
47 distributed in accordance with section 602.8107.

48 Sec. ____ . Section 331.756, subsection 64A, Code
49 1993, is amended by striking the subsection.

50 Sec. ____ . Section 421.17, subsection 25, Code

Page 2

1 1993, is amended to read as follows:

2 25. To establish and maintain a procedure to set
3 off against a debtor's income tax refund or rebate any
4 debt which is in the form of a liquidated sum due,
5 owing, and payable to the clerk of the district court
6 as a criminal fine, civil penalty, surcharge, court
7 costs, or restitution of attorney fees incurred as a
8 result of services provided under chapters 13B and

9 815, and section 232.141. The procedure shall meet
10 the following conditions:

11 a. Before setoff all outstanding tax liabilities
12 collectible by the department shall be satisfied
13 except that no portion of a refund or rebate shall be
14 credited against tax liabilities which are not yet
15 due.

16 b. Before setoff the county attorney clerk of the
17 district court shall obtain and forward to the
18 department the full name and social security number of
19 the debtor. The department shall cooperate in the
20 exchange of relevant information with the county
21 attorney clerk of the district court. However, only
22 relevant information required by the county attorney
23 clerk of the district court shall be provided by the
24 department. The information shall be held in
25 confidence and shall be used for purposes of setoff
26 only.

27 c. The county attorney clerk of the district
28 court, on the first day of February and August of each
29 calendar year, shall submit to the department for
30 setoff the debts described in this subsection, which
31 are at least fifty dollars.

32 d. Upon submission of a claim the department shall
33 notify the county attorney if the debtor is entitled
34 to a refund or rebate and of the amount of the refund
35 or rebate and the debtor's address on the income tax
36 return.

37 e. Upon notice of entitlement to a refund or
38 rebate the county attorney Upon submission of a claim
39 the department shall send written notification to the
40 debtor of the county attorney's clerk of the district
41 court's assertion of rights to all or a portion of the
42 debtor's refund or rebate and the entitlement to
43 recover the debt through the setoff procedure, the
44 basis of the assertion, the opportunity to request
45 that a joint income tax refund or rebate be divided
46 between spouses, and the debtor's opportunity to give
47 written notice of intent to contest the amount of the
48 claim. The county attorney shall send a copy of the
49 notice to the department.

50 f. e. Upon the request of a debtor or a debtor's

Page 3

1 spouse to the county attorney department, filed within
2 fifteen days from the mailing of the notice of
3 entitlement to a refund or rebate, and upon receipt of
4 the full name and social security number of the
5 debtor's spouse, the county attorney shall notify the

6 department of the request to divide a joint income tax
7 refund or rebate. The the department shall upon
8 receipt of the notice divide a joint income tax refund
9 or rebate between the debtor and the debtor's spouse
10 in proportion to each spouse's net income as
11 determined under section 422.7.

12 g f. The department shall, ~~after notice has been~~
13 ~~sent to the debtor by the county attorney,~~ set off the
14 debt against, and deduct a fee established by rule to
15 reflect the cost of processing from the debtor's
16 income tax refund or rebate. The department shall
17 transfer ~~sixty-five~~ ninety percent of the amount set
18 off to the treasurer of state for deposit in the
19 general fund of the state. The remaining ~~thirty-five~~
20 ten percent shall be remitted to the county and
21 ~~deposited in the general fund of the county judicial~~
22 department and used to defray the costs of this
23 procedure. If the debtor gives timely written notice
24 of intent to contest the amount of the claim, the
25 department shall hold the refund or rebate until final
26 determination of the correct amount of the claim. ~~The~~
27 ~~county attorney shall notify the debtor in writing~~
28 ~~upon completion of setoff.~~

29 g. The department shall file with the clerk of the
30 district court a notice of the satisfaction of each
31 obligation to the full extent of all moneys collected
32 in satisfaction of the obligation. The clerk shall
33 record the notice and enter a satisfaction for the
34 amounts collected.

35 Sec. ____ . Section 421.17, subsection 26, Code
36 1993, is amended to read as follows:

37 26. To provide that in the case of multiple claims
38 to payments filed under subsections 21, 23, 25, and 29
39 that priority shall be given to claims filed by the
40 child support recovery unit or the foster care
41 recovery unit under subsection 21, next priority shall
42 be given to claims filed by the college student aid
43 commission under subsection 23, next priority shall be
44 given to claims filed by the investigations division
45 of the department of inspections and appeals under
46 subsection 21, next priority shall be given to claims
47 filed by a county attorney clerk of the district court
48 under subsection 25, and last priority shall be given
49 to claims filed by other state agencies under
50 subsection 29. In the case of multiple claims under

Page 4

1 subsection 29, priority shall be determined in
2 accordance with rules to be established by the

3 director.

4 Sec. ____ . Section 602.8102, subsection 164, Code
5 1993, is amended by striking the subsection.

6 Sec. ____ . NEW SECTION. 602.8107 COLLECTION OF
7 FINES, PENALTIES, FEES, COURT COSTS, SURCHARGES,
8 INTEREST, AND RESTITUTION.

9 1. Fines, penalties, court costs, fees, interest,
10 restitution for court-appointed attorney fees, and
11 surcharges shall be paid to the clerk of the district
12 court. All amounts collected shall be distributed
13 pursuant to sections 602.8106 and 602.8108 or as
14 otherwise provided by this Code. The clerk may accept
15 payment of an obligation or a portion thereof by
16 credit card. The clerk may charge a fee to reflect
17 the additional cost of processing the payment by
18 credit card.

19 2. Payments received under this section shall be
20 applied in the following priority order:

21 a. Fines or penalties plus any interest due on
22 unsatisfied judgments and criminal penalty surcharges
23 plus interest due on unsatisfied amounts.

24 b. Victim restitution.

25 c. Court costs.

26 d. Court-appointed attorney fees or public
27 defender expenses.

28 3. A fine, penalty, court cost, fee, or surcharge
29 is deemed delinquent if it is not paid within six
30 months after the date it is assessed. An amount which
31 was ordered by the court to be paid on a date fixed in
32 the future pursuant to section 909.3 is deemed
33 delinquent if it is not received by the clerk within
34 six months after the fixed future date set out in the
35 court order. If an amount was ordered to be paid by
36 installments, and an installment is not received
37 within thirty days after the date it is due, the
38 entire amount of the judgment is deemed delinquent.

39 4. All fines, penalties, court costs, fees,
40 surcharges, and restitution for court-appointed
41 attorney fees or for expenses of a public defender
42 which are delinquent may be collected by the county
43 attorney or the county attorney's designee. Thirty-
44 five percent of the amounts collected by the county
45 attorney or the county attorney's designee shall be
46 deposited in the general fund of the county if the
47 county attorney has filed the notice required in
48 section 331.756, subsection 5. The remainder shall be
49 paid to the clerk for distribution under section
50 602.8108.

Page 5

1 This subsection does not apply to amounts collected
2 for victim restitution, the victim compensation fund,
3 criminal penalty surcharge, or amounts collected as a
4 result of procedures initiated under section 321.40,
5 321.210A, or 421.17, subsection 25.

6 The county attorney shall file with the clerk of
7 the district court a notice of the satisfaction of
8 each obligation to the full extent of the moneys
9 collected in satisfaction of the obligation. The
10 clerk of the district court shall record the notice
11 and enter a satisfaction for the amounts collected.

12 5. If a county attorney has not filed a notice of
13 commitment to collect delinquent obligations pursuant
14 to section 331.756, subsection 5, the department of
15 revenue and finance or its designee may collect
16 delinquent fines, penalties, court costs, surcharges,
17 restitutions for court-appointed attorney fees, or
18 expenses of a public defender. From the amounts
19 collected, the department shall pay for the services
20 of its designee and the remainder shall be deposited
21 in the general fund of the state.

22 This subsection does not apply to amounts collected
23 for victim restitution, the new victim restitution
24 fund, criminal penalty surcharge, or amounts collected
25 as a result of procedures initiated under section
26 321.40, 321.210A, or 421.17, subsection 25.

27 The department of revenue and finance or its
28 collection designee shall file with the clerk of the
29 district court a notice of the satisfaction of each
30 obligation to the full extent of the moneys collected
31 in satisfaction of the obligation. The clerk of the
32 district court shall record the notice and enter a
33 satisfaction for the amounts collected."

34 3. Page 2, by striking lines 31 through 34 and
35 inserting the following:

36 "a. For a simple misdemeanor, either imprisonment
37 not to exceed thirty days, or a fine of at least fifty
38 dollars but not to exceed one hundred dollars."

39 4. Page 3, line 1, by striking the words "two
40 thousand" and inserting the following: "one
41 thousand".

42 5. Page 3, by inserting after line 13 the
43 following:

44 "Sec. ____ . Section 909.3, Code 1993, is amended to
45 read as follows:

46 909.3 PAYMENT IN INSTALLMENTS OR ON A FIXED DATE.

47 1. All fines imposed by the court shall be paid on
48 the day the fine is imposed.

49 2. The court may, in its discretion, order a fine
50 to be paid in installments, or may fix a date in the

Page 6

- 1 future which is not more than one hundred twenty days
2 from the date the fine is imposed for the payment of
3 the fine, whenever it appears that the defendant
4 cannot make immediate payment, or should not be made
5 to do so.”
6 For good cause, the court may order that the date
7 for payment of the fine be extended beyond one hundred
8 twenty days from the date the fine was imposed.
9 6. Page 3, by striking lines 14 through 35.
10 7. Page 4, by striking lines 1 through 30 and
11 inserting the following:
12 “Sec. ____ . Section 909.9, Code 1993, is repealed.”
13 8. By renumbering, relettering, or redesignating
14 and correcting internal references as necessary.

S-3593

- 1 Amend Senate Resolution 10 as follows:
2 1. Page 5, lines 16 and 17, by striking the words
3 “the official positions of” and inserting the
4 following: “the official positions of”.
5 2. Page 5, lines 25 and 26, by striking the words
6 “the official position of” and inserting the
7 following: “the official position of”.

RICHARD F. DRAKE
EMIL J. HUSAK

S-3594

- 1 Amend Senate Resolution 11 as follows:
2 1. Page 12, by inserting after line 7 the
3 following:
4 “~~-----~~, Confidentiality. If a complaint is not
5 otherwise made public, the members of the committee
6 shall treat the complaint and all supporting
7 information as confidential until the written response
8 is received from the respondent.”
9 2. By lettering and relettering as necessary.

RICHARD DRAKE
EMIL J. HUSAK

S-3595

- 1 Amend Senate Resolution 10 as follows:
- 2 1. Page 5, line 12, by striking the word "of" and
- 3 inserting the following: "registered with".

RICHARD F. DRAKE
EMIL J. HUSAK

S-3596

- 1 Amend the amendment, S-3456, to House File 361, as
- 2 passed by the House, as follows:
- 3 1. Page 2, by striking lines 44 and 45, and
- 4 inserting the following: "chauffeur when the
- 5 operation is by a home care aide in the course of the
- 6 home care".
- 7 2. Page 2, line 49, by striking the words
- 8 "homemaker-home health" and inserting the following:
- 9 "home care".
- 10 3. Page 3, by striking line 1 and inserting the
- 11 following: "home care aide's duties.""
- 12 4. Page 3, lines 4 and 5, by striking the words
- 13 "homemaker-home health" and inserting the following:
- 14 "home care".

ELAINE SZYMONIAK

S-3597

- 1 Amend House File 361, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "director" the following: "or the funeral director's
- 5 agent".
- 6 2. Page 1, line 14, by inserting after the word
- 7 "director" the following: "or the funeral director's
- 8 agent".
- 9 3. Page 1, line 19, by inserting after the word
- 10 "permit" the following: "if required".

MICHAEL E. GRONSTAL

S-3598

- 1 Amend Senate File 415 as follows:
- 2 1. Page 3, line 8, by striking the word "not" and
- 3 inserting the following: "only be".

- 4 2. Page 3, line 9, by striking the word "until"
5 and inserting the following: "to the extent that".

WAYNE BENNETT
JEAN LLOYD-JONES

S-3599

- 1 Amend the amendment, S-3437, to Senate File 43, as
2 follows:
3 1. Page 1, by striking line 27 and inserting the
4 following: "include costs for portable and vehicle
5 radios, communication towers, and other radios and
6 equipment".

PATRICK J. DELUHERY

S-3600

- 1 Amend Senate File 415 as follows:
2 1. Page 3, line 8, by striking the word "not" and
3 inserting the following: "only".
4 2. Page 3, line 9, by striking the word "until"
5 and inserting the following: "to the extent that".

WAYNE BENNETT
JEAN LLOYD-JONES

S-3601

- 1 Amend the amendment, S-3314, to House File 430, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 15, line 27, by striking the word
5 "chapter." and inserting the following: "chapter.
6 Sec. 100. 1993 Iowa Acts, Senate File 363, section
7 2, if enacted by the Seventy-fifth General Assembly,
8 takes effect upon the effective date of this section.
9 Sec. ____ . Section 100 of this Act, being deemed of
10 immediate importance, takes effect upon enactment."

TONY BISIGNANO

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 623

S-3602

- 1 Amend the Senate amendment, H-4011, to House File
2 623, as amended, passed, and reprinted by the House,
3 as follows:
- 4 1. Page 1, line 16, by striking the figure
5 "1,017,045" and inserting the following: "1,031,045".
 - 6 2. Page 1, line 22, by striking the figure
7 "112,000" and inserting the following: "126,000".
 - 8 3. Page 1, line 22, by striking the figure "3.00"
9 and inserting the following: "4.00".
 - 10 4. Page 1, line 37, by striking the figure
11 "325,000" and inserting the following: "313,880".
 - 12 5. Page 2, line 3, by striking the figure
13 "3,649,904" and inserting the following: "3,687,904".
 - 14 6. Page 2, line 48, by striking the figure
15 "5,950,000" and inserting the following: "5,918,606".
 - 16 7. Page 6, line 1, by striking the figure
17 "5,387,474" and inserting the following: "5,337,474".
 - 18 8. Page 6, line 2, by striking the figure
19 "204.83" and inserting the following: "199.83".
 - 20 9. Page 8, line 37, by striking the figure
21 "7,500,000" and inserting the following: "7,000,000".
 - 22 10. Page 9, by striking line 12 and inserting
23 the following: "in an organic nutrient management
24 account which shall be created by the division of soil
25 conservation of the department of agriculture and land
26 stewardship, the".
 - 27 11. Page 9, line 16, by striking the word "Act"
28 and inserting the following: "section".
 - 29 12. Page 9, by striking line 18, and inserting
30 the following:
31 " ____ . a. The division of soil conservation within
32 the department of agriculture and land stewardship
33 shall establish and administer an organic nutrient
34 management program to provide for the allocation of
35 cost-share moneys as financial incentives to eligible
36 persons applying to participate in the program. The
37 financial incentives shall be used for purposes of
38 establishing organic nutrient management systems which
39 shall facilitate the proper utilization of livestock
40 waste as a nutrient source, and to protect the water
41 resources of this state from livestock waste runoff.
42 b. Moneys used to support water protection
43 projects and practices pursuant to section 161C.2
44 shall not be supported from the organic nutrient

45 management account. Notwithstanding section 8.33,
 46 moneys in the organic nutrient management account
 47 shall not revert as provided in that section, but
 48 shall be expended as provided in this section in
 49 subsequent fiscal years.
 50 c. A person shall not be eligible to participate

Page 2

1 in this program, unless the person is an individual
 2 who is actively engaged in farming as provided in
 3 section 9H.1, subsection 1, paragraphs "a" through
 4 "c", or the person is a family farm corporation,
 5 family farm limited partnership, or a family trust,
 6 all as defined in section 9H.1.

7 d. The division shall adopt rules to administer
 8 this section, including rules relating to the
 9 execution of a contract to establish an organic
 10 nutrient management system. The rules may require
 11 that an eligible person participating in the program
 12 maintain the organic nutrient management system for a
 13 minimum number of years as a condition to receiving
 14 financial incentives. The agreement may be enforced
 15 by the division or by a soil and water conservation
 16 district as provided by the division, in the same
 17 manner as provided for a contract establishing soil
 18 and water conservation practices under chapter 161A.

19 _____. The appropriation provided in subsection 1
 20 shall be subject to the following conditions:"

21 13. Page 12, by striking lines 28 through 43.

22 14. Page 13, by inserting after line 21, the
 23 following:

24 "Sec. _____. LIMITATION ON EXPENDITURES -- BRUSHY
 25 CREEK STATE RECREATION AREA. Not more than \$1,400,000
 26 shall be allocated in the fiscal year beginning July
 27 1, 1993, and ending June 30, 1994, from the open
 28 spaces account of the resources enhancement and
 29 protection fund created in section 455A.18, for
 30 purposes of supporting the construction of the dam and
 31 water impoundment at the Brushy Creek state recreation
 32 area."

33 15. By striking page 13, line 41 through page 14,
 34 line 8.

35 16. By striking page 19, line 49 through page 20,
 36 line 3.

37 17. By striking page 20, line 18 through page 22,
 38 line 5.

39 18. Page 26, by striking lines 9 through 13.

40 19. Page 26, by inserting before line 14 the
 41 following:

42 "Sec. ____ . Section 455A.19, subsection 1,
43 paragraph a, Code 1993, is amended to read as follows:
44 a. Twenty-eight percent shall be allocated to the
45 open spaces account. At least ten percent of the
46 allocations to the account shall be made available to
47 match private funds for open space projects on the
48 cost-share basis of not less than twenty-five percent
49 private funds pursuant to the rules adopted by the
50 natural resources commission. Five percent of the

Page 3

1 funds allocated to the open spaces account shall be
2 used to fund the protected waters program. This
3 account shall be used by the department to implement
4 the statewide open space acquisition, protection, and
5 development programs.

6 PARAGRAPH DIVIDED. The department shall give
7 priority to acquisition and control of open spaces of
8 statewide significance. The department shall also use
9 these funds for developments on state property. The
10 total cost of an open spaces project funded under this
11 paragraph "a" shall not exceed two million dollars
12 unless a public hearing is held on the project in the
13 area of the state affected by the project. However,
14 on and after July 1, 1994, the following shall apply:

15 (1) If the total amount appropriated by the
16 general assembly to the resources enhancement and
17 protection fund, in any fiscal year as defined in
18 section 8.36, is seven million dollars or more, not
19 more than seventy-five percent of moneys in the open
20 spaces account shall be allocated or obligated during
21 that fiscal year to support a single project.

22 (2) If the total amount appropriated by the
23 general assembly to the resources enhancement and
24 protection fund, in any fiscal year as defined in
25 section 8.36, is less than seven million dollars, not
26 more than fifty percent of moneys in the open spaces
27 account shall be allocated or obligated during that
28 fiscal year to support a single project.

29 PARAGRAPH DIVIDED. Political subdivisions of the
30 state shall be reimbursed for property tax dollars
31 lost to open space acquisitions based on the
32 reimbursement formula provided for in section 465A.4.
33 There is appropriated from the open spaces account to
34 the department the amount in that account, or so much
35 thereof as is necessary, to carry out the open spaces
36 program as specified in this paragraph "a". An
37 appropriation made under this paragraph "a" shall
38 continue in force for two fiscal years after the

39 fiscal year in which the appropriation was made or
40 until completion of the project. All unencumbered or
41 unobligated funds remaining at the close of the fiscal
42 year in which the project is completed or at the close
43 of the final fiscal year, whichever date is earlier,
44 shall revert to the open spaces account."
45 20. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 220

S-3603

1 Amend Senate File 220, as passed by the Senate, as
2 follows:
3 1. Page 4, line 13, by striking the word
4 "easily".
5 2. Page 4, line 14, by striking the word "may"
6 and inserting the following: "needs to".

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 496

S-3604

1 Amend the amendment, H-3991, to House File 496, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 " ____ . Page 1, by inserting before line 1 the
7 following:
8 "Section 1. Section 257.12, unnumbered paragraph
9 1, Code 1993, is amended to read as follows:
10 In determining weighted enrollment under section
11 257.6, if the board of directors of a school district
12 has approved a contract for sharing under section
13 442.39, subsection 2 or 4, Code 1991, or section
14 257.11 and the school district has initiated an action
15 prior to November 30, 1990, to bring about a
16 reorganization, the reorganized school district shall
17 include, for a period of five six years following the
18 effective date of the reorganization, additional
19 pupils added by the application of the supplementary
20 weighting plan, equal to the pupils added by the
21 application of the supplementary weighting plan in the
22 year preceding the reorganization. For the purposes
23 of this paragraph, the weighted enrollment for the
24 period of six years following the effective date of

25 reorganization shall include the supplementary
 26 weighting in the base year used for determining the
 27 combined district cost for the first year of the
 28 reorganization. However, the weighting shall be
 29 reduced by the supplementary weighting added for a
 30 pupil whose residency is not within the reorganized
 31 district. For purposes of this section paragraph, a
 32 reorganized district is one in which the
 33 reorganization was approved in an election pursuant to
 34 sections 275.18 and 275.20 and takes effect on or
 35 after July 1, 1991, and on or before July 1, 1993.
 36 Each district which initiated, by a vote of the board
 37 of directors or jointly by the affected boards, action
 38 to bring about a reorganization or dissolution by
 39 November 30, 1990, shall certify the date and the
 40 nature of the action taken to the department of
 41 education by September 1, 1991.
 42 Sec. ____ . Section 257.12, unnumbered paragraph 2,
 43 Code 1993, is amended to read as follows:
 44 A reorganized school district in which eligible
 45 pupils were added under section 442.39A, Code 1991,
 46 shall continue to have pupils added, subject to the
 47 changes in weighting made under section 257.11, until
 48 the expiration of the five-year period provided in
 49 section 442.39A, Code 1991 this paragraph. For the
 50 purposes of this paragraph, the weighted enrollment

Page 2

1 continues for a period of six years following the
 2 effective date of reorganization and shall include the
 3 supplementary weighting in the base year used for
 4 determining the combined district cost for the first
 5 year of the reorganization.”

6 2. Page 1, by inserting after line 9 the
 7 following:

8 “____ . Title page, line 1, by inserting after the
 9 word “to” the following: “supplementary weighting
 10 and”.”

11 3. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 210

S-3605

1 Amend the amendment, H-4005, to House File 210, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 1, line 3, by inserting after the figure
 5 "9" the following: "and inserting the following:
 6 "Sec. ____ . Section 321.189, subsection 6, Code
 7 1993, is amended to read as follows:
 8 6. LICENSES ISSUED TO MINORS. A motor vehicle
 9 license issued to a person under twenty-one years of
 10 age shall be identical in form to any other motor
 11 vehicle license except that the word "minor" words
 12 "under twenty-one" shall appear prominently on the
 13 face of the license. Upon attaining the age of
 14 twenty-one, and upon payment of a one dollar fee, the
 15 person shall be entitled to a new motor vehicle
 16 license or nonoperator's identification card for the
 17 unexpired months of the motor vehicle license or
 18 card."
 19 2. Page 1, line 7, by inserting after the word
 20 "expired," the following: "but not later than six
 21 months after the date of expiration."
 22 3. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 380

S-3606

- 1 Amend Senate File 380 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 12, by striking the word "PILOT".
 4 2. Page 1, line 15, by striking the words "up to
 5 three".
 6 3. Page 1, line 16, by striking the word "pilot".
 7 4. Page 2, line 16, by inserting after the word
 8 "other" the following: "health insurance or health
 9 care".
 10 5. Page 2, line 18, by striking the word "PILOT".
 11 6. Page 2, line 20, by striking the words "up to
 12 three".
 13 7. Page 2, line 21, by striking the word "pilot".
 14 8. Page 3, by striking lines 15 and 16 and
 15 inserting the following: "assembly not".
 16 9. Title page, line 2, by striking the word
 17 "pilot".
 18 10. By renumbering, relettering, or redesignating
 19 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 63

S-3607

- 1 Amend Senate File 63, as passed by the Senate, as
2 follows:
- 3 1. Page 1, lines 20 and 21, by striking the words
4 “, the department of elder affairs,”.
- 5 2. Page 1, line 25, by inserting after the word
6 “shall” the following: “seek approval of a state plan
7 amendment or”.
- 8 3. Page 2, by striking lines 29 through 32.
- 9 4. Page 3, line 4, by striking the word
10 “increase” and inserting the following: “additional
11 exemption”.
- 12 5. By renumbering, relettering, or redesignating
13 and correcting internal references as necessary.

S-3608

- 1 Amend House File 576, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 6 and
4 inserting the following:
- 5 “Section 1. Section 56.2, subsection 4, Code 1993,
6 is amended to read as follows:
- 7 4. “Candidate’s committee” means the committee
8 designated by the candidate for a state, county, city,
9 or school office to receive contributions in excess of
10 five hundred dollars in the aggregate, expend funds in
11 excess of five hundred dollars in the aggregate, or
12 incur indebtedness on behalf of the candidate in
13 excess of five hundred dollars in the aggregate as
14 follows:
- 15 a. For federal, state, or county office, in excess
16 of two hundred fifty dollars in any calendar year on
17 behalf of the candidate.
- 18 b. For city or school office, in excess of five
19 hundred dollars in any calendar year on behalf of the
20 candidate.”
- 21 2. Page 3, line 34, by striking the words “two
22 hundred fifty” and inserting the following: “five
23 hundred”.
- 24 3. Page 3, line 35, by striking the words “two
25 hundred fifty” and inserting the following: “five
26 hundred”.
- 27 4. Page 4, lines 1 and 2, by striking the words
28 “two hundred fifty” and inserting the following: “two
29 hundred fifty five hundred”.

30 5. Page 4, line 4, by striking the words "or
31 ballot issue" and inserting the following: "or ballot
32 issue".

33 6. Page 4, by striking line 5 and inserting the
34 following: "to ballot issues, a two hundred fifty
35 dollar".

36 7. Page 4, lines 6 and 7, by striking the words
37 "two hundred fifty" and inserting the following:
38 "five hundred".

39 8. Page 5, line 6, by striking the words "or
40 county" and inserting the following: "or county,
41 city, or school".

42 9. Page 5, line 9, by striking the words "two
43 hundred fifty" and inserting the following: "five
44 hundred".

45 10. Page 5, line 10, by striking the words "two
46 hundred fifty" and inserting the following: "five
47 hundred".

48 11. Page 5, by striking lines 13 through 19 and
49 inserting the following:

50 "Each candidate for city or school office shall

Page 2

1 organize one, and only one, candidate's committee for
2 a specific office sought when the candidate receives
3 contributions, makes expenditures, or incurs
4 indebtedness in excess of five hundred dollars in a
5 calendar year."

6 12. Page 7, line 2, by striking the words "or
7 corporation" and inserting the following: "or
8 organization".

9 13. Page 13, by striking lines 1 and 2 and
10 inserting the following: "alleged violator or by any
11 other means agreed to in writing by the parties."

12 14. Page 15, line 6, by striking the word
13 "legislative".

14 15. Page 15, line 8, by inserting after the word
15 "expenses" the following: "or personal benefit".

MICHAEL E. GRONSTAL

S-3609

1 Amend the amendment, S-3483, to House File 652, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by striking lines 4 through 6 and
5 inserting the following:

6 "2. Early pick-up officers shall be appointed in

- 7 two-person teams, one from each of the political
 8 parties referred".
 9 2. Page 2, line 13, by striking the word "The"
 10 and inserting the following: "Each two-person team
 11 of".
 12 3. Page 2, line 17, by striking the words "either
 13 or both of the" and inserting the following: "persons
 14 designated as".
 15 4. Page 2, line 21, by inserting after the word
 16 "person" the following: "or persons".

MICHAEL E. GRONSTAL

S-3610

- 1 Amend Senate File 415 as follows:
 2 1. Page 3, by inserting after line 7 the
 3 following:
 4 "e. A person transferred within the same
 5 continuing care retirement community, as defined in
 6 section 523D.1, from a level of care or from a portion
 7 of the facility in which residents do not require
 8 nursing care, except on an emergency basis, to a
 9 portion of the facility which is primarily engaged in
 10 providing nursing care or to a level of care which is
 11 primarily nursing care."

FLORENCE BUHR

S-3611

- 1 Amend Senate File 411 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 75.1, unnumbered paragraph 1,
 5 Code 1993, is amended to read as follows:
 6 When a proposition to authorize an issuance of
 7 bonds by a county, township, school corporation, city,
 8 or by any local board or commission, is submitted to
 9 the electors, ~~such the~~ proposition shall not be deemed
 10 carried or adopted, anything in the statutes to the
 11 contrary notwithstanding, unless the vote in favor of
 12 ~~such the~~ authorization is equal to at least sixty
 13 percent of the total vote cast for and against ~~said~~
 14 the proposition at said the election if the bonds are
 15 issued for a term in excess of ten years. If the
 16 bonds are issued for a term of less than ten years, a
 17 majority of the total votes cast for and against the
 18 proposition is sufficient to approve the proposition."
 19 2. Title page, by striking lines 1 through 3 and

20 inserting the following: "An Act relating to bond
21 issue elections."

MAGGIE TINSMAN

S-3612

1 Amend Senate File 415 as follows:
2 1. Page 2, by striking lines 1 through 14 and
3 inserting the following:
4 " — Prior to admission of a frail elder to a
5 nursing facility, the nursing facility shall advise
6 the frail elder and the frail elder's family of the
7 preadmission assessment program and shall forward the
8 name, address, and telephone number of the prospective
9 resident to the appropriate area agency on aging. The
10 area agency on aging may use the information provided
11 to contact the prospective resident regarding the
12 performance of the preadmission assessment.
13 — . A frail elder or a frail elder's family may
14 request a preadmission assessment, on a form developed
15 and provided by the department prior to the frail
16 elder's pending admission to a nursing facility.
17 — . If a frail elder or the frail elder's family
18 requests a preadmission assessment, the assessor
19 shall, in consultation with the frail elder or the
20 frail elder's family, schedule a date, time, and
21 location for the performance of the assessment. The
22 assessor shall also inform the frail elder or the
23 frail elder's family of the right to have a physician
24 present during the performance of the assessment."
25 2. By striking page 2, line 28, through page 3,
26 line 7, and inserting the following: "prior to
27 completion of a preadmission assessment."
28 3. By renumbering as necessary.

MERLIN E. BARTZ
WILLIAM W. DIELEMAN
JOHN W. JENSEN
EUGENE S. FRAISE
BERL E. PRIEBE
DONALD E. GETTINGS
EMIL J. HUSAK
RAY TAYLOR

S-3613

1 Amend Senate File 415 as follows:
2 1. Page 3, by inserting before line 8 the
3 following:

4 "Sec. ____ . NEW SECTION. 231.62 A person
 5 transferred within the same continuing care retirement
 6 community, as defined in section 523D.1, from a level
 7 of care or from a portion of the facility in which
 8 residents do not require nursing care, except on an
 9 emergency basis, to a portion of the facility which is
 10 primarily engaged in providing nursing care or to a
 11 level of care which is primarily nursing care."

FLORENCE BUHR

S-3614

1 Amend Senate File 196 as follows:
 2 1. Page 2, lines 15 and 16, by striking the words
 3 "connection with the printing of" and inserting the
 4 following: "the process of creating printed".
 5 2. Page 3, line 2, by striking the figure "1993"
 6 and inserting the following: "1994".
 7 3. Page 3, line 28, by striking the words
 8 "connection with the printing of" and inserting the
 9 following: "the process of creating printed".
 10 4. Page 4, line 4, by striking the figure "1993,"
 11 and inserting the following: "1994, shall be limited
 12 to fifty thousand dollars in the aggregate and".
 13 5. Page 4, line 5, by striking the figure "1994"
 14 and inserting the following: "1995".
 15 6. Page 4, line 6, by inserting after the word
 16 "law." the following: "If the amount of claims total
 17 more than fifty thousand dollars in the aggregate, the
 18 department of revenue and finance shall pro rate the
 19 fifty thousand dollars amongst all the claims."
 20 7. Page 4, line 11, by striking the figure
 21 "1993." and inserting the following: "1994. Sections
 22 1, 3, and 4 of this Act take effect July 1, 1994."

JIM RIORDAN
 WILLIAM W. DIELEMAN
 LARRY MURPHY

S-3615

1 Amend the House amendment, S-3592, to Senate File
 2 370, as passed by the Senate, as follows:
 3 1. Page 1, by striking line 3 and inserting the
 4 following:
 5 " ____ . Page 1, lines 16 and 17, by striking the
 6 words and figure "unnumbered paragraph 1,".
 7 ____ . Page 1, line 18, by inserting before the
 8 word "Enforce" the following: "5.""

9 2. Page 1, lines 38 and 39, by striking the words
10 "county attorney's designee" and inserting the follow-
11 ing: "person procured or designated by the county
12 attorney".

13 3. Page 1, line 46, by striking the words "county
14 attorney's designee" and inserting the following:
15 "person procured or designated by the county
16 attorney".

17 4. Page 4, line 45, by striking the words "county
18 attorney's designee" and inserting the following:
19 "person procured or designated by the county
20 attorney".

21 5. Page 4, line 48, by inserting after the figure
22 "5" the following: ", unless the county attorney has
23 discontinued collection efforts on a particular
24 delinquent amount and has transferred collection
25 responsibilities to the department of revenue and
26 finance".

27 6. Page 5, lines 4 and 5, by striking the figures
28 and word "321.40, 321.210A, or".

29 7. Page 5, line 14, by inserting after the figure
30 "5" the following: ", or has transferred collection
31 responsibility for a particular delinquent amount to
32 the department".

33 8. Page 5, line 26, by striking the figures and
34 word "321.40, 321.210A, or".

35 9. Page 6, by striking line 9 and inserting the
36 following:

37 "____. Page 3, by inserting after line 21 the
38 following:

39 "Sec. ____ . Section 909.6, Code 1993, is amended by
40 adding the following new unnumbered paragraphs:

41 NEW UNNUMBERED PARAGRAPH. If a court imposes a
42 fine on an offender, the court shall impose interest
43 charges on any amount remaining unsatisfied from the
44 day after sentencing at the rate provided in section
45 535.3.

46 NEW UNNUMBERED PARAGRAPH. At the time of imposing
47 the sentence, the court shall inform the offender of
48 the amount of the fine and that the judgment includes
49 the imposition of a criminal surcharge, court costs,
50 and applicable fees. The court shall also inform the

Page 2

1 offender of the duty to pay the judgment in a timely
2 manner and that interest will be charged on
3 unsatisfied judgments.""

4 10. Page 6, by inserting after line 11 the
5 following:

6 "Sec. ____ . Section 909.10, if enacted by 1993
7 Iowa Acts, Senate File 267, section 22, is amended to
8 read as follows:
9 909.10 COLLECTION OF DELINQUENT AMOUNTS BY THE
10 COURT.

11 1. As used in this section, unless the context
12 otherwise requires, "delinquent amounts" means a fine,
13 court-imposed court costs in a criminal proceeding, or
14 criminal surcharge imposed pursuant to section 911.2,
15 which remains unpaid after two years from the date
16 that the fine, court costs, or surcharge was imposed,
17 and which is not collected by the county attorney
18 pursuant to section ~~909.9~~ 602.8107. However, if the
19 fine may be paid in installments pursuant to section
20 909.3, the fine is not a delinquent amount unless the
21 installment remains unpaid after two years from the
22 date the installment was due.

23 2. Notwithstanding the disposition sections of
24 sections 602.8106 and 911.3, upon the collection of
25 delinquent amounts, the clerks of the district court
26 shall remit the delinquent amounts to the treasurer of
27 state for deposit into the revolving fund established
28 pursuant to section 602.1302, to be used for the
29 payment of jury and witness fees and mileage."

30 11. By renumbering as necessary.

TOM VILSACK

S-3616

1 Amend the House amendment, S-3591, to Senate File
2 94, as passed by the Senate, as follows:

3 1. Page 1, line 31, by inserting after the figure
4 "3." the following: "a."

5 2. Page 1, line 36, by striking the figure "4."
6 and inserting the following: "b."

7 3. Page 1, by inserting after line 39 the
8 following:

9 "c. This section does not apply to legislation
10 which regulates the use, application, sale,
11 distribution, storage, transportation, disposal,
12 formulation, or manufacture of wet or dry sludge, if
13 the sludge derives from waste in a private septic
14 system or a publicly owned treatment works."

BILL FINK

S-3617

- 1 Amend the House amendment, S-3591, to Senate File
2 94, as passed by the Senate, as follows:
- 3 1. By striking page 1, line 5 through page 2,
4 line 47, and inserting the following:
5 "Section 1. NEW SECTION. 200.22 PREEMPTION OF
6 LOCAL GOVERNMENT LEGISLATION.
- 7 1. As used in this section:
- 8 a. "Local government" means any political
9 subdivision of the state or any state authority which
10 is not the general assembly or under the direction of
11 a principal central department as enumerated in
12 section 7E.5, including, but not limited to, a city, a
13 county, a school district, or any special purpose
14 district.
- 15 b. "Local legislation" means an ordinance, motion,
16 resolution, rule, or any other enactment adopted by
17 the governing body of a local government except orders
18 given to its employees relating to their use, storage,
19 transportation, or disposal of a fertilizer or soil
20 conditioner in their capacity as public employees or
21 the approved terms of a service or sales contract
22 between a person and the local government relating to
23 the use of a fertilizer or soil conditioner.
- 24 2. The provisions of this chapter and rules
25 adopted by the department pursuant to this chapter
26 shall preempt all local legislation relating to the
27 use, sale, distribution, storage, transportation,
28 disposal, formulation, labeling, registration, or
29 manufacture of a fertilizer or soil conditioner. A
30 local government shall not adopt or continue in effect
31 local legislation relating to the use, sale,
32 distribution, storage, transportation, disposal,
33 formulation, labeling, registration, or manufacture of
34 a fertilizer or soil conditioner, regardless of
35 whether a statute or rule adopted by the department
36 applies to preempt the local legislation. Local
37 legislation in violation of this section is void and
38 unenforceable.
- 39 3. This section does not apply to local
40 legislation which applies generally to all commercial
41 activity and which is not directed specifically to a
42 matter relating to fertilizers or soil conditioners,
43 including but not limited to zoning.
- 44 4. This section does not apply to local
45 legislation which is required to be adopted by a local
46 government in order to comply with a federal or state
47 statute, regulation, or rule.
- 48 Sec. 2. NEW SECTION. 206.34 PREEMPTION OF LOCAL

49 GOVERNMENT LEGISLATION.

50 1. As used in this section:

Page 2

1 a. "Local government" means any political
2 subdivision of the state or any state authority which
3 is not the general assembly or under the direction of
4 a principal central department as enumerated in
5 section 7E.5, including, but not limited to, a city, a
6 county, a school district, or any special purpose
7 district:

8 b. "Local legislation" means an ordinance, motion,
9 resolution, rule, or any other enactment adopted by
10 the governing body of a local government except orders
11 given to its employees relating to their use, storage,
12 transportation, or disposal of a pesticide in their
13 capacity as public employees or the approved terms of
14 a service or sales contract between a person and the
15 local government relating to the use of a pesticide.

16 2. The provisions of this chapter and rules
17 adopted by the department pursuant to this chapter
18 shall preempt all local legislation relating to the
19 use, sale, distribution, storage, transportation,
20 disposal, formulation, labeling, registration, or
21 manufacture of a pesticide. A local government shall
22 not adopt or continue in effect local legislation
23 relating to the use, sale, distribution, storage,
24 transportation, disposal, formulation, labeling,
25 registration, or manufacture of a pesticide,
26 regardless of whether a statute or rule adopted by the
27 department applies to preempt the local legislation.
28 Local legislation in violation of this section is void
29 and unenforceable.

30 3. This section does not apply to local
31 legislation which applies generally to all commercial
32 activity and which is not directed specifically to a
33 matter relating to pesticides, including but not
34 limited to zoning.

35 4. This section does not apply to local
36 legislation which is required to be adopted by a local
37 government in order to comply with a federal or state
38 statute, regulation or rule."

BRAD BANKS
BERL E. PRIEBE

S-3618

1 Amend the amendment, S-3478, to House File 263, as
2 amended, passed, and reprinted by the House, as
3 follows:

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

6 "___ . Page 1, by striking lines 28 through 31 and
7 inserting the following: "taken of a person who has
8 been arrested for a public offense subject to an
9 enhanced penalty for conviction of a second or
10 subsequent offense. In addition to the fingerprints
11 as herein".

12 2. Page 1, by striking lines 26 through 47 and
13 inserting the following:

14 "___ . Page 3, line 25, by inserting after the
15 word "identification." the following: "The department
16 shall not copy the fingerprint identification and
17 shall return or destroy the identification after the
18 copy of the criminal history data is made."

19 ___ . Page 5, by inserting after line 4 the
20 following:

21 "Sec. ___ . Section 692.16, Code 1993, is amended
22 to read as follows:

23 692.16 REVIEW AND REMOVAL.

24 At least every year the bureau shall review and
25 determine current status of all Iowa arrests reported,
26 which are at least one year old with no disposition
27 data. Any Iowa arrest recorded within a computer data
28 storage system which has no disposition data after
29 five four years shall be removed unless there is an
30 outstanding arrest warrant or detainer on such charge.

31 Sec. ___ . Section 692.17, Code 1993, is amended to
32 read as follows:

33 692.17 EXCLUSIONS -- PURPOSES.

34 Criminal history data in a computer data storage
35 system shall not include arrest or disposition data
36 after the person has been acquitted or the charges
37 dismissed.

38 For the purposes of this section, "criminal history
39 data" includes information maintained by any criminal
40 justice agency if the information otherwise meets the
41 definition of criminal history data set forth in
42 section 692.1 and also includes the source documents
43 of the information included in the criminal history
44 data and fingerprint records.

45 Criminal history data may be collected for

46 management or research purposes.””
 47 3. By renumbering as necessary.

RALPH ROSENBERG
 LINN FUHRMAN

S-3619

1 Amend House File 652, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 5 through 10 and
 4 inserting the following: “the secretary of state ~~not~~
 5 ~~to exceed ten cents per page by rule adopted pursuant~~
 6 ~~to chapter 17A.~~”
 7 2. Page 5, by striking lines 9 through 14 and
 8 inserting the following:
 9 “NEW UNNUMBERED PARAGRAPH. Any”.
 10 3. Page 12, by striking lines 5 through 21.
 11 4. By striking page 14, line 34, through page 15,
 12 line 4, and inserting the following:
 13 “Any person designated by the commissioner, or by
 14 the”.
 15 5. Page 18, line 23, by inserting after the word
 16 “by” the following: “eligible electors equal in
 17 number to”.
 18 6. Page 18, line 27, by inserting after the word
 19 “by” the following: “eligible electors equal in
 20 number to”.
 21 7. Page 18, line 28, by striking the word
 22 “eligible” and inserting the following: “qualified”.

MICHAEL E. GRONSTAL

S-3620

1 Amend Senate File 411 as follows:
 2 1. Page 1, line 18, by striking the words “a
 3 majority” and inserting the following: “fifty-five
 4 percent”.

LINN FUHRMAN
 EMIL J. HUSAK

S-3621

1 Amend House File 418, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, by inserting after line 34 the
 4 following:
 5 “Sec. ____ . NEW SECTION. 139.43 STUDENT ATHLETES

6 --TESTING REQUIRED -- HIV AND HBV.

7 1. A person enrolled in a secondary school or an
8 institution of higher education in this state, who
9 participates in extracurricular interscholastic
10 athletic contests or competitions which involve
11 physical contact between the contestants, shall
12 undergo the following tests under the following
13 conditions:

14 a. An HIV-related test subject to the testing
15 requirements of chapter 141. The results of the test
16 shall be made available to an opposing contestant
17 prior to the contest or competition subject to the
18 confidentiality provisions of chapter 141.

19 b. An HBV test. The results of the test shall be
20 made available to the opposing contestant prior to the
21 contest or competition.

22 2. For the purposes of this section, "HIV-related
23 test" means HIV-related test as defined in section
24 141.21 and "HBV" means HBV as defined in section
25 139C.1."

26 2. Page 7, by inserting after line 10 the
27 following:

28 "Sec. ____ . Section 141.23, subsection 1, Code
29 1993, is amended by adding the following new
30 paragraph:

31 NEW PARAGRAPH. j. An opponent prior to an
32 extracurricular interscholastic athletic contest or
33 competition and the physician of the opponent, if
34 requested by the opponent, pursuant to section
35 139.43."

36 3. Title page, line 1, by striking the words "a
37 person" and inserting the following: "certain
38 persons".

39 4. Title page, line 2, by inserting after the
40 word "virus" the following: "including student
41 athletes and persons".

42 5. By renumbering as necessary.

RAY TAYLOR

S-3622

1 Amend House File 388, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking line 22 and inserting the
4 following: "communication towers, and".

5 2. Page 1, line 23, by inserting after the word
6 "and" the following: "other".

MICHAEL GRONSTAL

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 144

S-3623

- 1 Amend the Senate Amendment H-3703, to House File
2 144, as amended, passed, and reprinted by the House,
3 as follows:
- 4 1. Page 1, by striking line 15, and inserting the
5 following: "contributions in excess of five hundred
6 dollars in the aggregate, expend funds in excess of
7 five hundred dollars in the aggregate, or incur
8 indebtedness on".
- 9 2. Page 1, by striking lines 22 through 27.
- 10 3. Page 1, by inserting after line 33, the
11 following:
12 "___ . Page 7, line 17, by striking the words "the
13 governor, lieutenant governor,"."
- 14 4. Page 2, by inserting after line 12, the
15 following:
16 "___ . By striking page 11, line 35, through page
17 12, line 1, and inserting the following:
18 "1. A person who serves as a statewide elected
19 official, the executive or"."
- 20 5. Page 2, lines 20 and 21, by striking the words
21 "or the office of the governor".
- 22 6. Page 2, line 29, by inserting after the word
23 "duties" the following: ", unless the person is
24 designated, by the agency in which the person serves
25 or is employed, to represent the official position of
26 the agency".
- 27 7. Page 2, line 35, by inserting after the word
28 "employment" the following: ", unless the person is
29 designated, by the agency in which the person is
30 employed, to represent the official position of the
31 agency".
- 32 8. Page 2, lines 40 and 41, by striking the words
33 "or the office of the governor".
- 34 9. Page 3, by inserting after line 7, the
35 following:
36 "___ . Page 13, by striking line 13, and inserting
37 the following:
38 "1. No official All"."
- 39 10. Page 3, by striking lines 12 through 16.
- 40 11. Page 3, by striking lines 27 through 29 and
41 inserting the following:
42 "___ . Page 15, line 29, by striking the words
43 "Items of food and drink" and inserting the following:
44 "Nonmonetary items"."

- 45 12. Page 3, by striking lines 30 through 38.
46 13. By striking page 3, line 48, through page 4,
47 line 6.
48 14. Page 4, by striking lines 18 and 19.
49 15. Page 4, by inserting after line 22 the
50 following:

Page 2

- 1 " ____ . Page 20, by striking line 15 and inserting
2 the following:
3 "Sec. ____ . Section 68B.31, subsections 6, 8, and
4 9, Code 1993, are".
5 " ____ . Page 21, by inserting after line 12 the
6 following:
7 "8. If a hearing on the complaint is ordered the
8 ethics committee shall receive all admissible
9 evidence, determine any factual or legal issues
10 presented during the hearing, and make findings of
11 fact based upon evidence received. Hearings shall be
12 conducted in the manner prescribed in section 17A.12.
13 The rules of evidence applicable under section 17A.14
14 shall also apply in hearings before the ethics
15 committee. A ~~preponderance of clear~~ Clear and
16 convincing evidence shall be required to support a
17 finding that the member of the general assembly or
18 lobbyist before the general assembly has committed a
19 violation of this chapter. Parties to a complaint
20 may, subject to the approval of the ethics committee,
21 negotiate for settlement of disputes that are before
22 the ethics committee. Terms of any negotiated
23 settlements shall be publicly recorded. If a
24 complaint is filed or initiated less than ninety days
25 before the election for a state office, for which the
26 person named in the complaint is the incumbent
27 officeholder, the ethics committee shall, if possible,
28 set the hearing at the earliest available date so as
29 to allow the issue to be resolved before the election.
30 An extension of time for a hearing may be granted when
31 both parties mutually agree on an alternate date for
32 the hearing. The ethics committee shall make every
33 effort to hear all ethics complaints within three
34 months of the date that the complaints are filed.
35 However, after three months from the date of the
36 filing of the complaint, extensions of time for
37 purposes of preparing for hearing may only be granted
38 by the ethics committee when the party charged in the
39 complaint with the ethics violation consents to an
40 extension. If the party charged does not consent to
41 an extension, the ethics committee shall not grant any

42 extensions of time for preparation prior to hearing.
 43 All complaints alleging a violation of this chapter or
 44 the code of ethics shall be heard within nine months
 45 of the filing of the complaint. Final dispositions of
 46 violations, which the ethics committee have found to
 47 have been established by a preponderance of clear and
 48 convincing evidence, shall be made within thirty days
 49 of the conclusion of the hearing on the complaint.
 50 9. The ethics committee of each house shall

Page 3

1 maintain recommend rules for adoption by the
 2 respective house relating to the confidentiality of a
 3 complaint unless either the complainant or the alleged
 4 violation publicly discloses or information which has
 5 been filed or provided to the committee. Rules
 6 adopted shall provide for initial confidentiality of a
 7 complaint, unless the complaint has been publicly
 8 disclosed, and shall permit the ethics committee to
 9 treat some or all of the contents of a complaint or
 10 other information as confidential if the committee
 11 finds that the criteria established under section
 12 22.7, subsection 18, for keeping certain information
 13 confidential, are met. If the existence of a
 14 complaint or a preliminary investigation: ~~The is made~~
 15 public, the ethics committee, upon such a disclosure
 16 by the complainant or the alleged violator, may shall
 17 publicly confirm the existence of the complaint or
 18 preliminary inquiry and, in the ethics committee's
 19 discretion, make public the complaint or investigation
 20 and any documents which were issued to either any
 21 party to the complaint or investigation. However,
 22 this subsection shall not prevent the committee from
 23 furnishing the complaint or other information to the
 24 appropriate law enforcement authorities at any time.
 25 Upon commencement of a hearing on a complaint, all
 26 investigative material shall be made available to the
 27 subject of the hearing and any material that is
 28 introduced at the hearing shall be public
 29 information."

30 16. Page 5, line 40, by inserting after the
 31 figure "68B.35" the following: "PERSONAL".

32 17. Page 6, by striking line 15.

33 18. Page 7, line 11, by inserting after the word
 34 "house." the following: "The legislative council
 35 shall adopt rules for the time and manner for the
 36 filing of financial statements by legislative
 37 employees of the central legislative staff agencies."

38 19. By striking page 7, line 41; through page 8,

39 line 8.

40 20. Page 8, by inserting after line 23 the
41 following:

42 "____. Page 36, by striking lines 14 through 27
43 and inserting the following: "registration statement
44 at times and in the manner provided in this section.
45 Lobbyists engaged in lobbying activities before the
46 general assembly shall file the statement with the
47 chief clerk of the house of representatives or the
48 secretary of the senate. Lobbyists engaged in
49 lobbying activities before the office of the governor
50 or any state agency shall file the statement with the

Page 4

1 ~~executive council or with the agency before which the~~
2 ~~lobbyist is engaged in lobbying activities board.~~ The
3 chief clerk of the house and the secretary of the
4 senate shall provide appropriate registration forms to
5 lobbyists before the general assembly. The executive
6 ~~council board~~ shall prescribe appropriate registration
7 forms for lobbyists before the office of the governor
8 and state agencies. ~~Persons receiving registration~~
9 ~~statement".~~

10 ____ . Page 36, by striking line 34 and inserting
11 the following: "chief clerk of the house and the
12 secretary of the senate".

13 ____ . Page 37, by striking line 13 and inserting
14 the following: "the general assembly, on forms
15 prescribed by each house of the general assembly, a
16 report".

17 21. Page 9, by striking lines 2 and 3, and
18 inserting the following:

19 "____. Page 39, line 21, by striking the word
20 "subsections" and inserting the following:
21 "subsection".

22 "____. Page 39, by striking lines 22 through 26."

23 22. Page 9, line 5, by striking the word
24 "council" and inserting the following: "counsel".

25 23. Page 9, by striking lines 12 and 13, and
26 inserting the following: "or school office to receive
27 contributions in excess of five hundred dollars in the
28 aggregate, expend funds in excess of five hundred
29 dollars in the aggregate, or incur indebtedness on
30 behalf of the".

31 24. Page 9, line 36, by inserting after the word
32 "Act." the following: "However, members of the
33 campaign finance disclosure commission shall serve as
34 members of the ethics and campaign disclosure board
35 until the members of the new board are appointed.

36 Employees of the campaign finance disclosure
37 commission shall be retained as employees of the
38 ethics and campaign disclosure board until such time
39 as the board hires its own employees. Rules and
40 procedures of the campaign finance disclosure
41 commission shall remain in effect until amended or
42 rescinded by the ethics and campaign disclosure board.
43 Matters pending before the campaign finance disclosure
44 commission shall, upon the dissolution of the
45 commission and the creation of the board, be treated
46 as if commenced initially before the ethics and
47 campaign disclosure board and shall retain the same
48 status that the matters had before the commission.”
49 25. By numbering and renumbering and changing
50 internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 350

S-3624

1 Amend Senate File 350 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, by inserting after line 6, the
4 following:
5 “Sec. ____ . Section 22.7, Code 1993, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 29. The information contained in
8 records of the centralized employee registry created
9 in chapter 252G, except to the extent that disclosure
10 is authorized pursuant to chapter 252G.”
11 2. Page 1, by striking lines 10 through 12 and
12 inserting the following:
13 “1. “Compensation” means payment owed by the payor
14 of income for:
15 a. Labor or services rendered by an employee or
16 contractor to the payor of income.”
17 3. Page 1, by inserting after line 16 the
18 following:
19 “1A. “Contractor” means a natural person who is an
20 independent contractor, including an independent
21 trucking owner or operator.”
22 4. Page 1, by striking lines 19 through 22 and
23 inserting the following:
24 “a. The first day for which the employee or
25 contractor is owed compensation by the payor of
26 income.
27 b. The first day that an employee or contractor
28 reports to work or performs labor or services for the
29 payor of income.”

30 5. Page 1, by striking lines 30 through 32 and
 31 inserting the following: "employer in this state for
 32 compensation and for whom the employer withholds
 33 federal or state tax liabilities from the employee's
 34 compensation."

35 6. By striking page 1, line 34 through page 2,
 36 line 2 and inserting the following: "who engages an
 37 employee for compensation and for whom the employer
 38 withholds federal or state tax liabilities from the
 39 employee's compensation."

40 7. Page 2, by inserting before line 3 the
 41 following:

42 "7A. "Payor of income" includes both an employer
 43 and a person doing business in the state who engages a
 44 contractor for compensation."

45 8. Page 2, by striking lines 6 through 11 and
 46 inserting the following:

47 "a. The first day for which the employee or
 48 contractor is owed compensation by the payor of income
 49 following an unpaid absence of a minimum of six
 50 consecutive weeks.

Page 2

1 b. The first day that an employee or contractor
 2 reports to work or performs labor or services for the
 3 payor of income following an unpaid absence of a
 4 minimum of six consecutive weeks."

5 9. Page 2, line 35, by inserting after the word
 6 "employee" the following: "dependent".

7 10. Page 3, by striking lines 24 and 25, and
 8 inserting the following: "court in the county in
 9 which the employer has its principal place of
 10 business, or if the employer has no principal place of
 11 business, in any county in which an employee is
 12 performing labor or".

13 11. Page 3, by inserting after line 28, the
 14 following:

15 "Sec. ____ **NEW SECTION. 252G.3A ALTERNATIVE**
 16 **REPORTING REQUIREMENTS -- PENALTY.**

17 1. Beginning January 1, 1994, a payor of income to
 18 whom section 252G.3 is inapplicable, who engages a
 19 contractor on or after January 1, 1994, shall report
 20 all of the following to the registry within ten days
 21 of hiring or rehiring of a contractor:

22 a. The name, address, and federal identification
 23 number of the payor of income.

24 b. The contractor's name, address, social security
 25 number, and if known, the contractor's date of birth.

26 2. Payors of income to whom section 252G.3 is

27 inapplicable shall report under this section only when
28 all of the following conditions are met.

29 a. The contractor is not being engaged for the
30 sole purpose of performing services on the residential
31 property of the payor of income.

32 b. Payment of income under the contract is
33 reasonably expected to equal or exceed one thousand
34 dollars in any twelve-month period.

35 c. The contractor will perform labor or services
36 for a minimum period of two months.

37 3. A payor of income required to report under this
38 section may report the information required under
39 subsection 1 by any written means authorized by the
40 unit which results in timely reporting.

41 4. Information reported under this section shall
42 be received and maintained as provided in section
43 252G.2.

44 5. A payor of income required to report under this
45 section who fails to report is subject to the penalty
46 provided in section 252G.3, subsection 4."

47 12. Page 3, by striking lines 31 through 33 and
48 inserting the following:

49 "The records of the centralized employee registry
50 are confidential records pursuant to section 22.7, and

Page 3

1 may be accessed only by state agencies as provided in
2 this section. When a state agency accesses".

3 13. Page 10, line 26, by striking the words
4 "NEGOTIATION CONERENCE" and inserting the following:
5 "CONFERENCE".

6 14. Page 11, by striking lines 16 through 21, and
7 inserting the following:

8 "____. An explanation of the procedures for
9 determining the child support obligation and a request
10 for financial or income information as necessary for
11 application of the child support guidelines
12 established pursuant to section 598.21, subsection 4."

13 15. Page 11, by striking line 23 and inserting
14 the following: "conference with the unit to discuss
15 paternity establishment and the amount of".

16 16. Page 11, line 28, by striking the word
17 "negotiation".

18 17. Page 11, line 30, by striking the word
19 "negotiation".

20 18. Page 11, by striking lines 33 and 34, and
21 inserting the following: "putative father if the
22 putative father no longer denies paternity, whichever
23 is later, to send a written request for a hearing on

24 the issue of support to the unit.”
25 19. Page 11, line 35, by striking the word
26 “negotiation”.
27 20. Page 12, by striking lines 12 and 13 and
28 inserting the following: “results to the putative
29 father if the putative father no longer denies
30 paternity, whichever is later, to send a written
31 request for a hearing on the issue of support to the”.
32 21. Page 12, line 15, by striking the word
33 “negotiation”.
34 22. Page 12, by striking lines 21 through 23 and
35 inserting the following: “father if the putative
36 father no longer denies paternity, whichever is later,
37 to send a written request for a hearing on the issue
38 of support to the unit.”
39 23. Page 13, by inserting after line 1 the
40 following:
41 “1A. The time limitations established for the
42 notice provisions under subsection 1 are binding
43 unless otherwise specified in this chapter or waived
44 by the putative father pursuant to section 252F.8.”
45 24. Page 13, by striking line 5 and inserting the
46 following: “in which the child or children reside,
47 or, if the action is the result of a request from a
48 foreign jurisdiction of another state to establish
49 paternity of a putative father located in Iowa, in the
50 county in which the putative father resides. All

Page 4

1 subsequent documents filed or court hearings held
2 related to the action shall be in the district court
3 in the county in which notice was filed pursuant to
4 this subsection.”
5 25. Page 13, by striking lines 17 through 19 and
6 inserting the following: “putative father shall
7 submit, within twenty days of service of the notice
8 under subsection 1, a written denial of paternity”.
9 26. Page 13, line 25, by striking the word
10 “original”.
11 27. Page 14, line 8, by striking the word
12 “original”.
13 28. Page 14, by striking lines 13 through 17.
14 29. Page 14, line 24, by inserting after the word
15 “paternity.” the following: “A verified expert’s
16 report on test results which indicate a statistical
17 probability of paternity is sufficient authenticity of
18 the expert’s conclusion.”
19 30. Page 14, by striking lines 25 through 33.
20 31. Page 15, line 3, by striking the word

21 "review" and inserting the following: "a hearing".

22 32. Page 16, line 4, by striking the word

23 "negotiation".

24 33. Page 16, line 22, by striking the word

25 "negotiation".

26 34. Page 16, by inserting after line 29 the

27 following:

28 "3A. If paternity testing was performed and the
29 putative father was not excluded, and the putative
30 father fails to timely challenge paternity testing,
31 the administrator may enter an order against the
32 putative father declaring the putative father to be
33 the biological father of the child and assessing the
34 support obligation and accrued and accruing child
35 support pursuant to the guidelines established under
36 section 598.21, subsection 4, and medical support
37 pursuant to chapter 252E against the father."

38 35. By striking page 17, line 35 through page 18,
39 line 3, and inserting the following: "the county in
40 which the notice was filed pursuant to section 252F.3,
41 subsection 2."

42 36. Page 18, by striking lines 23 through 26, and
43 inserting the following: "filed in the district court
44 in the county in which the notice was filed pursuant
45 to section 252F.3, subsection 2. Upon filing, the
46 order has the same".

47 37. Page 18, by inserting after line 32 the

48 following:

49 "Sec. ____ . **NEW SECTION. 252F.8 WAIVER OF TIME**
50 **LIMITATIONS BY PUTATIVE FATHER.**

Page 5

1 1. A putative father may waive the time
2 limitations established in this chapter.

3 2. Upon receipt of a signed statement from the
4 putative father waiving the time limitations, the
5 administrator may enter an order establishing
6 paternity and support and the court may approve the
7 order, notwithstanding the expiration of the period of
8 the time limitations.

9 3. If a putative father waives the time
10 limitations and an order establishing paternity and
11 support is entered under this chapter, the signed
12 statement of the putative father waiving the time
13 limitations shall be filed with the order for
14 support."

15 38. Page 19, by inserting after line 5, the
16 following:

17 "Sec. ____ . Section 600B.41, subsection 7,

18 paragraph a, subparagraph (4), Code 1993, is amended
19 to read as follows:

20 (4) The action to overcome paternity is filed no
21 later than three years after the entry of an order
22 establishment of paternity."

23 39. Page 19, by striking lines 24 and 25 and
24 inserting the following: "support is ordered is
25 considered to be a member of the same household as the
26 child for the purposes of public assistance
27 eligibility."

28 40. Page 20, by striking lines 30 through 32 and
29 inserting the following: "provided that the person
30 owing the support is not considered to be a member of
31 the same household as the child for the purposes of
32 public assistance eligibility."

33 41. Page 21, line 19, by inserting after the word
34 "owing" the following: "unless the parties requested
35 and agreed to the suspension under false pretenses".

36 42. Page 22, by striking lines 24 through 29, and
37 inserting the following:

38 "b. That the obligor file with the unit on a
39 weekly basis a report of at least five new attempts to
40 find employment or of having found employment. The
41 report shall include the".

42 43. Page 23, by striking line 3 and inserting the
43 following: "recovery unit with".

44 44. Page 24, by striking lines 18 through 24 and
45 inserting the following:

46 "(2) The contemnor shall keep a record of and
47 provide the following information to the court at the
48 court's request, or to the child support recovery unit
49 established pursuant to chapter 252B, at the unit's
50 request, when the unit is providing enforcement

Page 6

1 services pursuant to chapter 252B:

2 (a) The duties performed as community service
3 during each week that the contemnor is subject to the
4 community service requirements.

5 (b) The number of hours of community service
6 performed during each week that the contemnor is
7 subject to the community service requirements."

8 45. Page 24, by inserting after line 30 the
9 following:

10 "Sec. ____ . Section 598.23A, subsection 3, Code
11 1993, is amended by striking the subsection."

12 46. Page 31, by striking lines 13 through 18 and
13 inserting the following:

14 "Sec. 101. Section 252B.13A, subsection 1, Code

15 1993, is amended to read as follows:

16 1. The department shall establish within the unit
 17 a collection services center for the receipt and
 18 disbursement of support payments as defined in section
 19 598.1 ~~as required pursuant to an order for which the~~
 20 ~~unit is providing enforcement services under this~~
 21 ~~chapter orders by section 252B.14.~~ For purposes of
 22 this section, support payments do not include attorney
 23 fees, or court costs, or property settlements.

24 Sec. 102. Section 252B.13A, subsections 2 and 3,
 25 Code 1993, are amended by striking the subsections.

26 Sec. 103. Section 252B.14, Code 1993, is amended
 27 to read as follows:

28 252B.14 SUPPORT PAYMENTS -- COLLECTION SERVICES
 29 CENTER -- CLERK OF THE DISTRICT COURT.

30 All support payments required pursuant to orders
 31 entered under this chapter and chapter 234, 252A,
 32 252C, 598, 600B, or any other chapter shall be
 33 directed and processed as follows:

34 1. For the purposes of this section, "support
 35 order" includes any order entered pursuant to chapter
 36 234, 252A, 252C, 598, 600B, or any other support
 37 chapter or proceeding which establishes support
 38 payments as defined in section 598.1.

39 2. If For support orders being enforced by the
 40 child support recovery unit is providing enforcement
 41 services for a support order, support payments made
 42 pursuant to the order shall be directed to and
 43 processed as follows: disbursed by the collection
 44 services center.

45 a. Payments made through income withholding, wage
 46 assignment, unemployment insurance offset, or tax
 47 offset shall be directed to and disbursed by the
 48 collection services center.

49 b. Payments made through electronic transfer of
 50 funds, including but not limited to use of an

Page 7

1 automated teller machine, a telephone initiated bank
 2 account withdrawal, or an automatic bank account
 3 withdrawal shall be directed to and disbursed by the
 4 collection services center.

5 c. Payments made through any other method shall be
 6 directed to the clerk of the district court in the
 7 county in which the order for support is filed and
 8 shall be disbursed by the collection services center.

9 23. If the child support recovery unit is not
 10 providing enforcement services for a support order For
 11 a support order as to which subsection 2 does not

12 apply, support payments made pursuant to the order
13 shall be directed to and disbursed by the clerk of the
14 district court in the county in which the order for
15 support is filed.

16 ~~§ 4. Payments to persons other than the clerk of~~
17 ~~the district court or the collection services center~~
18 ~~do not satisfy the support obligations created by a~~
19 ~~support order or judgment, except as provided for~~
20 ~~trusts and social security income in section sections~~
21 ~~252D.1, 598.22, or 598.23, or for tax refunds or~~
22 ~~rebates in section 602.8102, subsection 47, and except~~
23 ~~as provided in section 598.22A.~~

24 Sec. 104. Section 252B.15, subsections 1, 3, and
25 4, Code 1993, are amended by striking the subsections.

26 Sec. 105. Section 252B.16, Code 1993, is amended
27 by adding the following new subsection:

28 NEW SUBSECTION. 3. Once the responsibility for
29 receiving and disbursing support payments has been
30 transferred from a clerk of the district court to the
31 collection services center, the responsibility shall
32 remain with the collection services center even if the
33 child support recovery unit is no longer providing
34 enforcement services, unless redirected by court
35 order."

36 47. By striking page 32, line 35 through page 33,
37 line 13.

38 48. Page 33, by inserting after line 13 the
39 following:

40 "Sec. ____ . Section 252H.2, unnumbered paragraph 1,
41 if enacted by 1993 Iowa Acts, Senate File 349, section
42 25, is amended to read as follows:

43 252H.2 DEFINITIONS.

44 As used in this chapter, unless the context
45 otherwise requires "administrator", "caretaker",
46 "court order", "department", "dependent child",
47 "medical support", "~~public assistance~~", and
48 "responsible person", mean the same as defined in
49 section 252C.1."

50 49. Page 33, by inserting before line 14 the

Page 8

1 following:

2 "Sec. ____ . Section 598.21, subsection 4,
3 unnumbered paragraph 1, Code 1993, is amended to read
4 as follows:

5 The supreme court shall maintain uniform child
6 support guidelines and criteria and review the
7 guidelines and criteria at least once every four
8 years, pursuant to the federal Family Support Act of

9 1988, Pub. L. No. 100-485. The initial review shall
10 be performed within four years of October 12, 1989,
11 and subsequently within the four-year period of the
12 most recent review. It is the intent of the general
13 assembly that, to the extent possible within the
14 requirements of federal law, the court and the child
15 support recovery unit consider the individual facts of
16 each judgment or case in the application of the
17 guidelines and determine the support obligation, ac-
18 cordingly. It is also the intent of the general
19 assembly that in the supreme court's review of the
20 guidelines, the supreme court shall do both of the
21 following: emphasize the ability of a court to apply
22 the guidelines in a just and appropriate manner based
23 upon the individual facts of a judgment or case; and
24 in determining monthly child support payments,
25 consider other children for whom either parent is
26 legally responsible for support and other child
27 support obligations actually paid by either party
28 pursuant to a court or administrative order."

29 50. Page 34, by striking line 20 and inserting
30 the following: "public funds were expended. If the
31 support order did not direct payments to a clerk of
32 the district court or the collection services center,
33 and the support payments in question".

34 51. Page 35, by striking lines 5 through 18 and
35 inserting the following:

36 "Sec. 106. Section 642.23, Code 1993, is amended
37 to read as follows:

38 642.23 SUPPORT DISBURSEMENTS BY THE CLERK.

39 Notwithstanding the seventy-day period in section
40 626.16 for the return of an execution in garnishment
41 for the payment of a support obligation, the sheriff
42 shall promptly deposit any amounts collected with the
43 clerk of the district court, and the clerk shall
44 disburse the amounts, after subtracting applicable
45 fees, within ~~ten~~ two working days of ~~deposit to the~~
46 filing of an order condemning funds as follows:

47 a. To the person entitled to the support payments
48 when the clerk of the district court is the official
49 entity responsible for the receipt and disbursement of
50 support payments pursuant to section 252B.14.

Page 9

1 b. To the collection services center when the
2 collection services center is the official entity
3 responsible for the receipt and disbursement of
4 support payments pursuant to section 252B.14."

5 52. Page 35, by inserting after line 19, the

6 following:

7 "Sec. 107. REPEAL. 1990 Iowa Acts, chapter 1224,
8 section 1, as amended by 1991 Iowa Acts, chapter 62,
9 section 1, and 1992 Iowa Acts, chapter 1028, section
10 1, is repealed."

11 53. Page 35, by inserting after line 33 the
12 following:

13 "Sec. ____ . EFFECTIVE DATE. Sections 101 through
14 107 of this Act, being deemed of immediate importance,
15 take effect upon enactment."

16 54. Page 36, by striking lines 7 and 8.

17 55. Title page, by striking lines 2 and 3 and
18 inserting the following: "penalties and an effective
19 date."

20 56. By renumbering, relettering, or redesignating
21 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 326

S-3625

1 Amend Senate File 326, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 294A.12, unnumbered paragraph
6 2, Code 1993, is amended to read as follows:

7 It is the intent of the general assembly that
8 school districts and area education agencies
9 incorporate into their planning for performance-based
10 pay plans and supplemental pay plans, implementation
11 of recommendations from recently issued national and
12 state reports relating to the requirements of the
13 educational system for meeting future educational
14 needs, especially as they relate to the preparation,
15 working conditions, and responsibilities of teachers,
16 including but not limited to assistance to new
17 teachers, development of teachers as instructional
18 leaders in their schools and school districts, using
19 teachers for evaluation and diagnosis of other
20 teachers' techniques, and the implementation of
21 sabbatical leaves. It is also the intent of the
22 general assembly that a performance-based pay plan and
23 supplemental pay plan submitted by a district include
24 a parent involvement policy designed to increase
25 student achievement and self-esteem by bringing home
26 and school into closer relationship and that provides
27 methods by which parents and teachers may cooperate
28 intelligently in the education of children. It is

29 further the intent of the general assembly that real
 30 and fundamental change in the educational system must
 31 emerge from the school site if the education system is
 32 to remain relevant and that plans funded in this
 33 program must be an integral part of a comprehensive
 34 school district or area education agency effort toward
 35 meeting identified district or agency goals or needs."

36 2. Title page, by striking line 1, and inserting
 37 the following: "An Act relating to parent involvement
 38 policies in district and area education agency phase
 39 III plans, and to participation in family support
 40 programs."

41 3. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 409

S-3626

1 Amend Senate File 409, as passed by the Senate, as
 2 follows:

3 1. Page 1, line 6, by inserting after the word
 4 "in" the following: "1954,".

5 2. By renumbering as necessary.

S-3627

1 Amend Senate Joint Resolution 8 as follows:

2 1. Page 1, line 4, by inserting after the figure
 3 "XIII" the following: ", effective in the fiscal year
 4 following the calendar year of the general election at
 5 which an amendment to Article X, section 1, of the
 6 Constitution of the State of Iowa is ratified, which
 7 amendment would raise to sixty percent the percentage
 8 vote required for the electorate to ratify an
 9 amendment to the state Constitution".

AL STURGEON

S-3628

1 Amend Senate Joint Resolution 8 as follows:

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

4 "Sec. ____ . Section 1 of Article X of the
 5 Constitution of the State of Iowa is repealed
 6 beginning with the general election in the year 1996,
 7 and the following adopted in lieu thereof:

8 HOW PROPOSED -- SUBMISSION. Section 1. Any
 9 amendment or amendments to this Constitution may be

10 proposed in either House of the General Assembly; and
 11 if the same shall be agreed to by a majority of the
 12 members elected to each of the two Houses, such
 13 proposed amendment shall be entered on their journals,
 14 with the yeas and nays taken thereon, and referred to
 15 the Legislature to be chosen at the next general
 16 election, and shall be published, as provided by law,
 17 for three months previous to the time of making such
 18 choice; and if, in the General Assembly so next chosen
 19 as aforesaid, such proposed amendment or amendments
 20 shall be agreed to, by a majority of all the members
 21 elected to each House, then it shall be the duty of
 22 the General Assembly to submit such proposed amendment
 23 or amendments to the people, in such manner, and at
 24 such time as the General Assembly shall provide; and
 25 if the people shall approve and ratify such amendment
 26 or amendments, by at least sixty percent of the
 27 electors qualified to vote for members of the General
 28 Assembly, voting thereon, such amendment or amendments
 29 shall become a part of the Constitution of this
 30 State."

31 2. Page 5, line 10, by striking the word
 32 "amendment" and inserting the following:
 33 "amendments".

34 3. Page 5, line 11, by striking the word "is" and
 35 inserting the following: "are".

36 4. Page 5, line 14, by striking the word "it" and
 37 inserting the following: "them".

38 5. Title page, line 4, by inserting after the
 39 word "governments" the following: "and relating to
 40 ratification of amendments to the Constitution of the
 41 State of Iowa".

42 6. By renumbering as necessary.

AL STURGEON

S-3629

1 Amend House Concurrent Resolution 24 as follows:

2 1. Page 2, line 17, by striking the figure
 3 "16,380,000" and inserting the following:
 4 "18,580,000".

5 2. Page 3, line 6, by striking the figure
 6 "16,380,000" and inserting the following:
 7 "18,580,000".

8 3. Page 3, line 23, by striking the figure
 9 "16,380,000" and inserting the following:
 10 "18,580,000".

11 4. Page 3, by inserting after line 25 the follow-
 12 ing:

- 13 "Fire and environmental safety".
- 14 5. Page 3, line 27, by striking the figure
- 15 "8,939,000" and inserting the following: "9,939,000".
- 16 6. Page 3, by inserting after line 27 the follow-
- 17 ing:
- 18 "Iowa State University of Science and Technology
- 19 Fire and environmental safety
- 20 Cost of issuance of bonds
- 21 \$ 1,000,000".
- 22 7. Page 4, line 1, by striking the figure
- 23 "7,441,000" and inserting the following: "7,641,000".
- 24 8. Page 4, line 2, by striking the figure
- 25 "16,380,000" and inserting the following:
- 26 "18,580,000".
- 27 9. By renumbering as necessary.

RALPH ROSENBERG

S-3630

- 1 Amend House File 639, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 17 and 18 and
- 4 inserting the following: "damages from the".
- 5 2. Page 1, by inserting after line 20, the
- 6 following:
- 7 "However, if the property owner was not the owner
- 8 of the property during the period of time in which the
- 9 contamination occurred, or if the property owner has
- 10 taken no action which caused the release of a
- 11 hazardous substance resulting in the contamination or
- 12 has taken no action which exacerbated existing
- 13 contamination, the amount of damages the state may
- 14 recover under this subsection shall be limited to no
- 15 more than fifty percent of the fair market value of
- 16 the property."
- 17 3. Page 1, by inserting after line 27 the
- 18 following:
- 19 "The determination of the award under this
- 20 subsection shall only be made if at least one hundred
- 21 twenty days prior to the appraisalment, the state
- 22 conducted an environmental audit and provided the
- 23 property owner with a copy of the audit findings. The
- 24 state shall be responsible for the cost of conducting
- 25 the environmental audit.
- 26 If the property owner was not the owner of the
- 27 property during the period of time in which the
- 28 contamination occurred, or if the property owner has
- 29 taken no action which caused the release of a
- 30 hazardous substance resulting in the contamination or

31 has taken no action which exacerbated existing
 32 contamination, no more than fifty percent of the total
 33 amount of the costs which the state will incur because
 34 of the environmental contamination shall be subtracted
 35 from the fair market value of the property when
 36 determining the amount of the award under this
 37 subsection."

ANDY McKEAN

S-3631

1 Amend Senate File 196 as follows:
 2 1. Page 2, by inserting after line 22 the
 3 following:
 4 "Sec. ____ . NEW SECTION. 422.43A MORATORIUM.
 5 The general assembly shall not enact any new
 6 exemption or expand any existing exemption under this
 7 division or chapter 423. If such an exemption or
 8 expansion is enacted, it shall not go into effect
 9 until such time as the general fund of the state no
 10 longer has a deficit, as determined according to
 11 generally accepted accounting principles."

TONY BISIGNANO
 JOE J. WELSH
 LARRY MURPHY
 FLORENCE BUHR
 MIKE CONNOLLY
 JIM KERSTEN
 MAGGIE TINSMAN
 BILL PALMER
 RANDAL J. GIANNETTO
 MICHAEL E. GRONSTAL

S-3632

1 Amend House File 388, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, line 11, by inserting after the word
 4 "provider." the following: "Nonrecurring costs also
 5 include the reimbursement of political subdivisions
 6 for property tax revenues or other revenues used to
 7 fund an E911 service plan."

JOE WELSH

HOUSE AMENDMENT TO
SENATE FILE 245

S-3633

1 Amend Senate File 245, as passed by the Senate, as
2 follows:

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

5 "Sec. ____ . Section 504A.9, unnumbered paragraphs
6 2, 3, 5, 6, and 7, Code 1993, are amended to read as
7 follows:

8 The statement shall be delivered to the secretary
9 of state for filing and recording in the secretary of
10 state's office; ~~and the statement shall be filed and~~
11 ~~recorded in the office of the county recorder. If the~~
12 ~~registered office is changed from one county to~~
13 ~~another, the statement shall be filed and recorded in~~
14 ~~the office of the county recorder of the county to~~
15 ~~which the registered office is changed; and a~~
16 ~~certified copy of the statement shall be furnished by~~
17 ~~the secretary of state and delivered to the office of~~
18 ~~the county recorder for filing in the county in which~~
19 ~~the registered office was located prior to the filing~~
20 ~~of the statement.~~

21 If the registered office is changed from one county
22 to another, the corporation shall also cause to be
23 filed and recorded forthwith in the office of the
24 recorder of the county to which such registered office
25 is changed; its original articles of incorporation and
26 all amendments thereto; or copies thereof certified by
27 the secretary of state; or its restated articles and
28 all amendments thereto; or copies thereof certified by
29 the secretary of state. ~~The~~

30 The change of address of registered office or the
31 change of registered agent or agents or both
32 registered office and agent or agents, as the case may
33 be, shall become effective upon the filing of such
34 statement by the secretary of state; ~~but until such~~
35 ~~statement is recorded in the office of the recorder as~~
36 ~~above prescribed; service of process; notice or demand~~
37 ~~required or permitted by law to be served upon the~~
38 ~~corporation may be served upon the person who was its~~
39 ~~registered agent at its registered office prior to the~~
40 ~~filing of such statement with the same force and~~
41 ~~effect as if no change in registered office or~~
42 ~~registered agent had been made.~~

43 Any registered agent of a corporation may resign as
44 such agent upon filing a written notice thereof,
45 executed in duplicate, with the secretary of state,

46 who shall record one copy and forthwith mail the other
47 copy thereof to the corporation in care of an officer,
48 who is not the resigning registered agent, at the
49 address of such officer as shown by the most recent
50 annual report of the corporation. ~~The copy recorded~~

Page 2

1 ~~by the secretary of state shall be sent by the~~
2 ~~secretary to the county recorder of the county in~~
3 ~~which the registered office is located for recording~~
4 ~~in the county recorder's office.~~ The appointment of
5 such agent shall terminate upon the expiration of
6 thirty days after receipt of such notice by the
7 secretary of state.

8 The secretary of state may provide for the change
9 of registered office or registered agent on the form
10 prescribed by the secretary of state for the annual
11 report pursuant to section 504A.83, provided that the
12 form contains the information required in this
13 section. If the secretary of state determines that an
14 annual report does not contain the information
15 required by section 504A.83 but otherwise meets the
16 requirements of this section for the purpose of
17 changing the registered office or registered agent,
18 the secretary of state shall file the statement of
19 change of registered office or registered agent before
20 returning the annual report to the corporation
21 pursuant to section 504A.84. ~~The secretary of state~~
22 ~~shall deliver a notice certifying the change in~~
23 ~~registered office or registered agent to the office of~~
24 ~~the county recorder for filing and recording:~~ A
25 statement of change of registered office or registered
26 agent pursuant to this paragraph shall be executed by
27 a person authorized to execute the annual report.

28 Sec. ____ . Section 504A.30, Code 1993, is amended
29 to read as follows:

30 504A.30 FILING AND RECORDING OF ARTICLES OF
31 INCORPORATION.

32 The articles of incorporation shall be delivered to
33 the secretary of state for filing and recording in the
34 secretary of state's office, ~~and the same shall be~~
35 ~~filed and recorded in the office of the county~~
36 ~~recorder.~~ The secretary of state upon the filing of
37 such articles shall issue a certificate of
38 incorporation and send the ~~same~~ certificate to the
39 corporation or its representative.

40 Sec. ____ . Section 504A.32, subsection 1, paragraph
41 c, Code 1993, is amended by striking the paragraph.

42 Sec. ____ . Section 504A.37, Code 1993, is amended

43 to read as follows:

44 504A.37 FILING OF ARTICLES OF AMENDMENT.

45 The articles of amendment shall be delivered to the
46 secretary of state for filing and recording in the
47 secretary of state's office; ~~and the same shall be~~
48 ~~filed and recorded in the office of the county~~
49 ~~recorder.~~ The secretary of state upon the filing of
50 the articles of amendment shall issue a certificate of

Page 3

1 amendment and send the ~~same~~ certificate to the
2 corporation or its representative.

3 Sec. ____ . Section 504A.39, subsection 4,
4 unnumbered paragraph 4, Code 1993, is amended to read
5 as follows:

6 The restated articles of incorporation shall be
7 delivered to the secretary of state for filing and
8 recording in the secretary of state's office ~~and the~~
9 ~~same shall be filed and recorded in the office of the~~
10 ~~county recorder.~~

11 Sec. ____ . Section 504A.43, unnumbered paragraph 2,
12 Code 1993, is amended to read as follows:

13 The articles of merger or articles of consolidation
14 shall be delivered to the secretary of state for
15 filing and recording in the secretary of state's
16 office; ~~and the same shall be filed and recorded in~~
17 ~~the office of the recorder of each county in which the~~
18 ~~registered office of each domestic merging or~~
19 ~~consolidating corporation was located prior to the~~
20 ~~merger or consolidation and, if the new corporation~~
21 ~~into which the corporations have consolidated is a~~
22 ~~domestic corporation, in the office of the recorder of~~
23 ~~the county in which the registered office of the new~~
24 ~~corporation is located.~~

25 Sec. ____ . Section 504A.52, unnumbered paragraph 1,
26 Code 1993, is amended to read as follows:

27 Such articles of dissolution shall be delivered to
28 the secretary of state for filing and recording in the
29 secretary of state's office; ~~and the same shall be~~
30 ~~filed and recorded in the office of the county~~
31 ~~recorder.~~

32 Sec. ____ . Section 504A.62, Code 1993, is amended
33 to read as follows:

34 504A.62 FILING OF DECREE OF DISSOLUTION.

35 In case the court shall enter a decree dissolving a
36 corporation, it shall be the duty of the clerk of such
37 court to cause certified copies of the decree to be
38 filed with and recorded by the secretary of state ~~and~~
39 ~~the county recorder of the county in which is located~~

40 the corporation's registered office. No fee shall be
41 charged by the secretary of state or said county
42 recorder for the filing or recording thereof.
43 Sec. ____ . Section 504A.73, unnumbered paragraph 5,
44 Code 1993, is amended to read as follows:
45 The secretary of state may provide for the change
46 of registered office or registered agent on the form
47 prescribed by the secretary of state for the annual
48 report pursuant to section 504A.83, provided that the
49 form contains the information required in this
50 section. If the secretary of state determines that an

Page 4

1 annual report does not contain the information
2 required by section 504A.83 but otherwise meets the
3 requirements of this section for the purpose of
4 changing the registered office or registered agent,
5 the secretary of state shall file the statement of
6 change of registered office or registered agent before
7 returning the annual report to the corporation
8 pursuant to section 504A.84. The secretary of state
9 shall deliver a notice certifying the change in
10 registered office or registered agent to the office of
11 the county recorder for filing and recording. A
12 statement of change of registered office or registered
13 agent pursuant to this paragraph shall be executed by
14 a person authorized to execute the annual report.
15 Sec. ____ . Section 504A.87, unnumbered paragraph 6,
16 Code 1993, is amended to read as follows:
17 The secretary of state, upon filing the application
18 for reinstatement, shall issue a certificate of
19 reinstatement and file and record the same in the
20 secretary of state's office and, if the application
21 for reinstatement shall set forth a change in the name
22 of the corporation, as required by this section, the
23 same shall constitute an amendment to the articles of
24 incorporation of the corporation and the certificate
25 of reinstatement shall set forth such fact and shall
26 be filed and recorded in the office of the county
27 recorder. Upon the issuance of the certificate of
28 reinstatement, the corporation shall be entitled to
29 continue to act as a corporation for the unexpired
30 portion of its corporate period as fixed by its
31 articles of incorporation, except, that the
32 corporation shall not be entitled to use the name of
33 the corporation at the time of the issuance of the
34 certificate of cancellation if another corporation or
35 foreign corporation is entitled to use such name or
36 such name is then reserved as provided in this

37 chapter.

38 Sec. ____ . Section 504A.100, subsection 3,
39 paragraph c, Code 1993, is amended to read as follows:

40 c. As to domestic corporations such instrument
41 shall be delivered to the secretary of state for
42 filing and recording in the secretary of state's
43 office; and the same shall be filed and recorded in
44 the office of the county recorder.

45 If the county of the initial registered office as
46 stated in such instrument is one which is other than
47 the county wherein the principal office or place of
48 business of such corporation, as theretofore
49 designated in its articles of incorporation, was
50 located, the secretary of state shall forward also to

Page 5

1 the county recorder of the county in which the said
2 principal office or place of business of said
3 corporation was located a copy of such instrument and
4 the secretary shall forward to the recorder of the
5 county in which the initial registered office of such
6 corporation is located, in addition to the original of
7 such instrument, a copy of the articles of
8 incorporation of said corporation together with all
9 amendments thereto as then on file in the secretary of
10 state's office."

11 2. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 372

S-3634

1 Amend Senate File 372, as passed by the Senate, as
2 follows:

- 3 1. Page 1, line 1, by inserting before the word
4 "is" the following: "unnumbered paragraph 2,".
5 2. Page 1, by striking lines 3 through 24.

S-3635

1 Amend House File 400, as passed by the House, as
2 follows:

- 3 1. Page 1, line 6, by inserting after the word
4 "system" the following: "which is operated in a
5 manner consistent with the provisions of section
6 364.2, subsection 4".

7 2. Page 1, by inserting after line 10 the follow-
8 ing:

9 "Sec. ____ . Section 364.2, subsection 4, Code 1993,
 10 is amended by adding the following new paragraph:
 11 NEW PARAGRAPH. g. A cable communication or tele-
 12 vision service shall not be owned or operated by a
 13 city, and shall not be considered a city utility, as
 14 defined in section 362.2, subsection 6, in a community
 15 with an existing cable franchisee on terms more
 16 favorable or less burdensome than those of the
 17 existing operator pertaining to the following:
 18 (1) The area served and comparable timelines for
 19 providing service to such area.
 20 (2) Public, educational, or governmental access
 21 requirements.
 22 (3) Franchise fees or the equivalent of such fees.
 23 The provisions of this paragraph "g" do not apply
 24 to a cable communication or television service which
 25 is a city utility when the area in which the
 26 additional franchise is being sought is not actually
 27 being served by an existing cable communication
 28 company holding a franchise for the area. This
 29 paragraph "g" does not require a city utility to
 30 obtain a franchise to operate a cable communication or
 31 television system."
 32 2. Renumber as necessary.

RICHARD VARN

S-3636

1 Amend House File 418, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, by inserting after line 34 the
 4 following:
 5 "Sec. ____ . NEW SECTION. 139.43 STUDENT ATHLETES
 6 -- TESTING REQUIRED -- HIV AND HBV.
 7 1. A person enrolled in a secondary school or an
 8 institution of higher education in this state, who
 9 participates in extracurricular interscholastic
 10 athletic contests or competitions which involve
 11 physical contact between the contestants, shall
 12 undergo the following tests under the following
 13 conditions:
 14 a. An HIV-related test subject to the testing
 15 requirements of chapter 141. The results of the test
 16 shall be made available to an opposing contestant
 17 prior to the contest or competition subject to the
 18 confidentiality provisions of chapter 141.
 19 b. An HBV test. The results of the test shall be
 20 made available to the opposing contestant prior to the
 21 contest or competition.

22 2. For the purposes of this section, "HIV-related
23 test" means HIV-related test as defined in section
24 141.21 and "HBV" means HBV as defined in section
25 139C.1."

26 2. Page 7, by inserting after line 10 the
27 following:

28 "Sec. ____ . Section 141.23, subsection 1, Code
29 1993, is amended by adding the following new
30 paragraph:

31 NEW PARAGRAPH. j. An opponent prior to an
32 extracurricular interscholastic athletic contest or
33 competition and the physician of the opponent, if
34 requested by the opponent, pursuant to section
35 139.43."

36 3. Title page, lines 1 and 2, by striking the
37 words "a person for the human immunodeficiency virus"
38 and inserting the following: "certain persons for
39 certain viruses including student athletes and
40 persons".

41 4. By renumbering as necessary.

RAY TAYLOR

S-3637

1 Amend Senate File 405 as follows:

2 1. Page 2, line 24, by inserting after the word
3 "plastic," the following: "scrap metal,".

4 2. Title page, line 2, by inserting after the
5 word "of" the following: "scrap metal,".

MAGGIE TINSMAN

HOUSE AMENDMENT TO
SENATE FILE 398

S-3638

1 Amend Senate File 398, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, line 4, by inserting after the word
4 "However," the following: "in the case of a
5 residential lease,".

6 2. Page 6, line 26, by striking the words "county
7 treasurer real property owner" and inserting the
8 following: "county treasurer".

9 3. By striking page 9, line 17 through page 10,
10 line 4.

11 4. Page 10, by striking lines 10 through 18.

12 5. Page 10, by striking lines 19 through 35.

13 6. By renumbering, relettering, or redesignating
14 and correcting internal references as necessary.

S-3639

1 Amend Senate File 418 as follows:

2 1. Page 1, by inserting after line 15 the follow-
3 ing:

4 "Sec. ____ . Section 368.1, Code 1993, is amended by
5 adding the following new subsection:

6 "NEW SUBSECTION. 10A. "Public utility" means a
7 public utility subject to regulation pursuant to
8 chapter 476."

9 2. Page 1, line 27, by inserting after the word
10 "way" the following: "and each affected public
11 utility".

12 3. Page 2, line 11, by inserting after the word
13 "supervisors," the following: "each affected public
14 utility".

15 4. Page 2, line 31, by inserting after the word
16 "territory," the following: "each affected public
17 utility".

18 5. Page 6, line 29, by inserting after the word
19 "involved," the following: "each affected public
20 utility".

21 6. Page 9, by inserting after line 6 the
22 following:

23 "Sec. ____ . NEW SECTION. 368.23 FEES AND TAXES OF
24 PUBLIC UTILITIES.

25 Additional or increased fees or taxes, other than
26 ad valorem taxes, imposed on a public utility as a
27 result of an annexation of territory to a city shall
28 become effective sixty days after the effective date
29 of the annexation."

JIM RIORDAN
ALBERT G. SORENSEN

HOUSE AMENDMENT TO
SENATE FILE 142

S-3640

1 Amend Senate File 142, 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 100. NEW SECTION. 80.26A MOTORCYCLE
6 SAFETY FUNDING.

7 A portion of the moneys diverted to state highway

8 safety education projects by the federal government
9 pursuant to the federal Intermodal Surface
10 Transportation Efficiency Act of 1991, if a mandatory
11 helmet law required by that Act is not enacted by this
12 state, shall be used for motorcycle safety education
13 and programming to include a motorcycle awareness
14 educational program for motorists.

15 Sec. 150. Section 321.34, Code 1993, as amended by
16 1993 Iowa Acts, Senate File 18, section 1, is amended
17 by adding the following new subsection:

18 NEW SUBSECTION. 17. MOTORCYCLE HELMET PLATES.

19 The owner of a motorcycle or motorized bicycle subject
20 to registration under this chapter who does not agree
21 to comply with the requirements of section 321.444A,
22 subsection 1, may, upon written application to the
23 department, order a special plate under this
24 subsection. The plate shall be designed by the
25 department so as to be readily distinguishable from a
26 motorcycle plate not issued pursuant to this
27 subsection. The application is subject to approval by
28 the department and the special registration plate
29 shall be issued in exchange for the registration plate
30 previously issued to the person. The fee for the
31 special plate shall be the same as the fee for a
32 motorcycle plate not issued pursuant to this
33 subsection. The department shall validate the special
34 plate in the same manner as a regular registration
35 plate is validated under this section."

36 2. Page 1, line 12, by inserting after the word
37 "bicycles" the following: "with a motorcycle helmet
38 plate issued pursuant to section 321.34, subsection
39 17, and".

40 3. Page 1, line 14, by striking the word
41 "fifteen" and inserting the following: "twenty-
42 eight".

43 4. Page 1, line 18, by inserting after the word
44 "fee" the following: "on all motorcycles and
45 motorized bicycles with a motorcycle helmet plate".

46 5. Page 2, by inserting after line 27 the
47 following:

48 "Sec. ____ . NEW SECTION. 321.444A HELMETS.

49 1. A motorcycle or motorized bicycle shall not be
50 operated upon a highway unless the person who is

Page 2

1 operating or riding the vehicle is wearing protective
2 headgear which complies with standards and
3 specifications established under 49 C.F.R. § 571.218.
4 For purposes of this section, "wearing protective

5 headgear” means having a safety helmet on the person’s
6 head that is fastened with the helmet straps and that
7 is of a size that fits the person’s head securely
8 without excessive lateral or vertical movement.

9 2. A person shall not possess for the purpose of
10 sale, offer for sale, or sell protective headgear for
11 use by a person operating or riding upon a motorcycle
12 or motorized bicycle, unless the equipment meets the
13 standards and specifications required under this
14 section.

15 3. A person who violates this section shall be
16 required to order motorcycle helmet plates issued
17 under section 321.34, subsection 17, for each
18 motorcycle or motorized bicycle the person owns and to
19 register each motorcycle or motorized bicycle in
20 accordance with section 321.117.

21 4. This section shall not apply to an operator or
22 rider of a motorcycle or a motorized bicycle if the
23 operator or rider is nineteen years old or older and
24 the motorcycle or motorized bicycle has a motorcycle
25 helmet plate issued in accordance with section
26 321.117.

27 5. This section shall not apply to a person
28 operating a motorcycle or motorized bicycle in a
29 parade.

30 6. This section shall not apply to an operator or
31 rider on a motorcycle or motorized bicycle with a
32 motorcycle helmet plate issued pursuant to section
33 321.34, subsection 17.

34 Sec. ____ . Section 805.8, subsection 2, paragraph
35 e, Code 1993, is amended to read as follows:

36 e. For improperly used or nonused or defective or
37 improper equipment under sections 321.383, 321.384,
38 321.385, 321.386, 321.398, 321.402, 321.403, 321.404,
39 321.409, 321.419, 321.420, 321.423, 321.430, and
40 321.433, the scheduled fine is twenty dollars. For
41 failing to wear protective headgear as required under
42 section 321.444A, the scheduled fine is fifty dollars
43 for an operator and twenty-five dollars for a
44 passenger.”

45 6. Page 2, line 31, by striking the words and
46 figure “section 1 of” and inserting the following:
47 “section 150 of this Act, the amendment to section
48 321.117 adopted in section 1 of this Act, section
49 321.444A as enacted in this Act, and the amendment to
50 section 805.8, subsection 2, paragraph “e”, adopted

Page 3

- 1 in".
- 2 7. Page 2, by inserting after line 33 the
3 following:
- 4 "Sec. ____ . This Act takes effect October 1, 1993."
- 5 8. Title page, line 3, by inserting after the
6 word "headgear" the following: ", providing for
7 motorcycle helmet plates, and additional registration
8 fees, motorcycle awareness programming,".
- 9 9. Title page, line 4, by inserting after the
10 word "provision" the following: "and providing an
11 effective date".
- 12 10. By renumbering, relettering, or redesignating
13 and correcting internal references as necessary.

S-3641

- 1 Amend House File 136, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 16 through page 3,
4 line 33, and inserting the following:
- 5 "____ . The pound or animal shelter maintaining
6 custody of the dog or cat may require that a person
7 being transferred ownership of the dog or cat
8 reimburse the pound or animal shelter for the amount
9 in expenses incurred by the pound or animal shelter in
10 sterilizing the dog or cat, if the dog or cat is
11 sterilized prior to the transfer of ownership of the
12 dog or cat to the person.
- 13 ____ . a. The sterilization agreement may be on a
14 form which shall be prescribed by the department. The
15 agreement shall contain the signature and address of
16 the person receiving custody of the dog or cat, and
17 the signature of the representative of the pound or
18 animal shelter.
- 19 b. The sterilization shall be completed as soon as
20 practicable, but prior to the transfer of the
21 ownership of the dog or cat by the pound or animal
22 shelter. The pound or animal shelter may grant an
23 extension of the period required for the completion of
24 the sterilization if the extension is based on a
25 reasonable determination by a licensed veterinarian.
- 26 c. A pound or animal shelter shall transfer
27 ownership of a dog or cat, conditioned upon the
28 confirmation that the sterilization has been completed
29 by a licensed veterinarian who performed the
30 procedure. The confirmation shall be a receipt
31 furnished by the office of the attending veterinarian.
- 32 d. A person who fails to satisfy the terms of the

33 sterilization agreement shall return the dog or cat
 34 within twenty-four hours following receipt of a demand
 35 letter which shall be delivered to the person by the
 36 pound or animal shelter personally or by certified
 37 mail.

38 — . a. A person who does not comply with the
 39 provisions of a sterilization agreement is guilty of a
 40 simple misdemeanor.

41 b. A person who fails to return a dog or cat upon
 42 receipt of a demand letter is guilty of a simple
 43 misdemeanor.

44 c. A pound or animal shelter which knowingly fails
 45 to”.

46 2. Page 4, line 5, by inserting after the word
 47 “state” the following: “and are appropriated on July
 48 1 of each year in equal amounts to each track licensed
 49 to race dogs to support the racing dog adoption
 50 program as provided in section 99D.27”.

Page 2

1 3. Page 5, line 2, by inserting after the word
 2 “paragraph.” the following: “The class B dealer shall
 3 not transfer a dog to an institution or research
 4 facility, if the dog is a greyhound registered with
 5 the national greyhound association and the dog raced
 6 at a track associated with pari-mutuel racing, unless
 7 the class B dealer receives written approval of the
 8 transfer from a person who owned an interest in the
 9 dog while the dog was racing.”

10 4. By renumbering as necessary.

BERL E. PRIEBE

S-3642

1 Amend the House amendment, S-3527, to Senate File
 2 394, as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 39, the
 4 following:

5 “ — . Page 3, line 3, by striking the words
 6 “inspections and appeals” and inserting the following:
 7 “human services”.

8 — . Page 3, lines 16 and 17, by striking the
 9 words “inspections and appeals” and inserting the
 10 following: “human services”.

11 — . Page 3, line 22, by striking the words
 12 “inspections and appeals” and inserting the following:
 13 “human services”.

14 — . Page 3, line 24, by striking the words

- 15 "inspections and appeals" and inserting the following:
16 "human services".
17 ____ . Page 3, lines 29 and 30, by striking the
18 words "inspections and appeals" and inserting the
19 following: "human services".
20 ____ . Page 3, line 34, by striking the words
21 "inspections and appeals" and inserting the following:
22 "human services".
23 ____ . Page 4, line 5, by striking the words
24 "inspections and appeals" and inserting the following:
25 "human services".
26 ____ . Page 4, lines 7 and 8, by striking the words
27 "inspections and appeals" and inserting the following:
28 "human services".
29 ____ . Page 4, line 11, by striking the words
30 "inspections and appeals" and inserting the following:
31 "human services".
32 ____ . Page 4, line 18, by striking the words
33 "inspections and appeals" and inserting the following:
34 "human services".
35 ____ . Page 4, line 22, by striking the words
36 "inspections and appeals" and inserting the following:
37 "human services".
38 ____ . Page 4, line 27, by striking the words
39 "inspections and appeals" and inserting the following:
40 "human services".
41 ____ . Page 4, line 30, by striking the words
42 "inspections and appeals" and inserting the following:
43 "human services".
44 ____ . Page 5, lines 10 and 11, by striking the
45 words "or the department of inspections and appeals".
46 ____ . Page 5, line 16, by striking the words
47 "inspections and appeals" and inserting the following:
48 "human services".
49 ____ . Page 5, line 24, by striking the words
50 "inspections and appeals" and inserting the following:

Page 2

- 1 "human services".
2 ____ . Page 6, line 1, by striking the words
3 "inspections and appeals" and inserting the following:
4 "human services".
5 ____ . Page 6, line 7, by striking the words
6 "inspections and appeals" and inserting the
7 following: "human services".
8 2. Page 1, by inserting after line 40, the
9 following:
10 " ____ . Page 7, by striking lines 2 through 4 and
11 inserting the following: "administered by the

- 12 department of human services. All administrative
13 discretion in the.”
14 3. Renumber as necessary.

RICHARD VARN

S-3643

- 1 Amend the amendment, S-3630, to House File 639, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 16, by inserting after the word
5 “property.” the following: “However, this limitation
6 shall not apply if a reasonable person would have
7 known that there was a likelihood of contamination on
8 the property.”
9 2. Page 1, line 25, by inserting after the word
10 “audit.” the following: “The state shall have
11 authority to enter onto private property for the
12 purposes of conducting an environmental audit under
13 this section.”
14 3. Page 1, line 37, by inserting after the word
15 “subsection.” the following: “However, this
16 limitation shall not apply if a reasonable person
17 would have known that there was a likelihood of
18 contamination on the property.”

ANDY McKEAN

S-3644

- 1 Amend House File 576, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 15, line 7, by inserting after the word
4 “services” the following: “for individuals who reside
5 in the district for which the candidate is seeking
6 election, as defined by rules adopted by the
7 commission”.

JIM LIND

S-3645

- 1 Amend House File 576, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by inserting after line 4, the
4 following:
5 “Sec. ____ . Section 56.15A, Code 1993, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. A candidate for state

8 office shall not solicit campaign contributions from a
9 registered lobbyist at any time.”
10 2. By numbering and renumbering as necessary.

JIM LIND

S-3646

1 Amend House File 388, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, line 24, by inserting after the word
4 “point” the following: “and may also include costs
5 for radio-related computer hardware and software”.

WAYNE BENNETT

S-3647

1 Amend House File 388, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 11 the
4 following:
5 “Nonrecurring costs also include the reimbursement
6 of political subdivisions for property tax revenues or
7 other revenues used for the payment of costs directly
8 related to the implementation of a state-approved E911
9 service plan prior to July 1, 1993. Such
10 reimbursement shall be at a rate not to exceed twenty
11 percent of the total reimbursable amount in any one
12 year until the amount has been totally reimbursed.”

MIKE CONNOLLY
JOE J. WELSH

S-3648

1 Amend House File 388, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, line 11, by inserting after the word
4 “provider.” the following: “Nonrecurring costs also
5 include the reimbursement of political subdivisions
6 for property tax revenues or other revenues used to
7 fund E911 service equipment.”

JOE WELSH

S-3649

1 Amend House File 632, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 22 and 23 and
 4 inserting the following: "including a boiler, an
 5 industrial furnace, and a kiln."

EUGENE FRAISE

S-3650

1 Amend Senate file 157 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. Section 481A.24, Code 1993, is amended
 5 to read as follows:

6 481A.24 USE OF MOBILE TRANSMITTER PROHIBITED.

7 A person who is hunting shall not use a mobile
 8 radio transmitter to communicate the location or
 9 direction of game or fur-bearing animals or to ~~co-~~
 10 ~~ordinate~~ coordinate the movement of other hunters.
 11 This section does not apply to the hunting of coyotes
 12 ~~from January 1 through March 31~~ except during the
 13 shotgun deer season as set by the commission under
 14 section 481A.38."

15 2. Title page, by striking lines 1 through 3 and
 16 inserting the following: "An Act allowing the use of
 17 mobile transmitters to hunt coyotes and subjecting
 18 violators to an existing scheduled fine."

BILL FINK

S-3651

1 Amend House File 639, as amended, passed, and re-
 2 printed by the House, as follows:

3 1. Page 1, by inserting after line 34 the follow-
 4 ing:

5 "Sec. ____ . NEW SECTION. 455B.192 LOCAL GOVERN-
 6 MENT -- PENALTIES.

7 Notwithstanding sections 331.302, 331.307, 364.3,
 8 and 364.22, a city or county may assess a civil
 9 penalty for a violation of this division which is
 10 equal to the amount the department has assessed for a
 11 violation under this division."

12 2. Title page, line 2, by inserting after the
 13 word "property" the following: "and civil penalties
 14 for local governmental water quality violations".

15 3. By renumbering as necessary.

JEAN LLOYD-JONES

S-3652

1 Amend the amendment, S-3631, to Senate File 196 as
2 follows:
3 1. Page 1, by inserting after line 11 the
4 following:
5 " ____ . Page 3, line 2, by striking the word and
6 figures "July 1, 1993," and inserting the following:
7 "upon the effective date of the amendment to section
8 422.42, subsection 11, as provided in section 1 of
9 this Act".

TONY BISIGNANO
WILLIAM D. PALMER
FLORENCE D. BUHR

S-3653

1 Amend Senate File 196 as follows:
2 1. Page 2, by inserting after line 22 the
3 following:
4 "Sec. ____ . NEW SECTION. 422.43A MORATORIUM.
5 The general assembly shall not enact any new
6 exemption or expand any existing exemption under this
7 division or chapter 423. If such an exemption or
8 expansion is enacted, it shall not go into effect
9 until such time as the general fund of the state no
10 longer has a deficit, as determined according to
11 generally accepted accounting principles.
12 This section does not apply to the amendments made
13 to section 422.42, subsection 11, section 422.45,
14 subsection 21, and section 423.1, subsection 12, as
15 enacted in sections 1, 2, and 3 of this Act,
16 respectively."

TONY BISIGNANO

S-3654

1 Amend House File 644, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the follow-
4 ing:
5 "Sec. ____ . Section 455G.9, subsection 5, Code
6 1993, is amended by adding the following new
7 unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. The board shall
9 establish as the highest priority the completion of
10 site cleanup reports for all eligible sites and the
11 remediation of high risk sites classified under

- 12 section 455B.474, subsection 1, paragraph "d".
- 13 2. Title page, line 3, by inserting after the
- 14 word "tanks" the following: "and relating to
- 15 prioritization".
- 16 3. By renumbering as necessary.

JIM KERSTEN

S-3655

1 Amend Senate File 419 as follows:

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

4 "Sec. 100. 1991 Iowa Acts, chapter 264, section
5 905, is amended to read as follows:
6 SEC. 905.

7 1. Notwithstanding the restrictions relating to
8 the transfer and use of moneys in the utilities trust
9 fund in section 476.10, ~~the insurance revolving fund~~
10 ~~in section 505.7~~, the banking revolving fund in
11 section 524.207, the credit union revolving fund in
12 section 533.67, and the professional licensing
13 revolving fund in section 546.10, the cash balances in
14 those ~~five~~ four funds resulting from covered charges
15 to regulated industries for purposes of cash flow and
16 the build-up of surplus balances remaining on June 30,
17 1991, shall be transferred to the general fund of the
18 state. However, state general fund cash balances
19 shall be available from the general fund of the state
20 to the utilities division, ~~insurance division~~, banking
21 division, credit union division, and the professional
22 licensing and regulation division for cash flow
23 purposes to enable the timely payment of expenses
24 without regard to seasonal cash flow for the fiscal
25 years ending June 30, 1992, and June 30, 1993. Upon
26 completion of the fiscal year ending June 30, ~~1993~~
27 1995, ~~any amount the following amounts~~ transferred to
28 the general fund of the state from each of those ~~five~~
29 four funds shall be returned to the fund from which
30 the amount was transferred:-

31	a. <u>To the utilities trust fund created in section</u>	
32	<u>476.10:</u>	
33	.....	\$ <u>2,341,202</u>
34	b. <u>To the banking revolving fund created in</u>	
35	<u>section 524.207, and including an amount to the</u>	
36	<u>savings and loan revolving fund:</u>	
37	.....	\$ <u>639,647</u>
38	c. <u>To the credit union revolving fund created in</u>	
39	<u>section 533.67:</u>	
40	.....	\$ <u>211,506</u>

41 d. To the professional licensing revolving fund
 42 created in section 546.10:
 43 \$ 619,381
 44 2. Notwithstanding the restrictions relating to
 45 the use of the moneys in the fertilizer fund in
 46 section 200.9, and the pesticide fund in section
 47 206.12, subsection 3, cash balances remaining on June
 48 30, 1991, that are not needed to pay expenses of the
 49 fiscal year ending June 30, 1991, are transferred to
 50 the general fund of the state. However, state general

Page 2

1 fund cash balances shall be available from the general
 2 fund of the state to the department of agriculture and
 3 land stewardship for cash flow purposes to enable the
 4 timely payment of expenses incurred for purposes for
 5 which moneys in the fertilizer and pesticide funds are
 6 to be used for the fiscal years ending June 30, 1992,
 7 and June 30, 1993. Upon completion of the fiscal year
 8 ending June 30, ~~1993~~ 1995, any amount the following
 9 amounts transferred to the general fund of the state
 10 from each of those two funds shall be returned to the
 11 fund from which the amount was transferred:

12 a. To the fertilizer fund created in section
 13 200.9:
 14 \$ 135,739
 15 b. To the pesticide fund created in section
 16 206.12.
 17 \$ 580,581

18 Sec. ____ . In the event the Seventy-fifth General
 19 Assembly, 1993 Session, enacts legislation requiring
 20 that in certain fiscal years moneys shall be credited
 21 to or deposited in the general fund of the state which
 22 under law would otherwise be credited to or deposited
 23 in any of the following funds, the following
 24 provisions shall apply in the fourth quarter of the
 25 fiscal year before the fiscal year in which the funds
 26 shall again be credited to or deposited in the
 27 indicated fund:

28 1. The utilities board shall collect in advance
 29 from the utilities regulated by the board, a
 30 sufficient amount which shall be carried over into the
 31 succeeding fiscal year and deposited into the
 32 utilities trust fund created in section 476.10 to
 33 continue and maintain the functions under the
 34 authority of the board which are payable from the fund
 35 at the start of the succeeding fiscal year.

36 2. The superintendent of banking shall collect in
 37 advance from banks and savings and loan associations

38 regulated by the superintendent, a sufficient amount
 39 which shall be carried over into the succeeding fiscal
 40 year and deposited into the banking revolving fund
 41 created in section 524.207 to continue and maintain
 42 the functions under the authority of the
 43 superintendent which are payable from the fund at the
 44 start of the succeeding fiscal year.

45 3. The superintendent of credit unions shall
 46 collect in advance from credit unions regulated by the
 47 superintendent, a sufficient amount which shall be
 48 carried over into the succeeding fiscal year and
 49 deposited into the credit union revolving fund created
 50 in section 533.67 to continue and maintain the

Page 3

1 functions under the authority of the superintendent
 2 which are payable from the fund at the start of the
 3 succeeding fiscal year.

4 4. The administrative entity charged with
 5 administration of the professional licensing revolving
 6 fund created in section 546.10 shall collect in
 7 advance fees collected under chapters 542B, 542C,
 8 543D, 544A, and 544B from professions regulated under
 9 those chapters, a sufficient amount, which shall be
 10 carried over into the succeeding fiscal year and
 11 deposited into the professional licensing revolving
 12 fund to continue and maintain the regulation functions
 13 which are payable from the fund at the start of the
 14 succeeding fiscal year."

15 2. Page 2, by striking line 7 and inserting the
 16 following:

17 "Sec. ____ . CONTINGENT ACT AND EFFECTIVE DATES.

18 1. Section 100 of this Act takes effect June 30,
 19 1993.

20 2. Section 1 of this Act,".

21 3. By renumbering as necessary.

MICHAEL GRONSTAL
 DERRYL McLAREN

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 83

S-3656

1 Amend the Senate amendment, H-4205, to House File
 2 83, as amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 1, by inserting after line 27 the
 5 following:
 6 "Sec. ____ . This Act, being deemed of immediate
 7 importance, takes effect upon enactment."
 8 2. Page 1, line 30, by inserting after the word
 9 "penalties" the following: "and providing an
 10 effective date".
 11 3. By numbering and renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 278

S-3657

- 1 Amend Senate File 278, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 1 through 30.
 4 2. Title page, by striking lines 3 and 4 and
 5 inserting the following: "requirements".
 6 3. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 163

S-3658

- 1 Amend Senate File 163, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 1 through 19.
 4 2. Page 2, line 25, by striking the word "only"
 5 and inserting the following: "and for promotions".
 6 3. Page 2, line 33, by inserting after the word
 7 "exist." the following: "However, for original
 8 appointments only, no more than four lists of ten
 9 persons each shall be certified for each one-year
 10 period of eligibility."
 11 4. By striking page 2, line 34, through page 3,
 12 line 19.
 13 5. Page 4, by inserting after line 30, the
 14 following:
 15 "Sec. ____ . TRANSITION. Notwithstanding section 4
 16 of this Act, if a list for promotion is certified
 17 between July 1, 1992, and June 30, 1993, and is not
 18 exhausted within one year, the commission shall
 19 certify an additional list of ten persons in order of
 20 their standing as of the date of certification of the
 21 initial list in anticipation of additional vacancies
 22 for the eligibility period. This additional list
 23 shall be certified to the council as eligible for

24 appointment to fill such vacancies as may exist.”

25 6. By renumbering as necessary.

S-3659

1 Amend the House amendment, S-3640, to Senate File
2 142, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 15 through 45.

5 2. Page 1, line 50, by inserting after the word
6 “highway” the following: “by a person who is eighteen
7 years of age or younger”.

8 3. Page 2, by striking lines 15 through 26.

9 4. Page 2, by striking lines 30 through 33.

10 5. Page 2, line 47, by striking the words
11 “section 150 of this Act.”

12 6. Page 3, line 7, by striking the words
13 “motorcycle helmet plates, and”.

14 7. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-3660

1 Amend House File 576, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 7, line 5, through page 14,
4 line 18.

5 2. Title page, line 2, by striking the word
6 “commission,” and inserting the following:
7 “commission and”.

8 3. Title page, by striking lines 4 and 5, and
9 inserting the following: “political committees.”

10 4. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3661

1 Amend the amendment, S-3655, to Senate File 419 as
2 follows:

3 1. Page 2, by inserting after line 17 the
4 following:

5 “3. The following amount collected for motor
6 vehicle fraud law enforcement and prosecution
7 deposited in the motor vehicle fraud account pursuant
8 to section 312.2, subsection 13, which was transferred
9 to the general fund of the state pursuant to 1991 Iowa
10 Acts, chapter 260, section 1101, shall be returned to
11 the account upon completion of the fiscal year ending

12 June 30, 1995:

13 \$ 425,000".
 14 2. By renumbering as necessary.

MICHAEL GRONSTAL

S-3662

1 Amend House File 400, as passed by the House, as
 2 follows:
 3 1. Page 1, line 6, by inserting after the word
 4 "system" the following: "but not including a
 5 telephone system".

RICHARD VARN

S-3663

1 Amend House File 400, as passed by the House, as
 2 follows:
 3 1. Page 1, line 10, by inserting after the word
 4 "utility." the following: "A city utility does not
 5 mean a cable communication or television system
 6 operated under terms and conditions more favorable to
 7 the city than those terms and conditions for other
 8 providers operating under license or franchise issued
 9 by the city."

RICHARD VARN
 LINN FUHRMAN

S-3664

1 Amend Senate File 139, as follows:
 2 1. Page 1, line 5, by striking the words "four
 3 five hundred" and inserting the following: "four
 4 hundred fifty".
 5 2. Page 1, line 6, by striking the words "three
 6 four hundred" and inserting the following: "three
 7 hundred fifty".
 8 3. Page 1, lines 10 and 11, by striking the words
 9 "two three hundred" and inserting the following: "two
 10 hundred fifty".
 11 4. Page 1, line 12, by striking the word "fifty"
 12 and inserting the following: "fifty".
 13 5. Page 1, by striking lines 16 through 18 and
 14 inserting the following: "as certified to the
 15 department by the manufacturer, one hundred ~~forty~~
 16 ninety dollars for the first five registrations and
 17 one hundred ~~five~~ fifty-five dollars for each

18 succeeding registration.”

19 6. Page 1, line 21, by striking the words “one
20 two hundred twenty” and inserting the following: “one
21 hundred ~~twenty~~ seventy”.

22 7. Page 1, line 22, by striking the words
23 “eighty-five” and inserting the following: “~~eighty-~~
24 five thirty-five”.

25 8. Page 1, line 27, by striking the word “ninety”
26 and inserting the following: “~~ninety~~ forty”.

27 9. Page 1, line 29, by striking the word “sixty-
28 five” and inserting the following: “~~sixty-five~~
29 fifteen”.

30 10. Page 1, line 35, by striking the word
31 “ninety” and inserting the following: “~~ninety~~ forty”.

32 11. Page 2, line 2, by striking the word “sixty-
33 five” and inserting the following: “~~sixty-five~~
34 fifteen”.

35 12. Page 2, line 3, by striking the words “one
36 two hundred ten” and inserting the following: “one
37 hundred ~~ten~~ sixty”.

38 13. Page 2, line 5, by striking the word “eighty”
39 and inserting the following: “~~eighty~~ thirty”.

RAY TAYLOR

S-3665

- 1 Amend House File 580, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 6 through 8 and
- 4 inserting the following: “section 481A.55.”

MERLIN E. BARTZ
JIM RIORDAN
LINN FUHRMAN
BILL FINK

S-3666

- 1 Amend Senate File 126 as follows:
- 2 1. Page 3, by inserting after line 6 the
- 3 following:
- 4 “Sec. ____ . This Act takes effect July 1, 1994.”
- 5 2. Title page, line 2, by inserting after the
- 6 word “taxes” the following: “and providing an
- 7 effective date”.

ELAINE SZYMONIAK

S-3667

- 1 Amend House File 319, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 229.16, Code 1993, is amended
6 by adding the following new unnumbered paragraph:
7 **NEW UNNUMBERED PARAGRAPH.** Each public and private
8 hospital, as defined under section 229.1, shall assure
9 that discharge planning, as defined in 42 C.F.R. §
10 481.21, is performed in cooperation with the county of
11 legal settlement and local health and social service
12 providers for the medical and social needs of every
13 patient admitted."
14 2. Title page, line 1, by striking the words "the
15 development and delivery of a summary of".
16 3. Title page, line 3, by striking the words "to
17 a person who applies".
18 4. By renumbering as necessary.

AL STURGEON

S-3668

- 1 Amend House File 328, as passed by the House, as
2 follows:
3 1: Page 1, by inserting after line 6 the
4 following:
5 "Sec. 100. 1993 Iowa Acts, Senate File 363,
6 section 2, as enacted by the Seventy-fifth General
7 Assembly, takes effect upon the effective date of this
8 section.
9 Sec. ____ . Section 100 of this Act, being deemed of
10 immediate importance, takes effect upon enactment."
11 2. Title page, line 2, by inserting after the
12 word "carriers" the following: "and providing an
13 effective date".
14 3. By renumbering as necessary.

TONY BISIGNANO
RICHARD F. DRAKE

S-3669

- 1 Amend House File 660, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 25 through 29.
4 2. Page 2, by striking lines 23 through 33.

- 5 3. By renumbering and correcting internal
6 references as necessary.

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

HOUSE AMENDMENT TO
SENATE FILE 290

S-3670

1 Amend Senate File 290 as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 455B.503, Code 1993, is
6 amended to read as follows:

7 455B.503 INFECTIOUS WASTE TREATMENT AND DISPOSAL
8 FACILITIES -- PERMITS REQUIRED -- RULES.

9 The commission shall adopt rules which require a
10 person who owns or operates an infectious waste
11 treatment or disposal facility to obtain an operating
12 permit before initial operation of the facility. The
13 rules shall specify the information required to be
14 submitted with the application for a permit and the
15 conditions under which a permit may be issued,
16 suspended, modified, revoked, or renewed. The rules
17 shall address but are not limited to the areas of
18 operator safety, recordkeeping and tracking
19 procedures, best available appropriate technologies,
20 emergency response and remedial action procedures,
21 waste minimization procedures, and long-term
22 liability. The department shall submit proposed rules
23 to the commission and notify the general assembly of
24 the submission of the proposed rules pursuant to
25 section 7A.11 by January 15, 1993 and the commission
26 shall adopt rules by January 15, 1994. The department
27 shall not grant permits for the construction or
28 operation of a commercial infectious waste treatment
29 or disposal facility until the commission has adopted
30 the required rules, and in no event earlier than July
31 1, ~~1993~~ 1994."

32 2. Page 1, line 3, by inserting after the word
33 and figure "subsection 1" the following: "and
34 subsection 3, paragraph a".

35 3. Page 1, line 13, by striking the words
36 "constructed or" and inserting the following:
37 "exclusively constructed or exclusively owned and".

38 4. Page 1, line 16, by inserting after the word
39 "jointly" the following: "and exclusively".

40 5. Page 1, line 16, by inserting after the word
 41 "or" the following: "jointly and exclusively own
 42 and".

43 6. Page 2, by inserting after line 8, the
 44 following:

45 "a. An existing infectious waste treatment or
 46 disposal facility shall comply with the standards and
 47 limitations adopted by July 1, 1994 1995, or as
 48 federal standards and limitations become final,
 49 whichever is earlier."

50 7. Title page, line 3, by inserting after the

Page 2

1 word "facilities" the following: "and providing for
 2 exemptions".

3 8. By renumbering, relettering, or redesignating
 4 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 382

S-3671

1 Amend the Senate amendment, H-3992, to House File
 2 382, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 1, line 4, by striking the word "ten" and
 5 inserting the following: "twenty".

S-3672

1 Amend Senate File 419 as follows:

2 1. By striking page 1, line 1 through page 2,
 3 line 13, and inserting the follows:

4 "Section 1. NEW SECTION. 8.60 USE OF DESIGNATED
 5 MONEYS.

6 Moneys credited to or deposited in the general fund
 7 of the state on or after July 1, 1993, which under law
 8 were previously collected to be used for specific
 9 purposes, or to be credited to, or be deposited to a
 10 particular account or fund shall only be used for the
 11 purposes for which the moneys were collected,
 12 including but not limited to moneys collected in
 13 accordance with any of the following provisions:

14 1. Pari-mutuel regulation fund created in section
 15 99D.17.

16 2. Gamblers assistance fund pursuant to section
 17 99E.10, subsection 1.

- 18 3. Excursion boat gambling special account
19 pursuant to section 99F.4, subsection 2.
20 4. Milk fund created in section 192.111.
21 5. Dairy trade practices trust fund pursuant to
22 section 192A.30.
23 6. Commercial feed fund created in section 198.9.
24 7. Fertilizer fund created in section 200.9.
25 8. Pesticide fund created in section 206.12.
26 9. Motor vehicle fraud account pursuant to section
27 312.2, subsection 13.
28 10. Public transit assistance fund pursuant to
29 section 312.2, subsection 15, and section 324A.6.
30 11. Salvage vehicle fee paid to the Iowa law
31 enforcement academy pursuant to section 321.52.
32 12. Railroad assistance fund created in section
33 327H.18.
34 13. Special railroad facility fund created in
35 section 327I.23.
36 14. State aviation fund created in section 328.36.
37 15. Marine fuel tax fund created in section
38 452A.79.
39 16. Public outdoor recreation and resources fund
40 pursuant to section 461A.79.
41 17. Energy research and development account
42 created in section 473.11, enacted in 1993 Iowa Acts,
43 Senate File 74.
44 18. Utilities trust fund created in section
45 476.10.
46 19. Banking revolving fund created in section
47 524.207.
48 20. Credit union revolving fund created in section
49 533.67.
50 21. Professional licensing revolving fund created

Page 2

- 1 in section 546.10.
2 22. Administrative services trust fund created in
3 section 546.11.
4 Sec. 2. Section 99D.17, unnumbered paragraph 2,
5 Code 1993, is amended to read as follows:
6 Notwithstanding the provisions of this section
7 directing that funds received be deposited into the
8 pari-mutuel regulation fund, for the fiscal period
9 beginning on July 1, 1991, and ending June 30, 1993,
10 all funds received shall be deposited into the general
11 fund of the state.
12 Sec. 3. Section 99E.10, subsection 1, paragraph a,
13 unnumbered paragraph 2, Code 1993, is amended to read
14 as follows:

15 Notwithstanding the provisions of this lettered
16 paragraph, directing that a portion of gross lottery
17 revenues be deposited into the gamblers assistance
18 fund or the provisions of section 99F.11 directing
19 that a portion of the adjusted gross receipts under
20 chapter 99F be deposited into the gamblers assistance
21 fund, ~~for the fiscal period beginning July 1, 1991,~~
22 ~~and ending June 30, 1993,~~ moneys that were to be
23 deposited into the gamblers assistance fund pursuant
24 to this lettered paragraph and section 99F.11,
25 subsection 3, shall be deposited into the general fund
26 of the state.

27 Sec. 4. Section 99F.4, subsection 2, unnumbered
28 paragraph 2, Code 1993, is amended to read as follows:

29 Notwithstanding the provisions of this subsection
30 and sections 99F.10 and 99F.17 directing that all
31 license and admission fees be paid to the commission
32 or be deposited into a special account, ~~for the fiscal~~
33 ~~period beginning on July 1, 1991, and ending June 30,~~
34 ~~1993,~~ all fees shall be deposited into the general
35 fund of the state.

36 Sec. 5. Section 192.111, subsection 3, paragraph
37 c, Code 1993, is amended to read as follows:

38 c. Notwithstanding the provisions of paragraph
39 "a", and sections 192.133, 194.14, 194.19, 194.20, and
40 195.9 directing that fees collected and appropriations
41 made for dairy control be deposited into the milk
42 fund, ~~for the fiscal period beginning on July 1, 1991,~~
43 ~~and ending June 30, 1993,~~ all fees collected under
44 those sections shall be deposited into the general
45 fund of the state. All moneys deposited in the
46 general fund under this section shall be appropriated
47 for the costs of inspection, sampling, analysis, and
48 other expenses necessary for the administration of
49 this chapter and chapters 194 and 195. Such
50 appropriations shall not be deposited into the milk

Page 3

1 fund.

2 Sec. 6. Section 192A.30, unnumbered paragraph 2,
3 Code 1993, is amended to read as follows:

4 Notwithstanding the provisions of this section,
5 fees paid to the secretary shall not be deposited into
6 the dairy trade practices trust fund ~~for the fiscal~~
7 ~~period beginning on July 1, 1991, and ending June 30,~~
8 ~~1993,~~ but shall be deposited into the general fund of
9 the state.

10 Sec. 7. Section 198.9, subsection 3, unnumbered
11 paragraph 4, Code 1993, is amended to read as follows:

12 Notwithstanding the provisions of this subsection
13 directing that fees collected be deposited into the
14 commercial feed fund, for the fiscal period beginning
15 on July 1, 1991, and ending June 30, 1993, all fees
16 collected shall be deposited into the general fund of
17 the state.

18 Sec. 8. Section 200.9, unnumbered paragraph 2,
19 Code 1993, is amended to read as follows:

20 Notwithstanding the provisions of this section and
21 section 201.13 directing that those fees collected
22 under sections 200.4 and 200.8 and moneys received
23 under chapter 201 be deposited into the fertilizer
24 fund, for the fiscal period beginning on July 1, 1991,
25 and ending June 30, 1993, all such fees and moneys
26 shall be deposited into the general fund of the state.
27 Moneys received under chapter 201 and deposited into
28 the general fund of the state as a result of this
29 paragraph are appropriated for purposes of section
30 201.13.

31 Sec. 9. Section 206.12, subsection 3, unnumbered
32 paragraph 2, Code 1993, is amended to read as follows:

33 Notwithstanding the provisions of this subsection
34 directing that fifty dollars of each fee collected be
35 deposited into the pesticide fund, for the fiscal
36 period beginning on July 1, 1991, and ending June 30,
37 1993, fifty dollars of each fee collected shall be
38 deposited into the general fund of the state.

39 Sec. 10. Section 312.2, subsection 13, unnumbered
40 paragraph 2, Code 1993, is amended to read as follows:

41 Notwithstanding the provisions of this subsection
42 directing that twenty-five cents on each title
43 issuance be annually credited to the department of
44 justice for deposit into the motor vehicle fraud
45 account, for the fiscal period beginning on July 1,
46 1991, and ending June 30, 1993, the twenty-five cents
47 on each title issuance shall be deposited into the
48 general fund of the state.

49 Sec. 11. Section 312.2, subsection 15, unnumbered
50 paragraph 2, Code 1993, is amended to read as follows:

Page 4

1 Notwithstanding the provisions of this subsection
2 directing that one-twentieth of eighty percent of the
3 revenue derived from the operation of section 423.7,
4 be deposited into the public transit assistance fund,
5 for the fiscal period beginning on July 1, 1991, and
6 ending June 30, 1993, such amount shall be deposited
7 into the general fund of the state. There is
8 appropriated from the general fund of the state for

9 each fiscal year to the state department of
10 transportation the amount of revenues credited to the
11 general fund of the state during the fiscal year under
12 this subsection to be used for purposes of public
13 transit assistance under chapter 324A.

14 Sec. 12. Section 321.52, subsection 4, paragraph
15 c, unnumbered paragraph 3, Code 1993, is amended to
16 read as follows:

17 Notwithstanding the provisions of this lettered
18 paragraph directing that five dollars of each fee be
19 paid to the Iowa law enforcement academy, ~~for the~~
20 ~~fiscal period~~ beginning on July 1, 1991, and ending
21 ~~June 30, 1993~~, such five dollars shall be deposited
22 into the general fund of the state.

23 Sec. 13. Section 324A.6, subsection 1, unnumbered
24 paragraph 2, Code 1993, is amended to read as follows:

25 Notwithstanding the provisions of this section and
26 section 312.2, subsection 15, directing that moneys be
27 deposited into the public transit assistance fund, ~~for~~
28 ~~the fiscal period~~ beginning on July 1, 1991, and
29 ~~ending June 30, 1993~~, all such moneys under these
30 sections shall be deposited into the general fund of
31 the state. There is appropriated ~~during this fiscal~~
32 ~~period~~ from moneys received by the department by
33 agreements, grants, gifts, or other means and
34 deposited into the state general fund as a result of
35 this paragraph to the department for purposes of this
36 subsection. Moneys appropriated from the general fund
37 under this paragraph and section 312.2, subsection 15,
38 shall not be deposited into the public transit
39 assistance fund.

40 Sec. 14. Section 327H.18, unnumbered paragraph 2,
41 Code 1993, is amended to read as follows:

42 Notwithstanding the provisions of this section and
43 sections 327I.7, subsection 14, and 327H.20 directing
44 that moneys received or reimbursements made be
45 deposited into the railroad assistance fund, ~~for the~~
46 ~~fiscal period~~ beginning on July 1, 1991, and ending
47 ~~June 30, 1993~~, such moneys shall be deposited into the
48 general fund of the state and ~~for that period~~ all
49 moneys received by the department by agreements,
50 grants, gifts, or other means which were deposited

Page 5

1 into the state general fund as a result of this
2 paragraph are appropriated for state railroad
3 assistance under this chapter. Such appropriations
4 shall not be deposited into the railroad assistance
5 fund.

6 Sec. 15. Section 327I.23, subsection 3, Code 1993,
7 is amended to read as follows:

8 3. Notwithstanding the provisions of section
9 327I.7, subsection 14, and section 327I.26 and other
10 provisions of law directing that moneys be deposited
11 into the special railroad facility fund and directing
12 that moneys in the fund be appropriated for purposes
13 of the authority, ~~for the fiscal period~~ beginning on
14 July 1, 1991, ~~and ending June 30, 1993~~, all moneys
15 directed to be deposited in the fund shall be
16 deposited into the general fund of the state and
17 ~~during that period~~ all moneys received under
18 subsection 2 are appropriated to the authority for
19 purposes of subsection 2 and other moneys appropriated
20 to the authority may be used for purposes of this
21 section.

22 Sec. 16. Section 328.36, unnumbered paragraph 4,
23 Code 1993, is amended to read as follows:

24 Notwithstanding the provisions of this section and
25 sections 452A.82 and 328.21, directing that moneys
26 remaining after the cost of administering the aviation
27 fuel tax fund and money received by the department be
28 deposited into the state aviation fund, ~~for the fiscal~~
29 ~~period~~ beginning on July 1, 1991, ~~and ending June 30,~~
30 ~~1993~~; such moneys shall be deposited into the general
31 fund of the state and refunds under section 328.24
32 ~~during that period~~ shall be paid from the ~~state~~
33 ~~general fund of the state~~.

34 Sec. 17. Section 452A.79, unnumbered paragraph 3,
35 Code 1993, is amended to read as follows:

36 Notwithstanding the provisions of this section and
37 section 452A.84 directing that certain moneys be
38 transferred or deposited into the marine fuel tax
39 fund, ~~for the fiscal period~~ beginning on July 1, 1991,
40 ~~and ending June 30, 1993~~, such moneys shall be
41 deposited into the general fund of the state.

42 Sec. 18. Section 461A.79, subsection 4, Code 1993,
43 is amended to read as follows:

44 4. Notwithstanding any other provision of law, ~~for~~
45 ~~the fiscal period~~ beginning on July 1, 1991, ~~and~~
46 ~~ending June 30, 1993~~, moneys to be credited to or
47 deposited in the public outdoor recreation and
48 resources fund shall be credited to or deposited to
49 the general fund of the state and appropriations made
50 for purposes of this section shall not be deposited

Page 6

1 into the public outdoor recreation and resources fund
2 but shall be allocated as provided in this section.

3 Sec. 19. Section 473.11, subsection 1, paragraph
4 f, unnumbered paragraph 2, as enacted by the 1993 Iowa
5 Acts, Senate File 74, section 1, is amended to read as
6 follows:

7 Notwithstanding the provisions of this paragraph
8 directing that moneys be deposited into the energy
9 research and development fund, ~~for the fiscal period~~
10 beginning July 1, 1991, ~~and ending June 30, 1993~~, all
11 moneys shall be deposited into the general fund of the
12 state.

13 Sec. 20. Section 476.10, unnumbered paragraph 4,
14 Code 1993, is amended to read as follows:

15 Whenever the board shall deem it necessary in order
16 to carry out the duties imposed upon it in connection
17 with rate regulation under section 476.6,
18 investigations under section 476.3, or review
19 proceedings under section 476.31, the board may employ
20 additional temporary or permanent staff, or may
21 contract with persons who are not state employees for
22 engineering, accounting, or other professional
23 services, or both. The costs of these additional
24 employees and contract services shall be paid by the
25 public utility whose rates are being reviewed in the
26 same manner as other expenses are paid under this
27 section. ~~For the fiscal period beginning~~ Beginning on
28 July 1, 1991, ~~and ending June 30, 1993~~, there is
29 appropriated out of any funds in the state treasury
30 not otherwise appropriated, such sums as may be
31 necessary to enable the board to hire additional staff
32 and contract for services under this section. The
33 board shall increase quarterly assessments specified
34 in unnumbered paragraph 2, by amounts necessary to
35 enable the board to hire additional staff and contract
36 for services under this section. The authority to
37 hire additional temporary or permanent staff that is
38 granted to the board by this section shall not be
39 subject to limitation by any administrative or
40 executive order or decision that restricts the number
41 of state employees or the filling of employee
42 vacancies, and shall not be subject to limitation by
43 any law of this state that restricts the number of
44 state employees or the filling of employee vacancies
45 unless that law is made applicable to this section by
46 express reference to this section. Before the board
47 expends or encumbers an amount in excess of the funds
48 budgeted for rate regulation and before the board
49 increases quarterly assessments pursuant to this
50 paragraph, the director of the department of

Page 7

1 management shall approve the expenditure or
2 encumbrance. Before approval is given, the director
3 of the department of management shall determine that
4 the expenses exceed the funds budgeted by the general
5 assembly to the board for rate regulation and that the
6 board does not have other funds from which the
7 expenses can be paid. Upon approval of the director
8 of the department of management the board may expend
9 and encumber funds for the excess expenses, and
10 increase quarterly assessments to raise the additional
11 funds. The board and the office of consumer advocate
12 may add additional personnel or contract for
13 additional assistance to review and evaluate energy
14 efficiency plans and the implementation of energy
15 efficiency programs including, but not limited to,
16 professionally trained engineers, accountants,
17 attorneys, skilled examiners and inspectors, and
18 secretaries and clerks. The board and the office of
19 the consumer advocate may expend additional sums
20 beyond those sums appropriated. However, the
21 authority to add additional personnel or contract for
22 additional assistance must first be approved by the
23 department of management. The additional sums shall
24 be provided to the board and the office of the
25 consumer advocate by the utilities subject to the
26 energy efficiency requirements in this chapter. The
27 assessments shall be in addition to and separate from
28 the quarterly assessment.

29 Sec. 21. Section 476.10, unnumbered paragraph 8,
30 Code 1993, is amended to read as follows:

31 Notwithstanding the provisions of this section and
32 sections 478.4, 479.16, and 479A.9 directing that fees
33 paid to the utilities division or other moneys be
34 deposited into the utilities trust fund and not be
35 transferred to the general fund of the state, and
36 directing that expenses be paid from the utilities
37 trust fund, for the fiscal period beginning on July 1,
38 1991, and ending June 30, 1993, all such fees and
39 other moneys collected under those sections shall be
40 deposited into the general fund of the state and
41 expenses required to be paid under this section shall
42 be paid from funds appropriated for those purposes.

43 Sec. 22. Section 524.207, unnumbered paragraph 6,
44 Code 1993, is amended to read as follows:

45 Notwithstanding the provisions of this section
46 directing that fees and other moneys received be
47 deposited into the banking revolving fund and not be
48 transferred to the general fund of the state, and

49 directing that expenses be paid from the banking
50 revolving fund, for the fiscal period beginning on

Page 8

1 July 1, 1991, and ending June 30, 1993, all fees and
2 moneys collected shall be deposited into the general
3 fund of the state and expenses required to be paid
4 under this section shall be paid from funds
5 appropriated for those purposes.

6 Sec. 23. Section 533.67, unnumbered paragraph 6,
7 Code 1993, is amended to read as follows:

8 Notwithstanding the provisions of this section
9 directing that fees and other moneys received be
10 deposited into the credit union revolving fund and not
11 be transferred to the general fund of the state, and
12 directing that expenses be paid from the credit union
13 revolving fund, for the fiscal period beginning on
14 July 1, 1991, and ending June 30, 1993, all fees and
15 other moneys collected shall be deposited into the
16 general fund of the state and expenses required to be
17 paid under this section shall be paid from funds
18 appropriated for those purposes.

19 Sec. 24. Section 546.10, subsection 6, unnumbered
20 paragraph 2, Code 1993, is amended to read as follows:

21 Notwithstanding the provisions of this subsection
22 and sections 542B.12, 542C.3, 543B.14, 543D.6,
23 544A.11, and 544B.14 directing that fees and other
24 moneys be deposited into the professional licensing
25 revolving fund and not to be transferred to the
26 general fund of the state, and directing that expenses
27 be paid from the professional licensing revolving
28 fund, for the fiscal period beginning on July 1, 1991,
29 and ending June 30, 1993, all fees collected under
30 those sections shall be deposited into the general
31 fund of the state and expenses required to be paid
32 under this subsection shall be paid from funds
33 appropriated for those purposes.

34 Sec. 25. Section 546.11, unnumbered paragraph 2,
35 Code 1993, is amended to read as follows:

36 Notwithstanding this section and sections 476.10,
37 524.207, 533.67, 546.9, and 546.10 directing the
38 utilities division, banking division, credit union
39 division, alcoholic beverages division, and
40 professional licensing division to transfer from
41 appropriated trust funds to the administrative
42 services trust fund the division's share of
43 administrative services and directing that costs for
44 administrative services provided by the department to
45 the divisions be paid from the administrative services

46 trust fund, for the fiscal period beginning on July 1,
47 1991, and ending June 30, 1993, all expenses for
48 administrative services shall be paid from
49 appropriations made from the general fund of the state
50 for these expenses.

Page 9

1 Sec. 26. Section 556.18, subsection 1, Code 1993,
2 is amended to read as follows:

3 1. ~~Except as provided in subsection 2, all~~ All
4 funds received under this chapter, including the
5 proceeds from the sale of abandoned property under
6 section 556.17, shall be deposited monthly by the
7 treasurer of state in the general fund of the state.
8 However, the treasurer of state shall retain in a
9 separate trust fund an amount not exceeding two
10 hundred thousand dollars from which the treasurer of
11 state shall make prompt payment of claims duly allowed
12 under section 556.20. Before making the deposit, the
13 treasurer of state shall record the name and last
14 known address of each person appearing from the
15 holders' reports to be entitled to the abandoned
16 property and of the name and last known address of
17 each insured person or annuitant, and with respect to
18 each policy or contract listed in the report of a life
19 insurance corporation, its number, the name of the
20 corporation, and the amount due. The record shall be
21 available for public inspection at all reasonable
22 business hours.

23 Sec. 27. Section 556.18, subsection 3, Code 1993,
24 is amended by striking the subsection.

25 Sec. 28. 1991 Iowa Acts, chapter 264, section 905,
26 is amended to read as follows:

27 SEC. 905.

28 1. Notwithstanding the restrictions relating to
29 the transfer and use of moneys in the utilities trust
30 fund in section 476.10, the insurance revolving fund
31 in section 505.7, the banking revolving fund in
32 section 524.207, the credit union revolving fund in
33 section 533.67, and the professional licensing
34 revolving fund in section 546.10, the cash balances in
35 those five funds resulting from covered charges to
36 regulated industries for purposes of cash flow and the
37 build-up of surplus balances remaining on June 30,
38 1991, shall be transferred to the general fund of the
39 state. However, state general fund cash balances
40 shall be available from the general fund of the state
41 to the utilities division, insurance division, banking
42 division, credit union division, and the professional

43 licensing and regulation division for cash flow
44 purposes to enable the timely payment of expenses
45 without regard to seasonal cash flow for the fiscal
46 years ending June 30, 1992, and June 30, 1993. Upon
47 completion of the fiscal year ending June 30, 1993,
48 any amount transferred to the general fund of the
49 state from each of those five funds shall be returned
50 to the fund from which the amount was transferred.

Page 10

1 2. Notwithstanding the restrictions relating to
2 the use of the moneys in the fertilizer fund in
3 section 200.9, and the pesticide fund in section
4 206.12, subsection 3, cash balances remaining on June
5 30, 1991, that are not needed to pay expenses of the
6 fiscal year ending June 30, 1991, are transferred to
7 the general fund of the state. However, state general
8 fund cash balances shall be available from the general
9 fund of the state to the department of agriculture and
10 land stewardship for cash flow purposes to enable the
11 timely payment of expenses incurred for purposes for
12 which moneys in the fertilizer and pesticide funds are
13 to be used for the fiscal years ending June 30, 1992,
14 and June 30, 1993. Upon completion of the fiscal year
15 ending June 30, 1993, any amount transferred to the
16 general fund of the state from each of those two funds
17 shall be returned to the fund from which the amount
18 was transferred.

19 Sec. 29. 1991 Iowa Acts, chapter 268, section 508,
20 subsection 3, unnumbered paragraph 2 and lettered
21 paragraphs a, b, c, and d, are amended by striking the
22 unnumbered paragraph and the lettered paragraphs.

23 Sec. 30. CODE EDITOR. The Code editor shall
24 submit to the general assembly through the Code
25 editor's bills coordinating amendments to sections of
26 the Code which make reference to those funds and
27 accounts which as a result of the enactment of this
28 Act will no longer have moneys credited to or
29 deposited into them but instead the moneys will be
30 credited to or deposited into the general fund of the
31 state.

32 Sec. 31. EFFECTIVE DATE. This Act, being deemed
33 of immediate importance, takes effect upon enactment."

34 2. Title page, line 1, by striking the word
35 "moneys" and inserting the following: "certain moneys
36 shall be".

37 3. Title page, line 2, by inserting after the
38 word "state" the following: "and shall be".

LARRY MURPHY

HOUSE AMENDMENT TO
SENATE FILE 117

S-3673

1 Amend Senate File 117, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 3 through 6, and
4 inserting the following:
5 "NEW PARAGRAPH. o. In whose body there is an
6 illegal drug present as a direct and foreseeable
7 consequence of the acts or omissions of the child's
8 parent, guardian, or custodian."
9 2. Page 1, by striking lines 9 through 12, and
10 inserting the following:
11 "NEW PARAGRAPH. e. An illegal drug is present in
12 a child's body as a direct and foreseeable consequence
13 of the acts or omissions of the child's parent,
14 guardian, or custodian."
15 3. Page 1, lines 15 and 16, by striking the words
16 "under one year of age" and inserting the following:
17 "under one year of age".
18 4. Page 1, line 33, by inserting after the word
19 "abuse:" the following: "A positive test result shall
20 not be used for the criminal prosecution of a parent
21 for acts and omissions resulting in intrauterine
22 exposure of the child to an illegal drug."

S-3674

1 Amend the House amendment, S-3640, to Senate File
2 142, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 42 the
5 following:
6 "— . Page 1, line 15, by striking the words and
7 figures "1993 through September 1994" and inserting
8 the following: "1994 through September 1995".
9 — . Page 1, line 16, by striking the figure
10 "1994" and inserting the following: "1995".
11 2. Page 3, line 4, by striking the figure "1993"
12 and inserting the following: "1994".
13 3. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-3675

- 1 Amend the House amendment, S-3560, to Senate File
- 2 268, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 2, by inserting after line 34 the
- 5 following:
- 6 "— . By striking page 15, line 34 through page
- 7 16, line 1 and inserting the following: "If basic
- 8 assessments are not provided by a community college,
- 9 the basic assessments may be provided by other service
- 10 providers or by a combination of service providers.'"
- 11 2. By renumbering as necessary.

JOHN P. KIBBIE

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 360

S-3676

- 1 Amend the Senate amendment, H-4164, to House File
- 2 360, as passed by the House, as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "gas" the following: "in which case, the owner shall
- 5 authorize the refilling of the container by another
- 6 person designated by the owner".

S-3677

- 1 Amend Senate File 422 as follows:
- 2 1. Page 5, by striking line 10 and inserting the
- 3 following: "state."

MIKE CONNOLLY

S-3678

- 1 Amend Senate File 382 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 124.401A, Code 1993, is
- 5 amended by striking the section and inserting in lieu
- 6 thereof the following:
- 7 124.401A ENHANCED PENALTY FOR MANUFACTURE,
- 8 POSSESSION WITH INTENT TO DISTRIBUTE, OR DISTRIBUTION
- 9 TO PERSONS ON CERTAIN REAL PROPERTY.
- 10 In addition to any other penalties provided in this
- 11 chapter, a person who is eighteen years of age or

12 older who unlawfully manufactures or who possesses
 13 with intent to manufacture or distribute or
 14 distributes to another person who is eighteen years of
 15 age or older a substance or counterfeit substance
 16 listed in schedule I or II which is methamphetamine, a
 17 narcotic drug or cocaine, or a simulated controlled
 18 substance represented to be methamphetamine, a
 19 narcotic drug or cocaine classified in schedule I or
 20 II in or on, or within one thousand feet of the real
 21 property comprising a public or private elementary,
 22 secondary, or vocational school, public or private
 23 community college, college, or university, public
 24 park, public swimming pool, or public or private youth
 25 center, or on a marked school bus, may be sentenced to
 26 an additional term of confinement of ten years. A
 27 person convicted of a second or subsequent violation
 28 of this section shall be sentenced to an additional
 29 period of confinement of ten years. The judge may, at
 30 the judge's discretion, also impose a fine of up to
 31 ten thousand dollars. A person paroled or placed on
 32 probation for a violation of this section shall be
 33 committed to the supervision of the judicial district
 34 department of correctional services community-based
 35 corrections program.

36 Notwithstanding any other provisions regarding the
 37 distribution of fine moneys, moneys received from the
 38 fine under this section shall be distributed by the
 39 clerk of the district court to the county in which the
 40 violation occurred and used to fund substance abuse
 41 prevention and treatment programs.

42 **Sec. 2. NEW SECTION. 124.401B POSSESSION OF**
 43 **CONTROLLED SUBSTANCES ON CERTAIN REAL PROPERTY.**

44 In addition to any other penalties provided in this
 45 chapter, a person who unlawfully possesses a substance
 46 listed in schedule I or II which is methamphetamine, a
 47 narcotic drug or cocaine, or a simulated controlled
 48 substance represented to be methamphetamine, a
 49 narcotic drug or cocaine classified in schedule I or
 50 II, in or on, or within one thousand feet of the real

Page 2

1 property comprising a public or private elementary,
 2 secondary, or vocational school, public or private
 3 community college, college, or university, public
 4 park, public swimming pool, or public or private youth
 5 center, or on a marked school bus, shall be sentenced
 6 to one hundred hours of community service work for a
 7 public agency or a nonprofit charitable organization.
 8 The court shall provide the offender with a written

9 statement of the terms and monitoring provisions of
10 the community service.

11 Sec. 3. Section 124.406, subsection 1, paragraph
12 a, Code 1993, is amended to read as follows:

13 a. Unlawfully distributes a substance listed in
14 schedule I or II, which is methamphetamine, a narcotic
15 drug or cocaine, to a person under eighteen years of
16 age commits a class "B" felony and shall serve a
17 minimum term of confinement of five years. However,
18 if the substance was distributed in or on, or within
19 one thousand feet of, the real property comprising a
20 public or private elementary, or secondary, or
21 vocational school, or in or on the real property
22 comprising a public or private community college,
23 college, or university, public park, public swimming
24 pool, or public or private youth center, or on a
25 marked school bus, the person shall serve a minimum
26 term of confinement of ten years.

27 Sec. 4. Section 124.406, subsection 2, paragraph
28 a, Code 1993, is amended to read as follows:

29 a. Unlawfully distributes a counterfeit substance
30 listed in schedule I or II which is methamphetamine, a
31 narcotic drug or cocaine, or a simulated controlled
32 substance represented to be methamphetamine, a
33 narcotic drug or cocaine classified in schedule I or
34 II, to a person under eighteen years of age commits a
35 class "B" felony. However, if the substance was
36 distributed in or on, or within one thousand feet of,
37 the real property comprising a public or private
38 elementary, or secondary, or vocational school, or in
39 or on the real property comprising a public or private
40 community college, college, or university, public
41 park, public swimming pool, or public or private youth
42 center, or on a marked school bus, the person shall
43 serve a minimum term of confinement of ten years."

RANDAL J. GIANNETTO

S-3679

1 Amend the House amendment, S-3640, to Senate File
2 142, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 42 the
5 following:

6 "___ . Page 1, line 15, by striking the words and
7 figures "1993 through September 1994" and inserting
8 the following: "1994 through September 1995".

9 ___ . Page 1, line 16, by striking the figure
10 "1994" and inserting the following: "1995"."

11 2. Page 2, by inserting after line 33 the
 12 following:
 13 "Sec. 200. NEW SECTION. 321.447 HELMETS
 14 1. A motorcycle or motorized bicycle shall not be
 15 operated upon a highway by a person who is eighteen
 16 years of age or younger unless the person who is
 17 operating or riding the vehicle is wearing protective
 18 headgear which complies with standards and
 19 specifications established under 49 C.F.R. § 571.218.
 20 For purposes of this section, "wearing protective
 21 headgear" means having a safety helmet on the person's
 22 head that is fastened with the helmet straps and that
 23 is of a size that fits the person's head securely
 24 without excessive lateral or vertical movement.
 25 2. This section shall not apply to a person
 26 operating a motorcycle or motorized bicycle in a
 27 parade.
 28 3. A violation of this section shall be a
 29 scheduled violation under section 805.8, subsection 2,
 30 paragraph "e". The scheduled fine for a violation of
 31 this section is fifty dollars for an operator and
 32 twenty-five dollars for a passenger."
 33 3. Page 3, by striking line 4 and inserting the
 34 following:
 35 "Sec. 201. EFFECTIVE DATE. Section 200, this
 36 section, and section 202 of this Act take effect on
 37 October 1, 1993.
 38 Sec. 202. REPEAL. Section 200 of this Act is
 39 repealed on October 1, 1994.
 40 Sec. ____ . EFFECTIVE DATE. This Act, other than
 41 sections 200, 201, and 202, takes effect on October 1,
 42 1994."
 43 4. By renumbering as necessary.

JEAN LLOYD-JONES
 RICHARD F. DRAKE

S-3680

1 Amend Senate File 422 as follows:
 2 1. Page 1, line 27, by striking the figure
 3 "24,500,000" and inserting the following:
 4 "20,625,000".
 5 2. Page 5, by striking line 9 and inserting the
 6 following: "state. Funds appropriated from the
 7 general fund of the state to the state board of

8 regents under this Act shall fund only the state
9 portion of the general institution budgets."

MIKE CONNOLLY
ANDY McKEAN

S-3681

- 1 Amend Senate File 422 as follows:
- 2 1. Page 1, line 28, by inserting after the word
- 3 "to" the following: "fully".
- 4 2. Page 2, line 19, by striking the word "agree-
- 5 ment" and inserting the following: "agreements".
- 6 3. Page 2, lines 25 and 26, by striking the words
- 7 "related benefits, and expense reimbursements" and
- 8 inserting the following: "expense reimbursements, and
- 9 related benefits".
- 10 4. Page 3, lines 25 and 26, by striking the words
- 11 "salaries of persons" and inserting the following:
- 12 "appointed nonelected persons in the executive branch
- 13 of state government whose salaries are".

LARRY MURPHY

S-3682

- 1 Amend the amendment, S-3678, to Senate File 382 as
- 2 follows:
- 3 1. Page 1, line 25, by inserting after the word
- 4 "bus," the following: "or within the corporate
- 5 boundary of a city which has been declared to be a
- 6 drug free zone by the city's governing body,".
- 7 2. Page 2, line 5, by inserting after the word
- 8 "bus," the following: "or within the corporate
- 9 boundary of the city which has been declared to be a
- 10 drug free zone by the city's governing body,".
- 11 3. Page 2, line 25, by inserting after the word
- 12 "bus," the following: "or within the corporate
- 13 boundary of a city which has been declared to be a
- 14 drug free zone by the city's governing body,".
- 15 4. Page 2, line 42, by inserting after the word
- 16 "bus," the following: "or within the corporate
- 17 boundary of a city which has been declared to be a
- 18 drug free zone by the city's governing body,".
- 19 5. Page 2, by inserting after line 43 the
- 20 following:
- 21 "____. Title page, line 2, by inserting after the

22 word "property" the following: "or in certain
23 cities"."

RAY TAYLOR

S-3683

1 Amend Senate File 422 as follows:

2 1. Page 5, by inserting after line 14 the
3 following:

4 "Sec. 100. Section 2.10, subsections 1, 6, and 7,
5 Code 1993, are amended to read as follows:

6 1. Every member of the general assembly except the
7 presiding officer of the senate, the speaker of the
8 house, the majority and minority floor leader of each
9 house, and the president pro tempore of the senate and
10 speaker pro tempore of the house, shall receive an
11 annual salary of eighteen thousand one hundred dollars
12 for the year 1991 and subsequent years while serving
13 as a member of the general assembly. In addition,
14 each such member shall receive the sum of fifty
15 dollars per day three thousand five hundred dollars on
16 January 15 and March 15 of each odd-numbered year and
17 two thousand eight hundred dollars on January 15 and
18 March 15 of each even-numbered year for expenses of
19 office, except travel; ~~for each day the general~~
20 ~~assembly is in session commencing with the first day~~
21 ~~of a legislative session and ending with the day of~~
22 ~~final adjournment of each legislative session as~~
23 ~~indicated by the journals of the house and senate,~~
24 ~~except that if the length of the. The first regular~~
25 ~~session of the general assembly exceeds shall not~~
26 ~~exceed one hundred ten calendar days and the second~~
27 ~~regular session exceeds one hundred shall not exceed~~
28 ~~eighty calendar days; the payments shall be made only~~
29 ~~for one hundred ten calendar days for the first~~
30 ~~session and one hundred calendar days for the second~~
31 ~~session. However, members from Polk county shall~~
32 ~~receive thirty-five dollars per day the sum of two~~
33 ~~thousand two hundred fifty dollars on January 15 and~~
34 ~~March 15 of each odd-numbered year and two thousand~~
35 ~~two hundred dollars on January 15 and March 15 of each~~
36 ~~even-numbered year. Each member shall receive a~~
37 ~~seventy-five dollar per month allowance for~~
38 ~~legislative district constituency postage, travel,~~
39 ~~telephone costs, and other expenses. Travel expenses~~
40 ~~shall be paid at the rate established by section~~
41 ~~18.117 for actual travel in going to and returning~~
42 ~~from the seat of government by the nearest traveled~~
43 ~~route for not more than one time per week during a~~

44 legislative session. However, any increase from time
45 to time in the mileage rate established by section
46 18.117 shall not become effective for members of the
47 general assembly until the convening of the next
48 general assembly following the session in which the
49 increase is adopted; and this provision shall prevail
50 over any inconsistent provision of any present or

Page 2

1 future statute.
2 6. In addition to the salaries and expenses
3 authorized by this section, members of the general
4 assembly shall be paid ~~fifty~~ seventy dollars per day,
5 and necessary travel and actual expenses incurred in
6 attending meetings for which per diem or expenses are
7 authorized by law for members of the general assembly
8 who serve on statutory boards, commissions, or
9 councils, and for standing or interim committee or
10 subcommittee meetings subject to the provisions of
11 section 2.14, or when on authorized legislative
12 business when the general assembly is not in session.
13 However, if a member of the general assembly is
14 engaged in authorized legislative business at a
15 location other than at the seat of government during
16 the time the general assembly is in session, payment
17 may be made for the actual transportation and lodging
18 costs incurred because of the business. Such per diem
19 or expenses shall be paid promptly from funds
20 appropriated pursuant to section 2.12.
21 7. If a special session of the general assembly is
22 convened, members of the general assembly shall
23 receive, in addition to their annual salaries, the sum
24 of ~~fifty~~ seventy dollars per day for each day the
25 general assembly is actually in special session, and
26 the same travel allowances and expenses as authorized
27 by this section. A member of the general assembly
28 shall receive the additional per diem, travel
29 allowances and expenses only for the days of
30 attendance during a special session.
31 Sec. ____ . Section 100 of this Act takes effect
32 January 1, 1995."

RICHARD VARN
LARRY MURPHY

S-3684

1 Amend the amendment, S-3683, to Senate File 422, as
2 follows:

3 1. Page 1, lines 34 and 35, by striking the words
4 "two thousand two" and inserting the following: "one
5 thousand eight".

MARY KRAMER

S-3685

1 Amend the amendment, S-3683, to Senate File 422 as
2 follows:

3 1. Page 1, line 24, by striking the word "The"
4 and inserting the following: "Payments for the".
5 2. Page 1, line 26, by inserting after the word
6 "and" the following: "payments for".

RICHARD J. VARN

S-3686

1 Amend House File 669, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by striking lines 33 and 34 and
4 inserting the following: "deposited into the
5 fertilizer fund, for the fiscal period beginning on
6 July 1, 1991, and ending June 30, ~~1993~~ 1994, all
7 such".
8 2. Page 4, by striking lines 8 and 9 and
9 inserting the following: "pesticide fund, for the
10 fiscal period beginning on July 1, 1991, and ending
11 June 30, ~~1993~~ 1994, fifty dollars of each fee".
12 3. Page 7, by striking lines 28 and 29 and
13 inserting the following: "under this section. For
14 the fiscal period beginning on July 1, 1991, and
15 ending June 30, ~~1993~~ 1994, there is".
16 4. Page 9, by striking lines 10 and 11 and
17 inserting the following: "the utilities trust fund,
18 for the fiscal period beginning on July 1, 1991, and
19 ending June 30, ~~1993~~ 1994, all such fees and".
20 5. Page 9, by striking lines 22 and 23 and
21 inserting the following: "the banking revolving fund,
22 for the fiscal period beginning on July 1, 1991, and
23 ending June 30, ~~1993~~ 1994, all fees and moneys".
24 6. Page 9, by striking lines 33 and 34 and
25 inserting the following: "from the credit union
26 revolving fund, for the fiscal period beginning on
27 July 1, 1991, and ending June 30, ~~1993~~ 1994, all
28 fees".
29 7. Page 10, by striking lines 12 and 13 and
30 inserting the following: "revolving fund, for the
31 fiscal period beginning on July 1, 1991, and ending

32 June 30, ~~1993~~ 1994, all fees collected under those”.

33 8. Page 10, line 20, by striking the figure
34 “546.9,” and inserting the following: “546.9;”.

35 9. Page 10, lines 21 and 22, by striking the
36 words “alcoholic beverages division,” and inserting
37 the following: “~~alcoholic beverages division,~~”.

38 10. Page 10, by striking lines 27 and 28 and
39 inserting the following: “administrative services
40 trust fund, for the fiscal period beginning on July 1,
41 1991, and ending June 30, ~~1993~~ 1994, all”.

42 11. Page 10, by inserting after line 31 the
43 following:

44 “Notwithstanding this section and section 546.9,
45 directing the alcoholic beverages division to transfer
46 from appropriated trust funds to the administrative
47 services trust fund the division’s share of
48 administrative services provided by the department to
49 the division and directing that costs for
50 administrative services be paid from the

Page 2

1 administrative services trust fund, all expenses for
2 the administrative services shall be paid from
3 appropriations made for this purpose from the general
4 fund of the state.”

5 12. By striking page 11, line 18 through page 12,
6 line 21 and inserting the following:

7 “Sec. ____ . 1991 Iowa Acts, chapter 264, section
8 905, is amended to read as follows:

9 SEC. 905.

10 1. Notwithstanding the restrictions relating to
11 the transfer and use of moneys in the utilities trust
12 fund in section 476.10, ~~the insurance revolving fund~~
13 ~~in section 505.7~~, the banking revolving fund in
14 section 524.207, the credit union revolving fund in
15 section 533.67, and the professional licensing
16 revolving fund in section 546.10, the cash balances in
17 those ~~five~~ four funds resulting from covered charges
18 to regulated industries for purposes of cash flow and
19 the build-up of surplus balances remaining on June 30,
20 1991, shall be transferred to the general fund of the
21 state. However, state general fund cash balances
22 shall be available from the general fund of the state
23 to the utilities division, ~~insurance division~~, banking
24 division, credit union division, and the professional
25 licensing and regulation division for cash flow
26 purposes to enable the timely payment of expenses
27 without regard to seasonal cash flow for the fiscal
28 years ending June 30, 1992, and June 30, 1993. Upon

29 completion of the fiscal year ending June 30, ~~1993~~
 30 1995, any amount the following amounts transferred to
 31 the general fund of the state from each of those five
 32 four funds shall be returned to the fund from which
 33 the amount was transferred;:
 34 a. To the utilities trust fund created in section
 35 476.10:
 36 \$ 2,341,202
 37 b. To the banking revolving fund created in
 38 section 524.207:
 39 \$ 618,181
 40 c. To the credit union revolving fund created in
 41 section 533.67:
 42 \$ 211,506
 43 d. To the professional licensing revolving fund
 44 created in section 546.10:
 45 \$ 619,381
 46 2. Notwithstanding the restrictions relating to
 47 the use of the moneys in the fertilizer fund in
 48 section 200.9, and the pesticide fund in section
 49 206.12, subsection 3, cash balances remaining on June
 50 30, 1991, that are not needed to pay expenses of the

Page 3

1 fiscal year ending June 30, 1991, are transferred to
 2 the general fund of the state. However, state general
 3 fund cash balances shall be available from the general
 4 fund of the state to the department of agriculture and
 5 land stewardship for cash flow purposes to enable the
 6 timely payment of expenses incurred for purposes for
 7 which moneys in the fertilizer and pesticide funds are
 8 to be used for the fiscal years ending June 30, 1992,
 9 and June 30, 1993. Upon completion of the fiscal year
 10 ending June 30, ~~1993~~ 1995, any amount the following
 11 amounts transferred to the general fund of the state
 12 from each of those two funds shall be returned to the
 13 fund from which the amount was transferred;:
 14 a. To the fertilizer fund created in section
 15 200.9:
 16 \$ 135,739
 17 b. To the pesticide fund created in section
 18 206.12.
 19 \$ 580,581
 20 Sec. ____ . The following provisions shall apply to
 21 each of the following funds in the fourth quarter of
 22 the fiscal year beginning July 1, 1993, and ending
 23 June 30, 1994, after which by law moneys shall again
 24 be credited to or deposited in the indicated fund:
 25 1. The utilities board may collect in advance from

26 the utilities regulated by the board, a sufficient
27 amount which, notwithstanding section 476.10,
28 unnumbered paragraph 8, shall not be deposited into
29 the general fund of the state but shall be deposited
30 into the utilities trust fund created in section
31 476.10 to continue and maintain the functions under
32 the authority of the board which are payable from the
33 fund beginning July 1, 1994.

34 2. The superintendent of banking may collect in
35 advance from banks regulated by the superintendent, a
36 sufficient amount which, notwithstanding section
37 524.207, unnumbered paragraph 6, shall not be
38 deposited into the general fund of the state but shall
39 be deposited into the banking revolving fund created
40 in section 524.207 to continue and maintain the
41 functions under the authority of the superintendent
42 which are payable from the fund beginning July 1,
43 1994.

44 3. The superintendent of credit unions may collect
45 in advance from credit unions regulated by the
46 superintendent, a sufficient amount which,
47 notwithstanding section 533.67, unnumbered paragraph
48 6, shall not be deposited into the general fund of the
49 state but shall be deposited into the credit union
50 revolving fund created in section 533.67 to continue

Page 4

1 and maintain the functions under the authority of the
2 superintendent which are payable from the fund
3 beginning July 1, 1994.

4 4. The administrative entity charged with
5 administration of the professional licensing revolving
6 fund created in section 546.10 may collect in advance
7 fees collected under chapters 542B, 542C, 543D, 544A,
8 and 544B from professions regulated under those
9 chapters, a sufficient amount, which, notwithstanding
10 section 546.10, subsection 6, unnumbered paragraph 2,
11 shall not be deposited into the general fund of the
12 state but shall be deposited into the professional
13 licensing revolving fund to continue and maintain the
14 regulation functions which are payable from the fund
15 beginning July 1, 1994."

16 13. By renumbering as necessary.

MICHAEL GRONSTAL
DERRYL McLAREN

S-3687

1 Amend House File 455, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, lines 5 and 6, by striking the words
4 "exempt from the requirements of chapter 480" and
5 inserting the following: "subject to the restrictions
6 on the placement or erection of other signs under
7 chapters 306B, 306C, 319, 321, 480, and 657".

8 2. Page 2, by inserting after line 21 the follow-
9 ing: "However, a municipal corporation may adopt an
10 ordinance which addresses the time, place, size, and
11 manner of placement of political yard signs."

12 3. Page 2, line 30, by striking the word "This"
13 and inserting the following: "Subject to the
14 requirements of section 56.14, this".

15 4. Page 2, by inserting after line 34 the
16 following:

17 "Sec. ____ . Section 306C.22, Code 1993, is amended
18 to read as follows:

19 306C.22 POLITICAL SIGNS.

20 It shall be lawful to place political signs on
21 private property with permission of the owner or
22 person in charge of the property at any time during
23 the period beginning forty-five days before the date
24 of the election to which the signs pertain and ending
25 on the day of the election, even if such placement
26 would otherwise be a violation of this chapter. This
27 section shall not be construed to authorize placement
28 of any political sign at any location where it may,
29 because of its size, location, content or coloring
30 constitute a traffic hazard or a detriment to traffic
31 safety by obstructing the vision of drivers, by
32 detracting from the visibility of any traffic-control
33 device or by being confused with an authorized
34 traffic-control device. The exemption from provisions
35 of this chapter granted by this section for political
36 signs shall expire on the seventh day following the
37 date of the election to which the signs pertain. A
38 municipal corporation shall adopt no ordinance which
39 prohibits the placement of political signs on private
40 property as permitted by this section during the
41 period beginning twenty-one days before the date of
42 the election to which the signs pertain, nor requires
43 removal of the political signs so placed less than
44 seven days after the date of that election."

45 5. By renumbering as necessary.

JIM LIND

S-3688

- 1 Amend Senate File 413 as follows:
- 2 1. Page 4, by striking lines 29 through 33 and
3 inserting the following:
4 "b. For filing and docketing of a complaint or
5 information for a simple misdemeanor and a complaint
6 or information for a nonscheduled simple misdemeanor
7 under chapter 321, twenty-five dollars."
8 2. Page 5, line 9, by striking the word "fifteen"
9 and inserting the following: "twenty-five".
10 3. Page 5, by striking lines 10 and 11 and
11 inserting the following:
12 "e. For court costs in scheduled violation cases
13 where a court appearance is not required, fifteen
14 dollars.
15 f. For an appeal of a simple misdemeanor to the
16 district court, fifty dollars.
17 g. A five dollar administrative fee to be paid by
18 the defendant for each notice issued pursuant to
19 section 321.40 or 321.210A."
20 4. Page 6, line 26, by striking the words
21 "paragraph "e"" and inserting the following:
22 "paragraph "f"".
23 5. Page 6, line 27, by inserting after the word
24 "collected" the following: "pursuant to section
25 602.8106, subsection 1, paragraph "b",".
26 6. Page 6, line 30, by inserting after the word
27 "collected" the following: "pursuant to section
28 602.8106, subsection 1, paragraph "b",".
29 7. Page 6, by striking lines 33 and 34 and
30 inserting the following: "section 602.8106,
31 subsection 1, paragraph "c".
32 e. Five dollars of the court costs collected
33 pursuant to section 602.8106, subsection 1, paragraph
34 "e", for court costs in scheduled violation cases
35 where a court appearance is not required.
36 f. Four dollars and fifty cents of the court costs
37 collected pursuant to section 602.8106, subsection 1,
38 paragraph "d", for court costs in scheduled violation
39 cases where a court appearance is required."
40 8. Page 7, by inserting after line 13 the
41 following:
42 "5. A court technology and modernization fund is
43 established as a separate fund in the state treasury.
44 Moneys deposited in the fund shall be administered by
45 the supreme court and shall be used as follows:
46 a. Eighty-five percent shall be used to enhance
47 the ability of the judicial department to process
48 cases and information.

49 b. Fifteen percent shall be used to facilitate
50 alternative dispute resolution, methods to resolve

Page 2

1 domestic abuse cases, which may include personnel for
2 hearings under section 236.4.

3 6. Of the following amounts or the equivalent
4 percentage of the amounts, the state court
5 administrator shall allocate eighty percent to be
6 deposited into the emergency medical services fund
7 established in section 135.25, if enacted in 1993 Iowa
8 Acts, Senate File 48, and twenty percent to be
9 deposited into the court technology and modernization
10 fund established in subsection 5.

11 a. Five dollars of each fee collected pursuant to
12 section 602.8106, subsection 1, paragraph "b", for
13 filing and docketing a complaint or information for a
14 simple misdemeanor or for a nonscheduled simple
15 misdemeanor under chapter 321.

16 b. Ten dollars of the court costs collected
17 pursuant to section 602.8106, subsection 1, paragraph
18 "d", for court costs in scheduled violation cases
19 where a court appearance is required.

20 c. Three dollars of the court costs collected
21 pursuant to section 602.8106, subsection 1, paragraph
22 "e", for court costs in scheduled violation cases
23 where a court appearance is not required."

24 9. Page 8, by inserting after line 23 the
25 following:

26 "Sec. ____ . Section 805.6, subsection 1, paragraph
27 a, unnumbered paragraph 1, Code 1993, is amended to
28 read as follows:

29 The commissioner of public safety, the director of
30 transportation, and the director of natural resources,
31 acting jointly, shall adopt a uniform, combined
32 citation and complaint which shall be used for
33 charging all traffic violations in Iowa under state
34 law or local regulation or ordinance, and which shall
35 be used for charging all other violations which are
36 designated by section 805.8 to be scheduled
37 violations. The filing fees and court costs in cases
38 of parking meter and overtime parking violations which
39 are denied are as stated in section 602.8106,
40 subsection 1. The court costs in scheduled violation
41 cases where a court appearance is not required are ten
42 dollars as stated in section 602.8106, subsection 1.
43 The court costs in scheduled violation cases where a
44 court appearance is required are fifteen dollars as
45 stated in section 602.8106, subsection 1. This

46 subsection does not prevent the charging of any of
47 those violations by information, by private complaint
48 filed under chapter 804, or by a simple notice of fine
49 where permitted by section 321.236, subsection 1.
50 Each uniform citation and complaint shall be serially

Page 3

1 numbered and shall be in quintuplicate, and the
2 officer shall deliver the original and a copy to the
3 court where the defendant is to appear, two copies to
4 the defendant, and a copy to the law enforcement
5 agency of the officer. The court shall forward an
6 abstract of the uniform citation and complaint in
7 accordance with section 321.491 when applicable.”

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

10 “Sec. ____ . The first nine hundred fifty-six
11 thousand four hundred forty dollars deposited in the
12 emergency medical services fund established in section
13 135.25, if enacted in 1993 Iowa Acts, Senate File 48,
14 shall be transferred to the general fund of the state.
15 Amounts in excess of that amount shall be retained in
16 the fund for the purposes of the fund.”

RALPH ROSENBERG
JOHN W. JENSEN
EMIL J. HUSAK

S-3689

1 Amend Senate File 417 as follows:

2 1. Page 2, by striking lines 8 through 12 and
3 inserting the following: “Members of the board shall
4 not have any”.

5 2. Page 2, line 16, by inserting after the word
6 “network” the following: “as provided in chapter
7 68B”.

8 3. Page 2, line 21, by inserting after the word
9 “appointees” the following: “in areas including, but
10 not limited to, public utility regulation,
11 telecommunications, and education issues related to
12 the network”.

13 4. Page 2, line 33, by striking the word “six”
14 and inserting the following: “seven”.

15 5. Page 2, line 34, by striking the word “six”
16 and inserting the following: “seven”.

17 6. Page 3, line 3, by inserting after the word
18 “districts;” the following: “one person representing
19 the area education agencies;”.

- 20 7. Page 3, line 8, by striking the word "council"
 21 and inserting the following: "board".
- 22 8. Page 4, line 21, by inserting after the word
 23 "network." the following: "Rules adopted by the board
 24 shall also not abridge or modify agreements between an
 25 educator and an educational institution related to any
 26 copyright, patent, invention, software, instruction,
 27 instructional programming, or other intellectual
 28 property interest."
- 29 9. Page 4, line 33, by inserting after the word
 30 "agencies." the following: "However, rules adopted by
 31 the board relating to state communications which are
 32 not part of the network shall not apply to public
 33 universities governed by the state board of regents."
- 34 10. Page 4, line 34, by inserting after the
 35 figure "8," the following: "11,".
- 36 11. Page 5, line 9, by inserting after the word
 37 "board," the following: "the Iowa communications
 38 network board."
- 39 12. Page 5, by inserting after line 31 the
 40 following:
 41 "d. "State communications network" or "network"
 42 means Part I, Part II, and Part III of the system."
- 43 13. By striking page 6, line 9, through page 7,
 44 line 13, and inserting the following: "system shall
 45 be provided eighty percent from by the state and
 46 twenty percent from the local school boards of the
 47 areas which receive transmissions from the system.
 48 The local school boards may meet all or part of the
 49 match requirements of Part III of the system through a
 50 cooperative arrangement with community colleges. The

Page 2

- 1 basis for the amount of state match financing is
 2 eighty one hundred percent of a single interactive
 3 audio and one-way interactive video connection for
 4 Part III of the system, and such data and voice
 5 capacity as is necessary. The local school boards and
 6 community colleges may meet the match requirements for
 7 Part II and Part III of the system from funds they
 8 have already spent for their systems; from funds
 9 available in the school budget, or from funds received
 10 from other nonstate sources. In the case of existing
 11 systems, in order to upgrade facilities to the
 12 specifications of the state communications network,
 13 the local school boards and community colleges, in
 14 lieu of a cash match, may meet the match requirements
 15 from funds they have already spent for their systems
 16 provided that the state match does not exceed the

17 lesser of eighty percent of the total cost of the
18 upgraded system or eighty percent of the replacement
19 cost of the system. The communications equipment
20 funds used as a match by a community college shall be
21 calculated based on verified expenditures for capital,
22 equipment, hardware, and software for long-distance
23 learning technologies, including both audio and visual
24 transmission. The communications equipment used as a
25 match shall not subsequently be used as a match by
26 another educational entity or for another part of the
27 system. A local school board may request the school
28 budget review committee to adjust the allowable growth
29 for the school district so that the resulting increase
30 in budget could be used for the match. A local school
31 board shall determine the type of classroom facility
32 to be provided and the type of facility or equipment
33 to be used in providing the connection to the school
34 or the classroom. If a local school board elects to
35 provide one hundred percent of the financing for the
36 lease costs for Part III, the school district may
37 become part of the system as soon as the network can
38 reasonably connect it. A local school board may also
39 elect that the school district not to become part of
40 the system. Such election shall be made on an annual
41 basis. State matching funds shall not be provided for
42 Part III of the system until Part I and Part II of the
43 system have been completed. Leasing of Part”.
44 14. Page 8, line 12, by inserting after the word
45 “proceed.” the following: “The board is authorized to
46 regulate and review the terms of any lease entered
47 into related to Part III of the system.”
48 15. Page 8, line 13, by striking the word “board”
49 and inserting the following: “district”.
50 16. Page 8, by inserting after line 16 the

Page 3

1 following:
2 “Nothing in this section shall preclude a school
3 corporation from using or upgrading existing
4 facilities for use in the corporation’s own district
5 or region for Part III of the system which meet the
6 specifications of the state communications network and
7 provide interactive audio and interactive video and
8 such data and voice capacity as is necessary.”
9 17. Page 8, line 19, by striking the words “local
10 school board” and inserting the following: “school
11 corporation”.
12 18. Page 8, line 20, by inserting after the word
13 “library” the following: “located within the

- 14 company's service territory”.
- 15 19. Page 8, line 22, by striking the word
- 16 “district” and inserting the following:
- 17 “corporation”.
- 18 20. Page 8, line 27, by striking the word
- 19 “district” and inserting the following:
- 20 “corporation”.
- 21 21. Page 8, line 28, by striking the words “but
- 22 not limited to”.
- 23 22. Page 8, line 29, by inserting after the word
- 24 “for” the following: “maintenance.”
- 25 23. Page 8, line 31, by striking the word
- 26 “district” and inserting the following:
- 27 “corporation”.
- 28 24. Page 8, line 34, by striking the word
- 29 “district” and inserting the following:
- 30 “corporation”.
- 31 25. Page 9, line 5, by striking the words “local
- 32 school board” and inserting the following: “school
- 33 corporation”.
- 34 26. Page 9, line 6, by inserting after the word
- 35 “library” the following: “located within the
- 36 company's service territory”.
- 37 27. Page 9, line 11, by striking the word
- 38 “placing”.
- 39 28. Page 9, line 13, by striking the words “but
- 40 not limited to costs for” and inserting the following:
- 41 “costs for maintenance.”
- 42 29. Page 9, line 15, by striking the words “the
- 43 school district” and inserting the following: “such
- 44 authorized user”.
- 45 30. Page 9, line 18, by inserting before the word
- 46 “If” the following: “A certified local exchange
- 47 telephone company with fewer than fifteen thousand
- 48 access lines shall have ninety days, from the date an
- 49 authorized user has requested that the local exchange
- 50 telephone company provide through a lease the required

Page 4

- 1 facilities related to Part III of the network, to
- 2 notify such user as to whether the local exchange
- 3 telephone company elects to provide the required
- 4 facilities.”
- 5 31. Page 9, line 23, by inserting after the word
- 6 “facilities.” the following: “The board shall
- 7 determine the form and content of the request for
- 8 proposals and shall determine which proposal will be
- 9 accepted for providing the required facilities.”
- 10 32. Page 9, line 35, by striking the word

11 "district" and inserting the following: "corporation
12 or public library".

13 33. Page 10, line 3, by striking the word
14 "district" and inserting the following: "corporation
15 or public library".

16 34. Page 10, by striking lines 6 through 8 and
17 inserting the following:

18 "An authorized user may request a review of the
19 periodic lease rate by the Iowa communications network
20 board for compliance with reasonable norms established
21 by rule of the board. Rates consistent with the
22 norms".

23 35. Page 10, line 11, by striking the word
24 "utilities" and inserting the following: "Iowa
25 communications network".

26 36. Page 10, line 12, by inserting after the word
27 "norms" the following: "after review of such proposed
28 rates by the Iowa utilities board".

29 37. Page 10, by inserting after line 12 the
30 following:

31 "For purposes of this section, "new facilities" for
32 purposes of determining the capital cost to be
33 amortized in establishing the lease rate are those
34 facilities which are procured, installed, or
35 constructed to provide Part III of the system to a
36 user on or after the date such user certifies to the
37 board, in a manner as determined by the board, that
38 the user is ready to be connected to the network."

39 38. Page 11, by inserting after line 12, the
40 following:

41 "11. The fees charged for use of the network by an
42 authorized user for educational telecommunications
43 shall be based on the ongoing operational and
44 maintenance costs of the network only."

45 39. Page 11, line 30, by striking the word
46 "Access" and inserting the following: "a. Access".

47 40. Page 11, by striking line 33 and inserting
48 the following: "office. An agency of the federal
49 government shall contribute, at a minimum, an amount".

50 41. Page 12, by striking lines 1 through 8 and

Page 5

1 inserting the following: "communications network
2 board. Access to the network shall be provided
3 pursuant to a lease unless such lease would be
4 prohibited by any of the following:

- 5 (1) Federal law.
6 (2) Rule or regulation of the federal agency.
7 (3) Policy of the federal agency.

8 (4) Lack of funding which prevents an ongoing
9 lease arrangement from being entered into.
10 If the Iowa communications network board determines
11 that a lease is prohibited as provided in this
12 paragraph, the board may still permit an agency of the
13 federal government access to the network upon a
14 showing by the federal agency to the board that
15 sufficient federal funding is available to pay for the
16 costs of connection to the network."

17 42. Page 12, by striking lines 9 through 26 and
18 inserting the following:

19 "b. Access shall be offered to hospitals licensed
20 pursuant to chapter 135B. A hospital shall
21 contribute, at a minimum, an amount consistent with
22 its share of use for the part of the system in which
23 the hospital participates as determined by the Iowa
24 communications network board. Access to Parts I and
25 II of the network shall be offered to hospitals
26 licensed pursuant to chapter 135B for education and
27 distance learning applications; continuing medical
28 education applications; diagnostic, clinical, and
29 consultative services which require the use of
30 interactive video, the transmission of high quality
31 images, or the combination of text, video, visual, or
32 graphic information; the transmission of payments and
33 claims information to and from the medicaid program
34 established under Title XVIII of the federal Social
35 Security Act and the medical assistance (medicare)
36 program established pursuant to chapter 249A, the
37 health data commission or its successor agency, the
38 Iowa department of public health, and the community
39 health management information system, where such
40 information transmission assists in satisfying an
41 information-gathering duty assigned by statute; and
42 the transmission of government payments and claims
43 information to hospitals. This paragraph is repealed
44 effective June 30, 2003."

45 43. By striking page 12, line 30, through page
46 13, line 1, and inserting the following:

47 "NEW SUBSECTION. 13C. Notwithstanding the
48 provisions of subsection 4 regarding the lease of all
49 component parts for Part III of the system, an
50 authorized user may purchase a wireless system

Page 6

1 utilizing a portion of the electromagnetic spectrum
2 allocated by the federal communications commission.
3 An authorized user eligible to receive state funding
4 for the provision of the component parts for Part III

5 of the system, as provided in subsection 3, may also
6 utilize such wireless system. If such authorized user
7 determines to use such wireless system, the user shall
8 inform the board of the decision to utilize such
9 wireless system and the board shall develop a request
10 for proposals for providing such system. The wireless
11 system may be provided under a lease, lease-purchase
12 agreement, or a purchase of the wireless
13 communications system."

14 44. Page 13, line 30, by inserting after the word
15 "needs," the following: "The rules shall not abridge
16 or modify agreements between an educator and an
17 educational institution related to any copyright,
18 patent, invention, software, instruction,
19 instructional programming, or other intellectual
20 property interest."

21 45. Page 14, by inserting after line 2, the
22 following:

23 "Sec. ____ . NEW SECTION. 256.36A MEDIA AND
24 EDUCATIONAL SERVICES FUND.

25 A media and educational services fund is
26 established in the treasurer's office under the
27 control of the department of education. Moneys
28 deposited in the fund shall be used for the
29 development of staff development programs for use on
30 the state communications network, and for the
31 development of programs to assist teachers in the use
32 of, and teaching on, the state communications
33 network."

34 46. Page 14, by inserting after line 2 the
35 following:

36 "Sec. ____ . Section 273.3, Code 1993, is amended by
37 adding the following new subsection:

38 NEW SUBSECTION. 20. Be authorized to purchase
39 equipment as provided in section 279.48.

40 Sec. ____ . NEW SECTION. 279.48 EQUIPMENT
41 PURCHASE.

42 The board of directors of a school corporation may
43 purchase equipment, and may enter into a contract and
44 issue a note to pay for the equipment. The note must
45 mature within five years and bear interest at a rate
46 to be determined by the board of directors in the
47 manner provided in section 74A.3, subsection 1. The
48 board of directors, by resolution, shall provide for
49 the form of the contract and note. Principal and
50 interest on the note must be payable from budgeted

Page 7

1 receipts in the current budget for each year of a
2 period of up to five years.

3 Sec. ____ . Section 298.3, subsection 3, Code 1993,
4 is amended to read as follows:

5 3. The purchase of buildings and the purchase of a
6 ~~single unit~~ of equipment or a technology system
7 exceeding five thousand dollars in value."

8 47. Page 16, line 5, by inserting after the word
9 "companies" the following: "with less than five
10 hundred thousand access lines".

11 48. Page 20, by inserting after line 17 the
12 following:

13 "Sec. 102. NEW SECTION. 476.30 FINDINGS --
14 STATEMENT OF POLICY.

15 The general assembly finds, in addition to other
16 standards for the provision of communications services
17 established in this chapter, all of the following:

18 1. Communications services should be available to
19 all citizens of this state at just, reasonable, and
20 affordable rates.

21 2. Competition should be permitted to function as
22 a substitute for certain aspects of regulation in
23 determining the variety, quality, and pricing of
24 communications services, when it is consistent with
25 the protection of consumers of communications services
26 and the furtherance of other relevant public interests
27 and goals.

28 3. The utilities board should be authorized to
29 respond with sufficient flexibility to the rapidly
30 changing nature of the communications industry.

31 4. Development of, and prudent investment in,
32 advanced communications networks which foster economic
33 development in this state should be encouraged.

34 Sec. 103. NEW SECTION. 476.30A ALTERNATIVE FORMS
35 OF REGULATION.

36 1. Notwithstanding contrary provisions of this
37 chapter, the board may adopt rules for utilities
38 furnishing communications services which authorize and
39 establish alternative forms of regulation other than
40 rate-of-return regulation. Alternative forms of
41 regulation, if approved by the board, may include
42 earnings sharing, revenue sharing, rate moratoria,
43 network modernization, incentive plans, or a
44 combination of these. Participation in an alternative
45 form of regulation is optional and at the election of
46 the utility.

47 2. A rate-regulated public utility furnishing
48 communications services may submit and the board may,

49 after notice and opportunity for hearing, approve or
50 modify a plan for an alternative form of regulation

Page 8

1 specific to that utility. The plan may be applied to
2 any pending proceeding involving the utility. The
3 hearing on the plan may be conducted separately or as
4 part of any pending proceeding involving the utility.
5 If the board modifies the proposed plan, participation
6 in the modified plan for alternative regulation shall
7 be optional and at the election of the utility.
8 3. Before a rate-regulated public utility
9 furnishing communications services can operate under a
10 plan for alternative regulation, the consumer advocate
11 may file a petition under section 476.3, subsection 2.
12 The consumer advocate shall indicate whether a
13 complaint will be filed no later than sixty days after
14 the utility requests permission to operate under a
15 plan for alternative regulation under subsection 2.
16 If the consumer advocate indicates an intent to file a
17 petition, the consumer advocate shall have an
18 additional ninety days to file such petition. A
19 refund or rate adjustment to the customers of such
20 utility which results from a petition filed by the
21 consumer advocate, shall not be affected as a result
22 of the implementation or existence of a plan for
23 alternative regulation.
24 4. A utility participating in an alternative form
25 of regulation must participate for at least two years.
26 However, a plan for alternative regulation shall not
27 be approved or implemented for a period longer than
28 five years without being renewed. At the expiration
29 of the time period for a plan for alternative
30 regulation, the consumer advocate and the utility
31 participating under the plan shall have a reasonable
32 opportunity to request a rate adjustment pursuant to
33 section 476.3, subsection 2, and section 476.6.
34 5. The board, in considering a plan for an
35 alternative form of regulation for a utility, shall
36 evaluate the effect of the proposed plan in
37 relationship to all of the following:
38 a. Effecting just and reasonable rates.
39 b. Provision of high quality, universally
40 available communications services.
41 c. Encouragement of investment in the
42 communications infrastructure, efficiency
43 improvements, and technological innovation.
44 d. The introduction of new communications products
45 and services.

- 46 e. Regulatory efficiency including reduction of
47 regulatory costs and delays.
48 6. Any utility plan for alternative regulation
49 shall, at a minimum, include all of the following:
50 a. A provision that at least fifty percent of the

Page 9

1 dollar amounts identified for sharing between the
2 utility and the utility's customers shall be returned
3 to the utility's customers.

4 b. The terms upon which changes in prices for
5 essential communications services may be approved by
6 the board.

7 c. Flexibility in establishing and changing
8 prices, terms, and conditions for nonessential
9 communications services.

10 d. Applicability of the board's service quality
11 standards.

12 e. Reporting of service offerings, prices, and
13 price changes to the board.

14 f. The term of the plan and the time for board
15 review of the plan before the plan terminates.

16 g. The manner in which changes in revenues,
17 expenses, and investment due to exogenous factors
18 beyond the control of the utility may be reflected in
19 rates.

20 7. The utilities board shall study the effective-
21 ness of any plans for alternative regulation which are
22 approved. A study shall include a description of the
23 plan, identification of the local exchange utility or
24 utilities participating under the plan, and an
25 analysis of the effects of the plan, including, but
26 not limited to, the extent to which the plan has
27 generated savings as a result of inducing additional
28 efficiencies by the utility. The results of a study
29 conducted pursuant to this subsection shall be
30 reported to the general assembly by January 15 after
31 the first full year that the plan is in effect.

32 Sec. 104. NEW SECTION. 476.30B PROHIBITED ACTS.

33 A utility electing to participate and submitting an
34 alternative regulation plan pursuant to section
35 476.30A shall not do any of the following:

36 1. Discriminate against another provider of
37 communications services by refusing or delaying access
38 to the participating utility's local exchange network.

39 2. Degrade the quality of access or service
40 provided to another provider of communications
41 services.

42 Sec. 105. NEW SECTION. 476.30C DEFINITIONS.

43 As used in sections 476.30 through 476.30B, unless
44 the context otherwise requires:

45 1. "Essential communications service" means that
46 communications service or equipment necessary for a
47 residential or business end-user to pursue, at a
48 minimum, voice communications on the public network in
49 a manner consistent with community expectations and
50 the public interest as determined by the board.

Page 10

1 Essential communications services include, at a
2 minimum, basic local telephone service, switched
3 access, 911 and E911 services, and relay service for
4 communications-impaired persons. The board is
5 authorized to classify by rule other communications
6 services as essential communications services
7 consistent with this definition.

8 2. "Nonessential communications services" means
9 all communications services subject to the board's
10 jurisdiction not deemed either by statute or by rule
11 as essential communications services.

12 3. "Rate-regulated public utility furnishing
13 communications services" or "utility participating in
14 an alternative form of regulation" means a rate-
15 regulated local exchange telephone company with five
16 hundred thousand or more access lines.

17 Sec. 106. Section 476.3, subsection 2, Code 1993,
18 is amended by adding the following new unnumbered
19 paragraph:

20 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding the
21 provisions of this subsection authorizing the consumer
22 advocate to file a petition with the board alleging
23 that a utility's rates are excessive, the consumer
24 advocate shall not file a petition which alleges that
25 a local exchange utility's rates are excessive while
26 the local exchange utility is participating in an
27 approved plan of alternative regulation approved by
28 the board pursuant to section 476.30A."

29 49. Page 20, by inserting after line 17 the
30 following:

31 "Sec. ____ . Section 476.71, Code 1993, is amended
32 to read as follows:

33 476.71 PURPOSE.

34 It is the intent of the general assembly that a
35 public utility should not directly or indirectly
36 include in regulated rates or charges, or rates or
37 charges in effect pursuant to section 476.1E, any
38 costs or expenses of an affiliate engaged in any
39 business other than that of utility business unless

40 the affiliate provides goods or services to the public
41 utility. The costs that are included should be
42 reasonably necessary and appropriate for utility
43 business. It is also the intent of the general
44 assembly that a public utility should only provide
45 nonutility services in a manner that minimizes the
46 possibility of cross-subsidization or unfair
47 competitive advantage.
48 Sec. ____ . Section 476.72, Code 1993, is amended to
49 read as follows:
50 476.72 DEFINITIONS.

Page 11

1 As used in this division, unless the context
2 otherwise requires:
3 1. "Affiliate" means a party that directly, or
4 indirectly through one or more intermediaries,
5 controls, is controlled by, or is under common control
6 with a rate-regulated public utility.
7 2. "Control" means the possession, direct or
8 indirect, of the power to direct or cause the
9 direction of the management and policies of an
10 enterprise through ownership, by contract or
11 otherwise.
12 3. "Nonutility service" includes the sale, lease,
13 or other conveyance of commercial and residential gas
14 or electric appliances, interior lighting systems and
15 fixtures, or heating, ventilating, or air conditioning
16 systems and component parts, communications systems
17 and component parts, services, or products sold,
18 leased, or otherwise provided by a telephone company
19 subject to section 476.1E, other than those systems,
20 parts, services, or products regulated under section
21 476.1E, or the servicing, repair, or maintenance of
22 such equipment.
23 4. "Public utility" includes only gas or electric
24 rate-regulated public utilities and rate-regulated
25 telephone utilities providing ~~local exchange~~
26 telecommunication service subject to section 476.1E.
27 5. "Utility business" means the generation or
28 transmission of electricity or furnishing of gas or
29 furnishing electricity or furnishing rate-regulated
30 communications services to the public for
31 compensation.
32 Sec. ____ . Section 476.78, Code 1993, is amended to
33 read as follows:
34 476.78 CROSS-SUBSIDIZATION PROHIBITED.
35 A rate-regulated gas or electric public utility or
36 a rate-regulated telephone company subject to section

37 476.1E shall not directly or indirectly include any
38 costs or expenses attributable to providing nonutility
39 service in regulated rates or charges.

40 Sec. ____ . Section 476.79, Code 1993, is amended to
41 read as follows:

42 **476.79 PROVISION OF NONUTILITY SERVICE.**

43 1. A rate-regulated gas or electric public utility
44 or a rate-regulated telephone company subject to
45 section 476.1E, providing any nonutility service to
46 its customers shall keep and render to the board
47 separate records of the nonutility service. The board
48 may provide for the examination and inspection of the
49 books, accounts, papers, and records of the nonutility
50 service, as may be necessary, to enforce any

Page 12

1 provisions of this chapter.

2 2. The board shall adopt rules which specify the
3 manner and form of the accounts relating to providing
4 nonutility services which the rate-regulated gas or
5 electric utility or a rate-regulated telephone company
6 subject to section 476.1E shall maintain.

7 Sec. ____ . Section 476.80, Code 1993, is amended to
8 read as follows:

9 **476.80 ADDITIONAL REQUIREMENTS.**

10 A rate-regulated gas or electric public utility or
11 a rate-regulated telephone company subject to section
12 476.1E which engages in a systematic marketing effort
13 as defined by the board, other than on an incidental
14 or casual basis, to promote the availability of
15 nonutility service from the public utility shall make
16 available at reasonable compensation on a
17 nondiscriminatory basis to all persons engaged
18 primarily in providing the same competitive nonutility
19 services in that area all of the following services to
20 the same extent utilized by the public utility in
21 connection with its nonutility services:

22 1. Access to and use of the public utility's
23 customer lists.

24 2. Access to and use of the public utility's
25 billing and collection system.

26 3. Access to and use of the public utility's
27 mailing system.

28 Sec. ____ . Section 476.81, Code 1993, is amended to
29 read as follows:

30 **476.81 AUDIT REQUIRED.**

31 The board may periodically retain a nationally or
32 regionally recognized independent auditing firm to
33 conduct an audit of the nonutility services provided

34 by a rate-regulated gas or electric public utility or
35 a rate-regulated telephone company subject to section
36 476.1E subject to the provisions of section 476.80. A
37 nonutility service audit shall not be conducted more
38 frequently than every three years, unless ordered by
39 the board for good cause. The cost of the audit shall
40 be paid by the public utility to the independent
41 auditing firm and shall be included in its regulated
42 rates and charges, unless otherwise ordered by the
43 board for good cause after providing the public
44 utility the opportunity for a hearing on the board's
45 decision.

46 Sec. ____ . Section 476.83, Code 1993, is amended to
47 read as follows:

48 476.83 COMPLAINTS.

49 Any person may file a written complaint with the
50 board requesting the board to determine compliance by

Page 13

1 a rate-regulated gas or electric utility or a rate-
2 regulated telephone company subject to section 476.1E
3 with the provisions of section 476.78, 476.79, or
4 476.80 or any validly adopted rules to implement those
5 sections. If the board determines there is any
6 reasonable ground to investigate the complaint, the
7 board shall promptly initiate formal complaint
8 proceedings. The formal proceeding may be initiated
9 at any time by the board on its own motion."

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

12 "Sec. 101.

13 1. A rate-regulated telephone company subject to
14 section 476.1E is subject to a rate review hearing
15 prior to the effective date of this Act. Such review
16 shall not be pursuant to section 476.6, but shall be a
17 review of the reasonableness of the rates which will
18 be the effective rates as provided in section 476.1E,
19 subsection 9.

20 2. A rate-regulated telephone company subject to
21 section 476.1E shall be subject to a rate review
22 proceeding under section 476.6. Such proceeding shall
23 commence after July 1, 1995, and before September 1,
24 1995. The review of the rate-regulated telephone
25 company's rates shall be completed prior to July 1,
26 1996."

27 51. Page 21, line 12, by striking the word "This"
28 and inserting the following: "Sections 1 through 14,
29 16, and 18 through 20 of this".

30 52. Page 21, line 13, by striking the word "is"

31 and inserting the following: "are".

32 53. Page 21, line 13, by inserting after the word
33 "enactment." the following: "Sections 102 through 106
34 of this Act are effective July 1, 1993."

35 54. Page 21, by inserting after line 13 the fol-
36 lowing:

37 "Section 15 of this Act, which enacts new section
38 476.1E, and section 17 are effective December 1, 1993.

39 Sec. ____ . Section 101, being deemed of immediate
40 importance, is effective upon enactment.

41 Sec. ____ . Section 476.1E, sections 476.30 through
42 476.30C, Code 1993, and section 476.3, subsection 2,
43 new unnumbered paragraph, as enacted during the 1993
44 regular session, are repealed effective December 1,
45 1996."

46 55. By renumbering as necessary.

COMMITTEE ON COMMUNICATIONS
AND INFORMATION POLICY
RICHARD VARN, Chairperson

S-3690

1 Amend the amendment, S-3688, to Senate File 413 as
2 follows:

3 1. Page 3, line 10, by inserting after the word
4 "first" the following: "sixty-eight thousand three
5 hundred thirty-eight dollars deposited in the
6 emergency medical services fund established in section
7 135.25, if enacted in 1993 Iowa Acts, Senate File 48,
8 shall be transferred to the Iowa law enforcement
9 academy for training purposes. The next".

DON E. GETTINGS

S-3691

1 Amend House File 331, as passed by the House, as
2 follows:

3 1. Page 5, by inserting after line 4 the follow-
4 ing:

5 "Sec. ____ . NEW SECTION. 455B.192 LOCAL GOVERN-
6 MENT -- PENALTIES.

7 Notwithstanding sections 331.302, 331.307, 364.3,
8 and 364.22, a city or county may assess a civil
9 penalty for a violation of this division which is
10 equal to the amount the department has assessed for a
11 violation under this division."

12 2. Title page, line 1, by inserting after the
13 word "Act" the following: "relating to environmental

14 protection by”.

15 3. Title page, line 2, by inserting after the
16 word “regulations” the following: “, addressing civil
17 penalties for local governmental water quality
18 violations,”.

19 4. By renumbering as necessary.

JEAN LLOYD-JONES

S-3692

1 Amend Senate File 413 as follows:

2 1. Page 4, line 1, by striking the word “fifty”
3 and inserting the following: “twenty”.

AL STURGEON

S-3693

1 Amend House Concurrent Resolution 16, as amended,
2 passed, and reprinted by the House, as follows:

3 1. Page 8, line 20, by striking the words “the
4 first” and inserting the following: “the a first or
5 subsequent”.

6 2. Page 8, line 29, by inserting after the word
7 “differed.” the following: “If a conference committee
8 report is not acted upon because such action would
9 violate this subsection of this rule, the inaction on
10 the report shall constitute refusal to adopt the
11 conference committee report and shall have the same
12 effect as if the conference committee had disagreed.”

13 3. By striking page 9, line 28, through page 10,
14 line 4.

ANDY McKEAN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 637

S-3694

1 Amend the Senate amendment, H-4094, to House File
2 637, as passed by the House, as follows:

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

5 ““Sec. ____ . NEW SECTION. 169B.50 DISPOSITION AND
6 DESTRUCTION OF ABANDONED OR PERMANENTLY DISTRESSED
7 LIVESTOCK AND OTHER ANIMALS.”

8 1. A county or city may dispose of or destroy

9 livestock, as defined in section 717.1A, which has
10 been abandoned. A county or city or an animal shelter
11 or pound, as defined in section 162.1, may dispose of
12 or destroy any other animal, as defined in section
13 717B.1, which has been abandoned.

14 2. A county or city may provide for the immediate
15 destruction of livestock and a county or city or an
16 animal shelter or pound may provide for the
17 destruction of any other animal as provided in
18 subsection 1, if at the time of the destruction, the
19 owner of the livestock or other animal is absent or
20 unable to care for the livestock or other animal, and
21 the livestock or other animal is permanently
22 distressed by disease or injury to a degree that would
23 result in severe and prolonged suffering.

24 The destruction of livestock or another animal as
25 provided in this section shall be accomplished by a
26 humane method which may be by euthanasia as defined in
27 section 162.2."

28 2. Page 4, line 14, by striking the words "the
29 and" and inserting the following: "and".

30 3. Page 4, by inserting after line 14, the
31 following:

32 "___ . Page 3, by inserting after line 6 the
33 following:

34 "___ . This section does not apply to an
35 institution, as defined in section 145B.1, or a
36 research facility, as defined in section 162.2,
37 provided that the institution or research facility
38 performs functions within the scope of accepted
39 practices of disciplines associated with the
40 institution or research facility."

41 4. Page 4, by inserting after line 16 the
42 following:

43 "___ . Page 4, line 2, by striking the word "only"
44 and inserting the following: "by a humane method
45 which may be"."

46 5. Page 4, line 16, by striking the word
47 "commits" and inserting the following: "commits".

48 6. By striking page 4, line 17 through page 5,
49 line 28 and inserting the following:

50 "___ . Page 4, line 10, by striking the words "AND

Page 2

1 ABUSED ANIMALS INJURED" and inserting the following:

2 "AND ABUSED ANIMALS".

3 ___ . Page 4, lines 15 and 16, by striking the

4 words "which is the subject of the wrongful treatment"

5 and inserting the following: "neglected by the person

6 as provided in section 717.2".

7 —. Page 5, line 5, by inserting after the
8 figure "717.1A" the following: "; does not include
9 game, fur-bearing animals, fish, amphibians, or
10 reptiles, all as defined in section 481A.1; and does
11 not include species of nongame declared to be a
12 nuisance pursuant to section 481A.42".

13 —. Page 8, line 13, by inserting after the word
14 "not" the following: "intentionally".

15 —. Page 8, by striking line 22, and inserting
16 the following: "of an animal neglected by the person
17 as provided in section 717.2.""

18 7. By renumbering as necessary.

S-3695

1 Amend Senate File 413 as follows:

2 1. Page 4, by striking lines 29 through 33 and
3 inserting the following:

4 "b. For filing and docketing of a complaint or
5 information for a simple misdemeanor and a complaint
6 or information for a nonscheduled simple misdemeanor
7 under chapter 321, twenty-five dollars."

8 2. Page 5, line 9, by striking the word "fifteen"
9 and inserting the following: "twenty-five".

10 3. Page 5, by striking lines 10 and 11 and
11 inserting the following:

12 "e. For court costs in scheduled violation cases
13 where a court appearance is not required, fifteen
14 dollars.

15 f. For an appeal of a simple misdemeanor to the
16 district court, fifty dollars.

17 g. A five dollar administrative fee to be paid by
18 the defendant for each notice issued pursuant to
19 section 321.40 or 321.210A."

20 4. Page 6, line 26, by striking the words
21 "paragraph "e"" and inserting the following:

22 "paragraph "f".

23 5. Page 6, line 27, by inserting after the word
24 "collected" the following: "pursuant to section
25 602.8106, subsection 1, paragraph "b",."

26 6. Page 6, line 30, by inserting after the word
27 "collected" the following: "pursuant to section
28 602.8106, subsection 1, paragraph "b",."

29 7. Page 6, by striking lines 33 and 34 and
30 inserting the following: "section 602.8106,

31 subsection 1, paragraph "c".

32 e. Five dollars of the court costs collected
33 pursuant to section 602.8106, subsection 1, paragraph
34 "e", for court costs in scheduled violation cases

35 where a court appearance is not required.

36 f. Four dollars and fifty cents of the court costs
37 collected pursuant to section 602.8106, subsection 1,
38 paragraph "d", for court costs in scheduled violation
39 cases where a court appearance is required."

40 8. Page 7, by inserting after line 13 the
41 following:

42 "5. A court technology and modernization fund is
43 established as a separate fund in the state treasury.
44 Moneys deposited in the fund shall be administered by
45 the supreme court and shall be used as follows:

46 a. Eighty percent shall be used to enhance the
47 ability of the judicial department to process cases
48 and information.

49 b. Twenty percent shall be used in equal amounts
50 to facilitate alternative dispute resolution and

Page 2

1 methods to resolve domestic abuse cases, which may
2 include personnel for hearings under section 236.4.

3 6. Of the following amounts or the equivalent
4 percentage of the amounts, the state court
5 administrator shall allocate eighty percent to be
6 deposited into the emergency medical services fund
7 established in section 135.25, if enacted in 1993 Iowa
8 Acts, Senate File 48, and twenty percent to be
9 deposited into the court technology and modernization
10 fund established in subsection 5.

11 a. Five dollars of each fee collected pursuant to
12 section 602.8106, subsection 1, paragraph "b", for
13 filing and docketing a complaint or information for a
14 simple misdemeanor or for a nonscheduled simple
15 misdemeanor under chapter 321.

16 b. Ten dollars of the court costs collected
17 pursuant to section 602.8106, subsection 1, paragraph
18 "d", for court costs in scheduled violation cases
19 where a court appearance is required.

20 c. Three dollars of the court costs collected
21 pursuant to section 602.8106, subsection 1, paragraph
22 "e", for court costs in scheduled violation cases
23 where a court appearance is not required."

24 9. Page 8, by inserting after line 23 the
25 following:

26 "Sec. ____ . Section 805.6, subsection 1, paragraph
27 a, unnumbered paragraph 1, Code 1993, is amended to
28 read as follows:

29 The commissioner of public safety, the director of
30 transportation, and the director of natural resources,
31 acting jointly, shall adopt a uniform, combined

32 citation and complaint which shall be used for
 33 charging all traffic violations in Iowa under state
 34 law or local regulation or ordinance, and which shall
 35 be used for charging all other violations which are
 36 designated by section 805.8 to be scheduled
 37 violations. The filing fees and court costs in cases
 38 of parking meter and overtime parking violations which
 39 are denied are as stated in section 602.8106,
 40 subsection 1. The court costs in scheduled violation
 41 cases where a court appearance is not required are ~~ten~~
 42 dollars as stated in section 602.8106, subsection 1.
 43 The court costs in scheduled violation cases where a
 44 court appearance is required are ~~fifteen dollars as~~
 45 stated in section 602.8106, subsection 1. This
 46 subsection does not prevent the charging of any of
 47 those violations by information, by private complaint
 48 filed under chapter 804, or by a simple notice of fine
 49 where permitted by section 321.236, subsection 1.
 50 Each uniform citation and complaint shall be serially

Page 3

1 numbered and shall be in quintuplicate, and the
 2 officer shall deliver the original and a copy to the
 3 court where the defendant is to appear, two copies to
 4 the defendant, and a copy to the law enforcement
 5 agency of the officer. The court shall forward an
 6 abstract of the uniform citation and complaint in
 7 accordance with section 321.491 when applicable."
 8 10. Page 9, by inserting after line 13 the
 9 following:
 10 "Sec. ____ . The first nine hundred fifty-six
 11 thousand four hundred forty dollars deposited in the
 12 emergency medical services fund established in section
 13 135.25, if enacted in 1993 Iowa Acts, Senate File 48,
 14 shall be transferred to the general fund of the state.
 15 Amounts in excess of that amount shall be retained in
 16 the fund for the purposes of the fund."

RALPH ROSENBERG
 EMIL J. HUSAK
 JOHN W. JENSEN

S-3696

1 Amend the amendment, S-3678, to Senate File 382 as
 2 follows:
 3 1. Page 1, line 17, by inserting after the word
 4 "cocaine," the following: "or anabolic steroid under
 5 section 124.208, subsection 6,".

- 6 2. Page 1, line 20, by inserting after the figure
7 "II" the following: ", or anabolic steroid under
8 section 124.208, subsection 6".
- 9 3. Page 1, line 47, by inserting after the word
10 "cocaine," the following: "or anabolic steroid under
11 section 124.208, subsection 6,".
- 12 4. Page 1, line 50, by inserting after the figure
13 "II" the following: ", or anabolic steroid under
14 section 124.208, subsection 6".
- 15 5. Page 2, line 15, by inserting after the word
16 "cocaine," the following: "or anabolic steroid under
17 section 124.208, subsection 6,".
- 18 6. Page 2, line 31, by inserting after the word
19 "cocaine," the following: "or anabolic steroid under
20 section 124.208, subsection 6,".
- 21 7. Page 2, line 34, by inserting after the figure
22 "II" the following: ", or anabolic steroid under
23 section 124.208, subsection 6,".

ANDY McKEAN

S-3697

1 Amend House File 576, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. ____ . Section 56.15A, Code 1993, is amended
6 to read as follows:

7 56.15A PROHIBITING CERTAIN CONTRIBUTIONS DURING
8 THE LEGISLATIVE SESSION.

9 ~~A lobbyist or political committee, other than a~~
10 ~~state statutory political committee, county statutory~~
11 ~~political committee, or a national political party,~~
12 shall not contribute to, act as an agent or
13 intermediary for contributions to, or arrange for the
14 making of contributions to the campaign funds of an
15 elected state official, member of the general
16 assembly, or candidate for public office on the state
17 level on any day during the regular legislative
18 session and, in the case of the governor or a
19 gubernatorial candidate, during the thirty days
20 following the adjournment of a regular legislative
21 session allowed for the signing of bills. A political
22 committee, other than a state statutory political
23 committee, county statutory political committee, or a
24 national political party, shall not contribute to, act
25 as an agent or intermediary for contributions to, or
26 arrange for the making of contributions to a candidate
27 for state office or to the candidate's committee of a

28 candidate for state office.

29 PARAGRAPH DIVIDED. This section shall not apply to
30 the solicitation or receipt of contributions by an
31 elected state official, member of the general
32 assembly, or other state official who has taken
33 affirmative action to seek nomination or election to a
34 federal elective office."

35 2. By numbering and renumbering as necessary.

JIM KERSTEN

S-3698

1 Amend Senate File 417 as follows:

2 1. Page 19, line 24, by striking the word
3 "similar" and inserting the following: "competitively
4 appropriate".

5 2. Page 20, by inserting after line 17 the
6 following:

7 "Sec. ____ . **NEW SECTION. 476.30B PROHIBITED ACTS.**

8 A certified local exchange telephone utility shall
9 not do any of the following:

10 1. Discriminate against a competing provider of
11 communications services in the price of, or by
12 refusing or delaying access to, essential network
13 service.

14 2. Degrade the quality of access or service or
15 offer inferior dialing arrangements or connections to
16 a competing provider of communications services.

17 3. Bundle essential network service in a manner
18 requiring a competing provider of communications
19 services to purchase functions unnecessary to the
20 competing provider's service offering.

21 4. Fail to include, for purposes of establishing a
22 price floor for a local exchange telephone utility
23 service, all pricing components it charges a competing
24 provider of communications services for essential
25 network service.

26 5. Fail to disclose in a timely manner, upon
27 request and pursuant to protective agreements
28 concerning proprietary information, all information
29 reasonably necessary for the network interface
30 equipment or network interface services that will meet
31 the specifications of the utility's local exchange
32 network.

33 6. Subsidize a nonessential network service,
34 except for basic local telephone service, 911
35 services, E911 services, and relay service for
36 communications-impaired persons, with revenues from
37 essential network services.

38 Sec. ____ . NEW SECTION. 476.30C DEFINITIONS.

39 For purposes of sections 476.30, 476.30A, and

40 476.30B, unless the context otherwise requires:

41 1. "Essential network service" means switched

42 access and any function of the certified local

43 exchange telephone utility which is necessary to

44 another provider of communications service or product

45 for the offering of such provider's service or

46 product.

47 2. "Nonessential network service" means any

48 service that is not an essential network service.

49 Sec. ____ . NEW SECTION. 476.30D PENALTY.

50 A person who is injured or threatened with injury

Page 2

1 by conduct prohibited under section 476.30B may bring

2 an action in the county where the cause of action

3 arose, where any defendant resides or transacts

4 business, or where an act in furtherance of the

5 conduct prohibited by this chapter occurred. Remedies

6 may be sought as set forth in section 553.12."

7 3. Page 21, line 8, by inserting after the word

8 "implemented" the following: "through reductions of

9 at least ten percent of the difference between the

10 intrastate and the federal rate per year".

11 4. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3699

1 Amend the amendment, S-3689, to Senate File 417 as

2 follows:

3 1. Page 7, by inserting after line 10 the

4 following:

5 " ____ . Page 19, line 24, by striking the word

6 "similar" and inserting the following: "competitively

7 appropriate".

8 2. By striking page 9, line 32, through page 10,

9 line 16 and inserting the following:

10 " ____ . Page 20, by inserting after line 17 the

11 following:

12 "Sec. ____ . NEW SECTION. 476.30B PROHIBITED ACTS.

13 A certified local exchange telephone utility shall

14 not do any of the following:

15 1. Discriminate against a competing provider of

16 communications services in the price of, or by

17 refusing or delaying access to, essential network

18 service.

19 2. Degrade the quality of access or service or
 20 offer inferior dialing arrangements or connections to
 21 a competing provider of communications services.
 22 3. Bundle essential network service in a manner
 23 requiring a competing provider of communications
 24 services to purchase functions unnecessary to the
 25 competing provider's service offering.
 26 4. Fail to include, for purposes of establishing a
 27 price floor for a local exchange telephone utility
 28 service, all pricing components it charges a competing
 29 provider of communications services for essential
 30 network service.
 31 5. Fail to disclose in a timely manner, upon
 32 request and pursuant to protective agreements
 33 concerning proprietary information, all information
 34 reasonably necessary for the network interface
 35 equipment or network interface services that will meet
 36 the specifications of the utility's local exchange
 37 network.
 38 6. Subsidize a nonessential network service,
 39 except for basic local telephone service, 911
 40 services, E911 services, and relay service for
 41 communications-impaired persons, with revenues from
 42 essential network services.
 43 Sec. ____ . NEW SECTION. 476.30C DEFINITIONS.
 44 For purposes of sections 476.30, 476.30A, and
 45 476.30B, unless the context otherwise requires:
 46 1. "Essential network service" means switched
 47 access and any function of the certified local
 48 exchange telephone utility which is necessary to
 49 another provider of communications service or product
 50 for the offering of such provider's service or

Page 2

1 product.
 2 2. "Nonessential network service" means any
 3 service that is not an essential network service.
 4 Sec. ____ . NEW SECTION. 476.30D PENALTY.
 5 A person who is injured or threatened with injury
 6 by conduct prohibited under section 476.30B may bring
 7 an action in the county where the cause of action
 8 arose, where any defendant resides or transacts
 9 business, or where an act in furtherance of the
 10 conduct prohibited by this chapter occurred. Remedies
 11 may be sought as set forth in section 553.12."
 12 3. Page 13, by inserting after line 9 the
 13 following:
 14 "____ . Page 21, line 8, by inserting after the
 15 word "implemented" the following: "through reductions

16 of at least ten percent of the difference between the
17 intrastate and the federal rate per year”.

18 4. By renumbering as necessary.

MICHAEL GRONSTAL

S-3700

1 Amend the amendment, S-3695, to Senate File 413, as
2 follows:

3 1. Page 2, by striking lines 6 through 8 and
4 inserting the following: “deposited in a court
5 personnel fund established as a separate fund in the
6 state treasury under the control of the judicial
7 department which shall be used for the hiring of
8 essential court personnel, including judges, and
9 twenty percent to be”.

10 2. Page 3, by striking lines 10 through 16.

AL STURGEON

S-3701

1 Amend the amendment, S-3695, to Senate File 413 as
2 follows:

3 1. Page 3, by inserting after line 9 the
4 following:
5 “Sec. ____ . The first sixty-eight thousand three
6 hundred thirty-eight dollars deposited in the court
7 personnel fund established in section 602.8108,
8 subsection 6, shall be transferred to the Iowa law
9 enforcement academy for training purposes.”

10 2. Page 3, by striking line 10 and inserting the
11 following: “The next nine hundred fifty-six”.

DON E. GETTINGS

S-3702

1 Amend House File 622, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking everything after the
4 enacting clause and inserting the following:
5 “Section 1. INTENT. It is the intent of the
6 general assembly to consider alternative ways in which
7 state government can optimize its resources and
8 organize itself for the finance, administration, and
9 management of public works and infrastructure
10 functions for the citizens of Iowa.

11 Sec. 2. FINDINGS AND OBJECTIVES. The general

12 assembly finds the following:

13 1. The state of Iowa has made and will continue to
14 make substantial progress towards retiring the state
15 deficit.

16 2. That once the deficit is retired, substantial
17 resources will be made available to dedicate towards
18 existing needs.

19 3. A growing need exists to address the state's
20 critical infrastructure needs and to develop a model
21 plan which could be utilized subsequently by all
22 levels of government.

23 4. A need exists for better coordination of Iowa's
24 infrastructure planning, building, and rehabilitation,
25 including a legislative process to formally review
26 infrastructure studies and evaluations at the time
27 they are prepared.

28 Sec. 3. DEFINITIONS. As used in this Act:

29 1. "Educational infrastructure" means the
30 facilities, structures, and support components that
31 directly relate to state-administered educational
32 institutions, including, but not limited to, state
33 board of regents institutions and community colleges.

34 2. "Environmental, health, and recreation
35 infrastructure" means the facilities, structures, and
36 support components that directly relate to state-
37 administered programs in these areas, including but
38 not limited to, natural resources, mental health,
39 state parks and recreation areas.

40 3. "Functional infrastructure" means the
41 facilities, structures, and supporting components that
42 directly relate to the functional operations of state
43 government activities, and contribute toward public
44 safety, including, but not limited to, those
45 structures which support the general assembly, state
46 government offices, courts, and prisons.

47 4. "Intrinsic infrastructure" means the
48 facilities, structures, and supporting components that
49 directly relate and are essential to an individual's
50 well-being and provide the essential public-funded

Page 2

1 elements of commerce which are within the state's
2 jurisdiction, including, but not limited to, roads,
3 highways, bridges, public transit, and flood control.

4 Sec. 4. INFRASTRUCTURE COMMITTEE -- YEAR 2004
5 CREATED -- MEMBERSHIP.

6 1. The legislative council is requested to
7 establish an infrastructure committee -- year 2004 to
8 study and evaluate critical infrastructure needs

9 during the 1993 and 1994 legislative interim periods.

10 2. The committee shall be composed of the
11 following:

12 a. Five members of the house of representatives,
13 three appointed by the speaker of the house, and two
14 appointed by the minority leader of the house.

15 b. Five members of the senate, three appointed by
16 the majority leader of the senate, and two appointed
17 by the minority leader of the senate.

18 c. Four public members appointed by the
19 legislative council.

20 d. One member from the governor's office appointed
21 by the governor.

22 e. The legislative council shall designate on a
23 bipartisan basis two legislators as co-chairpersons of
24 the committee.

25 Sec. 5. DUTIES OF THE COMMITTEE.

26 1. The committee shall devise a measuring
27 instrument to be used by all branches of state
28 government to perform an infrastructure inventory.
29 Upon adoption of a uniform measuring instrument, all
30 branches of state government shall provide the
31 necessary data to determine the following:

32 a. The backlog of infrastructure needs.

33 b. Those infrastructure needs accruing.

34 c. Maintenance costs of attending to those needs.

35 d. Administrative costs of attending to those
36 needs.

37 The committee shall study current needs and those
38 needs projected through the year 2004. Existing
39 studies shall be used if found to be in compliance
40 with the uniform measuring instrument adopted by the
41 committee.

42 2. In developing the infrastructure inventory, the
43 committee shall determine the various types of funding
44 mechanisms which support each branch of state
45 government.

46 3. Upon completion of the inventory and
47 determination of existing funding mechanisms pursuant
48 to subsections 1 and 2, the committee shall address
49 the sufficiency of existing funding to support
50 infrastructure needs and make recommendations in light

Page 3

1 of the inadequacy of existing funding.

2 Sec. 6. SUBCOMMITTEES.

3 1. The committee shall divide itself into four
4 subcommittees as follows: a functional infrastructure
5 subcommittee; an intrinsic infrastructure

6 subcommittee; an educational infrastructure

7 subcommittee; and an environmental, health, and

8 recreation infrastructure subcommittee.

9 2. The legislator members of the committee, other
10 than the co-chairpersons, shall each be appointed on a
11 bipartisan basis as subcommittee co-chairpersons by
12 the co-chairpersons of the committee. Each of the
13 four public members shall be named to a different
14 subcommittee. The governor's designee shall be a
15 member of all four subcommittees. Co-chairpersons of
16 the committee shall be ex officio members of all four
17 subcommittees.

18 Sec. 7. EXPENSES. The members of the committee
19 are entitled to reimbursement for travel and other
20 necessary expenses incurred in the performance of
21 official duties. Each member may also be eligible to
22 receive compensation as provided in section 7E.6. The
23 expenses shall be paid from funds appropriated
24 pursuant to section 2.12.

25 Sec. 8. REPORT. The committee shall submit an
26 interim report to the general assembly and the
27 governor by December 20, 1993, and a final report by
28 September 1, 1994."

29 2. Title page, by striking lines 1 and 2 and
30 inserting the following: "An Act creating an
31 infrastructure committee."

JOE WELSH
RICHARD F. DRAKE
MIKE CONNOLLY
BERL E. PRIEBE
DERRYL McLAREN

S-3703

1 Amend the amendment, S-3448, to House File 170, as
2 passed by the House, as follows:

3 1. Page 2, line 6, by striking the words "and
4 such lien" and inserting the following: "except for a
5 lien under chapter 260E or 260F upon the collateral
6 described in a financing statement or a job training
7 agreement satisfying the requirements for a financing
8 statement under section 554.9402, subsection 1, which
9 is perfected by filing the financing statement or the
10 job training agreement with the secretary of state
11 prior to the perfection of a conflicting security
12 interest, and a subordinate lien under chapter 260E or
13 260F".

14 2. Page 2, by inserting after line 19 the
15 following:

16 "Sec. ____ . Section 554.9402, subsection 1, Code
17 1993, is amended to read as follows:
18 1. A financing statement is sufficient if it gives
19 the names of the debtor and the secured party, is
20 signed by the debtor, gives an address of the secured
21 party from which information concerning the security
22 interest may be obtained, gives a mailing address of
23 the debtor and contains a statement indicating the
24 types, or describing the items, of collateral. A
25 financing statement may be filed before a security
26 agreement is made or a security interest otherwise
27 attaches. When the financing statement covers crops
28 growing or to be grown, the statement must also
29 contain a description of the real estate concerned.
30 When the financing statement covers timber to be cut
31 or covers minerals or the like (including oil and gas)
32 or accounts subject to section 554.9103, subsection 5,
33 or when the financing statement is filed as a fixture
34 filing (section 554.9313) and the collateral is goods
35 which are or are to become fixtures, the statement
36 must also comply with subsection 5. A copy of the
37 security agreement is sufficient as a financing
38 statement if it contains the above information and is
39 signed by the debtor. A copy of a jobs training
40 agreement entered into under chapter 260E or 260F
41 between an employer and a community college is
42 sufficient as a financing statement if it contains the
43 information required by this section and is signed by
44 the employer. A carbon, photographic or other
45 reproduction of a security agreement or a financing
46 statement is sufficient as a financing statement if
47 the security agreement so provides or if the original
48 has been filed in this state. The secretary of state
49 must accept for filing a copy of a signature required
50 by this section. The secretary of state may adopt

Page 2

1 rules for the electronic filing of a financing
2 statement.
3 Sec. ____ . Section 558.1, Code 1993, is amended to
4 read as follows:
5 558.1 "INSTRUMENTS AFFECTING REAL ESTATE" DEFINED
6 -- REVOCATION.
7 All instruments containing a power to convey, or in
8 any manner relating to real estate, including
9 certified copies of petitions in bankruptcy with or
10 without the schedules appended, of decrees of
11 adjudication in bankruptcy, and of orders approving
12 trustees' bonds in bankruptcy, and a jobs training

13 agreement entered into under chapter 260E or 260F
 14 between an employer and community college which
 15 contains a description of the real estate affected,
 16 shall be held to be instruments affecting the same;
 17 and no such instrument, when acknowledged or certified
 18 and recorded as in this chapter prescribed, can be
 19 revoked as to third parties by any act of the parties
 20 by whom it was executed, until the instrument
 21 containing such revocation is acknowledged and filed
 22 for record in the same office in which the instrument
 23 containing such power is recorded, except that uniform
 24 commercial code financing statements and financing
 25 statement changes need not be thus acknowledged.”
 26 3. Page 2, line 26, by striking the words “any
 27 such lien” and inserting the following: “except for a
 28 lien under chapter 260E or 260F upon the real estate
 29 described in an instrument or job training agreement
 30 filed in the office of the recorder of the county in
 31 which the real estate is located prior to the filing
 32 of a conflicting instrument affecting the real estate,
 33 and a subordinate lien under chapter 260E or 260F”.
 34 4. By renumbering as necessary.

JIM RIORDAN

S-3704

1 Amend the amendment, S-3695, to Senate File 413 as
 2 follows:
 3 1. Page 3, line 10, by inserting after the word
 4 “first” the following: “sixty-eight thousand three
 5 hundred thirty-eight dollars deposited in the
 6 emergency medical services fund established in section
 7 135.25, if enacted in 1993 Iowa Acts, Senate File 48,
 8 shall be transferred to the Iowa law enforcement
 9 academy for training purposes.”

DON E. GETTINGS

S-3705

1 Amend Senate File 331 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. NEW SECTION. 331.424A ECONOMIC
 5 DEVELOPMENT LEVY OR SURTAX -- AUTHORIZATION --
 6 ELECTION -- IMPOSITION.
 7 1. a. A county may impose, as provided in this
 8 subsection, an economic development property tax levy
 9 to raise revenues to be used for economic development

10 purposes. The economic development levy shall not
11 exceed twenty-five cents per thousand dollars of
12 assessed valuation.

13 b. An economic development levy may be imposed
14 only after an election at which at least sixty percent
15 of those voting on the question favors imposition, and
16 may then be imposed for up to five fiscal years.
17 Before each year of the five-year period, the board
18 shall decide if the levy will be imposed, and if
19 imposed, the levy rate not to exceed the limit
20 specified in paragraph "a". If the board wishes to
21 continue the economic development levy, it may do so
22 in the manner provided in this subsection for
23 imposition within the twelve-month period prior to the
24 termination of the five-year period. The economic
25 development levy shall apply to all taxable property
26 located within the county.

27 c. Upon its own motion, the board shall, within
28 sixty days of its motion, direct the county
29 commissioner of elections to submit the question of
30 the imposition of an economic development levy to the
31 qualified electors of the county at a state general
32 election or at a special election as designated by the
33 board. The election shall not be held sooner than
34 sixty days after publication of notice of the ballot
35 proposition. The county may submit the question on
36 imposition only once during a fiscal year. The ballot
37 proposition shall state the maximum rate of the
38 property tax levy, that the levy would be authorized
39 for the next five fiscal years, that the board will
40 decide before each fiscal year of the five-year period
41 if the tax will be levied and the rate, and a
42 statement as to the specific purpose or purposes for
43 which revenues shall be expended.

44 d. If at least sixty percent of those voting on
45 the question of imposition of the economic development
46 levy favors its imposition, the board may impose the
47 levy for a five-year period. The economic development
48 levy may first be imposed for the fiscal year during
49 which the favorable election was held.

50 e. Revenues received by a county from its economic

Page 2

1 development levy shall be used for the purpose or
2 purposes specified on the ballot proposition to
3 enhance economic development in the area in which the
4 levy is imposed. However, before the county expends
5 any of these revenues, it shall determine that the use
6 will be for a public purpose as determined pursuant to

7 section 15A.1, subsection 2.

8 2. a. In lieu of the economic development levy in
9 subsection 1, a county may impose, as provided in this
10 subsection, an economic development income surtax to
11 raise revenues to be used for economic development
12 purposes. The economic development surtax shall not
13 exceed the amount that can be raised by a twenty-five
14 cents per thousand dollars of assessed valuation levy.

15 b. Upon its own motion, the board may impose the
16 economic development income surtax for up to five
17 years not to exceed the limit specified in paragraph
18 "a". Prior to the imposition the board shall provide
19 notice of intent to impose the economic development
20 surtax, that the surtax could be imposed for up to
21 five years, the surtax rate, and the specific purpose
22 and purposes for which revenues shall be expended.
23 After thirty days from the date of publication of the
24 notice the board may impose the income surtax unless
25 within thirty days from the date of the publication of
26 the notice the board receives a petition requesting an
27 election be held on the question of the imposition of
28 the economic development surtax signed by eligible
29 electors equal in number to ten percent of the number
30 voting at the last general election but not to exceed
31 one thousand persons. If no petition is received, the
32 board may impose the economic development surtax. If
33 a valid petition is received, the board may rescind
34 its intent or the board shall, within sixty days of
35 receipt of the petition, direct the county
36 commissioner of elections to submit the question of
37 the imposition of an economic development surtax to
38 the qualified electors of the county at a state
39 general election or at a special election as
40 designated by the board. The election shall not be
41 held sooner than sixty days after publication of
42 notice of the ballot proposition. The county may
43 submit the question on imposition only once during a
44 fiscal year. The ballot proposition shall state the
45 maximum rate of the income surtax, that the surtax
46 would be authorized for the next five fiscal years,
47 that the board will decide before each fiscal year of
48 the five-year period if the income surtax will be
49 imposed and the rate, and a statement as to the
50 specific purpose or purposes for which revenues shall

Page 3

1 be expended.

2 c. If a majority of those voting on the question
3 of imposition of the economic development income

4 surtax favors its imposition, the board may impose the
5 surtax for a five-year period. The economic
6 development surtax may first be imposed for the fiscal
7 year during which the favorable election was held.

8 d. If an economic development surtax is imposed,
9 the board, before each year of the five-year period,
10 shall decide if the surtax will be imposed, and if
11 imposed, the rate not to exceed a percent that will
12 raise an amount in excess of the limit specified in
13 paragraph "a". If the board wishes to continue the
14 economic development surtax, it may do so in the
15 manner provided in this subsection for imposition
16 within the twelve-month period prior to the
17 termination of the five-year period.

18 e. Revenues received by a county from its economic
19 development surtax shall be used for the purpose or
20 purposes specified in the notice of intent to impose
21 the surtax or, if an election is held, on the ballot
22 proposition to enhance economic development in the
23 area in which the surtax is imposed. However, before
24 the county expends any of these revenues, it shall
25 determine that the use will be for a public purpose as
26 determined pursuant to section 15A.1, subsection 2.

27 3. The economic development income surtax imposed
28 pursuant to subsection 2 shall be imposed on the state
29 individual income tax of each individual residing in
30 the county at the end of the individual's applicable
31 tax year. However, the cumulative total of the
32 percents of income surtax imposed on any taxpayer in
33 the county shall not exceed twenty percent. The
34 surtax rate shall be set so as not to raise an amount
35 that exceeds the amount that could be raised by the
36 maximum economic development levy under subsection 1.
37 For purposes of this section, "state individual income
38 tax" means the tax computed under section 422.5, less
39 the credits allowed in chapter 422, division II.

40 4. The income surtax shall be imposed January 1 of
41 the fiscal year in which the income surtax was imposed
42 for tax years beginning on or after January 1, and is
43 repealed as of December 31 for tax years beginning
44 after December 31.

45 The director of revenue and finance shall
46 administer the income surtax as nearly as possible in
47 conjunction with the administration of state income
48 tax laws. The director shall provide on the regular
49 state tax forms for reporting the income surtax.

50 An ordinance imposing the income surtax shall adopt

Page 4

1 by reference the applicable provisions of the
2 appropriate sections of chapter 422, division II. All
3 powers and requirements of the director in
4 administering the state income tax law apply to the
5 administration of the income surtax, including but not
6 limited to, the provisions of sections 422.4, 422.20
7 to 422.31, 422.68, 422.70, and 422.72 to 422.75.
8 Local officials shall confer with the director of
9 revenue and finance for assistance in drafting the
10 ordinance imposing the income surtax. A certified
11 copy of the ordinance shall be filed with the director
12 as soon as possible after passage.

13 The director, in consultation with local officials,
14 shall collect and account for the income surtax and
15 any interest and penalties. The director shall credit
16 the income surtax receipts and any interest and
17 penalties collected from returns filed on or before
18 November 1 of the calendar year following the tax year
19 for which the income surtax is imposed to an "economic
20 development income tax fund" established in the office
21 of the treasurer of state. All income surtax receipts
22 and any interest and penalties received or refunded
23 from returns filed after November 1 of the calendar
24 year following the tax year for which the income
25 surtax is imposed shall be deposited in or withdrawn
26 from the state general fund and shall be considered
27 part of the cost of administering the income surtax.

28 5. On or before December 15, the director of
29 revenue and finance shall make an accounting of the
30 income surtax receipts and any interest and penalties
31 collected from returns filed on or before November 1
32 and shall certify to the treasurer of state this
33 amount collected. The treasurer of state shall remit
34 within fifteen days of the certification by the
35 director to each county which has imposed the income
36 surtax the amount in the economic development income
37 surtax fund collected as a result of its surtax.

38 Income surtax moneys received by a county shall be
39 used as provided in subsection 2, paragraph "e".

40 Sec. 2. Section 384.12, Code 1993, is amended by
41 adding the following new subsections:

42 **NEW SUBSECTION. 22. a.** A city may impose, as
43 provided in this subsection, an economic development
44 property tax levy to raise revenues to be used for
45 economic development purposes. The economic
46 development levy shall not exceed twenty-five cents
47 per thousand dollars of assessed valuation.

48 b. An economic development levy may be imposed

49 only after an election at which at least sixty percent
50 of those voting on the question favors imposition, and

Page 5

1 may then be imposed for up to five fiscal years.
2 Before each year of the five-year period, the
3 governing body shall decide if the levy will be
4 imposed, and if imposed, the levy rate not to exceed
5 the limit specified in paragraph "a". If the
6 governing body wishes to continue the economic
7 development levy, it may do so in the manner provided
8 in this subsection for imposition within the twelve-
9 month period prior to the termination of the five-year
10 period. The economic development levy shall apply to
11 all taxable property located within the city.

12 c. Upon its own motion, the governing body shall,
13 within sixty days of its motion, direct the county
14 commissioner of elections to submit the question of
15 the imposition of an economic development levy to the
16 qualified electors of the city at a state general
17 election, city regular election, or at a special
18 election as designated by the governing body. The
19 election shall not be held sooner than sixty days
20 after publication of notice of the ballot proposition.
21 The city may submit the question on imposition only
22 once during a fiscal year. The ballot proposition
23 shall state the maximum rate of the property tax levy,
24 that the levy would be authorized for the next five
25 fiscal years, that the governing body will decide
26 before each fiscal year of the five-year period if the
27 tax will be levied and the rate, and a statement as to
28 the specific purpose or purposes for which revenues
29 shall be expended.

30 d. If at least sixty percent of those voting on
31 the question of imposition of the economic development
32 levy favors its imposition, the governing body may
33 impose the levy for a five-year period. The economic
34 development levy may first be imposed for the fiscal
35 year during which the favorable election was held.

36 e. Revenues received by a city from its economic
37 development levy shall be used for the purpose or
38 purposes specified on the ballot proposition to
39 enhance economic development in the area in which the
40 levy is imposed. However, before the city expends any
41 of these revenues, it shall determine that the use
42 will be for a public purpose as determined pursuant to
43 section 15A.1, subsection 2.

44 **NEW SUBSECTION. 23. a.** In lieu of the economic
45 development levy in subsection 22, a city may impose,

46 as provided in this subsection, an economic
47 development income surtax to raise revenues to be used
48 for economic development purposes. The economic
49 development surtax shall not exceed the amount that
50 can be raised by a twenty-five cents per thousand

Page 6

1 dollars of assessed valuation levy.
2 b. Upon its own motion, the governing body may
3 impose the economic development income surtax for up
4 to five years not to exceed the limit specified in
5 paragraph "a". Prior to the imposition the governing
6 body shall provide notice of intent to impose the
7 economic development surtax, that the surtax could be
8 imposed for up to five years, the surtax rate, and the
9 specific purpose and purposes for which revenues shall
10 be expended. After thirty days from the date of
11 publication of the notice the governing body may
12 impose the income surtax unless within thirty days
13 from the date of the publication of the notice the
14 governing body receives a petition requesting an
15 election be held on the question of the imposition of
16 the economic development surtax signed by eligible
17 electors equal in number to ten percent of the number
18 voting at the last regular city election but not to
19 exceed three hundred persons. If no petition is
20 received, the governing body may impose the economic
21 development surtax. If a valid petition is received,
22 the governing body may rescind its intent or the
23 governing body shall, within sixty days of receipt of
24 the petition, direct the county commissioner of
25 elections to submit the question of the imposition of
26 an economic development surtax to the qualified
27 electors of the city at a state general election,
28 regular city election, or at a special election as
29 designated by the governing body. The election shall
30 not be held sooner than sixty days after publication
31 of notice of the ballot proposition. The city may
32 submit the question on imposition only once during a
33 fiscal year. The ballot proposition shall state the
34 maximum rate of the income surtax, that the surtax
35 would be authorized for the next five fiscal years,
36 that the governing body will decide before each fiscal
37 year of the five-year period if the income surtax will
38 be imposed and the rate, and a statement as to the
39 specific purpose or purposes for which revenues shall
40 be expended.
41 c. If a majority of those voting on the question
42 of imposition of the economic development income

43 surtax favors its imposition, the governing body may
44 impose the surtax for a five-year period. The
45 economic development surtax may first be imposed for
46 the fiscal year during which the favorable election
47 was held.

48 d. If an economic development surtax is imposed,
49 the governing body, before each year of the five-year
50 period, shall decide if the surtax will be imposed,

Page 7

1 and if imposed, the rate not to exceed a percent that
2 will raise an amount in excess of the limit specified
3 in paragraph "a". If the governing body wishes to
4 continue the economic development surtax, it may do so
5 in the manner provided in this subsection for
6 imposition within the twelve-month period prior to the
7 termination of the five-year period.

8 e. Revenues received by a city from its economic
9 development surtax shall be used for the purpose or
10 purposes specified in the notice of intent to impose
11 the surtax or, if an election is held, on the ballot
12 proposition to enhance economic development in the
13 area in which the surtax is imposed. However, before
14 the city expends any of these revenues, it shall
15 determine that the use will be for a public purpose as
16 determined pursuant to section 15A.1, subsection 2.

17 f. The economic development income surtax imposed
18 pursuant to this subsection shall be imposed on the
19 state individual income tax of each individual
20 residing in the city at the end of the individual's
21 applicable tax year. However, the cumulative total of
22 the percents of income surtax imposed on any taxpayer
23 in the city shall not exceed twenty percent. The
24 surtax rate shall be set so as not to raise an amount
25 that exceeds the amount that could be raised by the
26 maximum economic development levy under subsection 22.
27 For purposes of this subsection, "state individual
28 income tax" means the tax computed under section
29 422.5, less the credits allowed in chapter 422,
30 division II.

31 g. The income surtax shall be imposed January 1 of
32 the fiscal year in which the income surtax was imposed
33 for tax years beginning on or after January 1, and is
34 repealed as of December 31 for tax years beginning
35 after December 31.

36 The director of revenue and finance shall
37 administer the income surtax as nearly as possible in
38 conjunction with the administration of state income
39 tax laws. The director shall provide on the regular

40 state tax forms for reporting the income surtax.
41 An ordinance imposing the income surtax shall adopt
42 by reference the applicable provisions of the
43 appropriate sections of chapter 422, division II. All
44 powers and requirements of the director in
45 administering the state income tax law apply to the
46 administration of the income surtax, including but not
47 limited to, the provisions of sections 422.4, 422.20
48 to 422.31, 422.68, 422.70, and 422.72 to 422.75.
49 Local officials shall confer with the director of
50 revenue and finance for assistance in drafting the

Page 8

1 ordinance imposing the income surtax. A certified
2 copy of the ordinance shall be filed with the director
3 as soon as possible after passage.
4 The director, in consultation with local officials,
5 shall collect and account for the income surtax and
6 any interest and penalties. The director shall credit
7 the income surtax receipts and any interest and
8 penalties collected from returns filed on or before
9 November 1 of the calendar year following the tax year
10 for which the income surtax is imposed to an "economic
11 development income surtax fund" established in the
12 office of the treasurer of state. All income surtax
13 receipts and any interest and penalties received or
14 refunded from returns filed after November 1 of the
15 calendar year following the tax year for which the
16 income surtax is imposed shall be deposited in or
17 withdrawn from the state general fund and shall be
18 considered part of the cost of administering the
19 income surtax.
20 h. On or before December 15, the director of
21 revenue and finance shall make an accounting of the
22 income surtax receipts and any interest and penalties
23 collected from returns filed on or before November 1
24 and shall certify to the treasurer of state this
25 amount collected. The treasurer of state shall remit
26 within fifteen days of the certification by the
27 director to each city which has imposed the income
28 surtax the amount in the economic development income
29 surtax fund collected as a result of its surtax.
30 Income surtax moneys received by a city shall be
31 used as provided in paragraph "e".
32 2. Title page, by striking lines 2 and 3 and
33 inserting the following: "development property tax
34 levy or income surtax."

S-3706

1 Amend House File 474, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 26 the
4 following:

5 "Sec. ____ . NEW SECTION. 331.424B JOINT COMMUNITY
6 ECONOMIC DEVELOPMENT LEVY.

7 A group of counties or group of counties and cities
8 organized pursuant to chapter 28E may impose an
9 economic development levy under section 331.424A. The
10 levy shall be imposed and revenues distributed in
11 accordance with the provisions of the agreement
12 between the counties or counties and cities pursuant
13 to section 28E.4."

14 2. Page 10, by inserting after line 19 the
15 following:

16 "Sec. ____ . NEW SECTION. 384.12A JOINT COMMUNITY
17 ECONOMIC DEVELOPMENT LEVY.

18 A group of cities or group of cities and counties
19 organized pursuant to chapter 28E may also impose an
20 economic development levy under section 384.12,
21 subsection 22. The levy shall be imposed and revenues
22 distributed in accordance with the provisions of the
23 agreement between the cities or cities and counties
24 pursuant to section 28E.4."

25 3. By renumbering as necessary.

MERLIN E. BARTZ
PATTY JUDGE

S-3707

1 Amend Senate File 413 as follows:

2 1. Page 4, line 1, by inserting after the word
3 "page" the following: "for the first twenty copies,
4 twenty cents per page for more than twenty but not
5 more than fifty copies, and ten cents per page for
6 more than fifty copies".

LINN FUHRMAN
AL STURGEON

S-3708

1 Amend the amendment, S-3695, to Senate File 413 as
2 follows:

3 1. Page 3, line 10, by inserting before the word
4 "nine" the following: "The next".

RALPH ROSENBERG

S-3709

1 Amend House File 474, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by striking line 16 and inserting the
4 following: "sections 422.11A, 422.11B, 422.11C,
5 422.12, and 422.12B."

6 2. Page 9, by striking line 9 and inserting the
7 following: "sections 422.11A, 422.11B, 422.11C,
8 422.12, and 422.12B."

PATTY JUDGE

S-3710

1 Amend House File 474, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, line 9, by striking the words "those
4 voting" and inserting the following: "the votes cast
5 in the county".

6 2. Page 1, line 10, by striking the word "favors"
7 and inserting the following: "favor".

8 3. Page 1, line 35, by striking the words "those
9 voting" and inserting the following: "the votes cast
10 in the county".

11 4. Page 2, line 1, by striking the word "favors"
12 and inserting the following: "favor".

13 5. Page 3, line 17, by striking the words "those
14 voting" and inserting the following: "the votes cast
15 in the county".

16 6. Page 3, line 18, by striking the word "favors"
17 and inserting the following: "favor".

18 7. Page 5, line 35, by striking the words "those
19 voting" and inserting the following: "the votes cast
20 in the city".

21 8. Page 6, line 1, by striking the word "favors"
22 and inserting the following: "favor".

23 9. Page 6, line 27, by striking the words "those
24 voting" and inserting the following: "the votes cast
25 in the city".

26 10. Page 6, line 28, by striking the word
27 "favors" and inserting the following: "favor".

28 11. Page 8, line 10, by striking the words "those
29 voting" and inserting the following: "the votes cast
30 in the city".

31 12. Page 8, line 11, by striking the word
32 "favors" and inserting the following: "favor".

ANDY McKEAN

S-3711

1 Amend the Bartz et al amendment, S____, to House
2 File 474, as amended, passed, and reprinted by the
3 House, as follows:

4 1. Page 1, line 13, by inserting after the figure
5 "28E.4." the following: "However, before a county or
6 city enters into a chapter 28E agreement to impose an
7 economic development levy the county or city shall
8 follow the procedures and receive authorization to
9 impose the levy as provided in section 331.424A or
10 384.12, subsection 22, as applicable."

11 2. Page 1, line 24, by inserting after the figure
12 "28E.4." the following: "However, before a county or
13 city enters into a chapter 28E agreement to impose an
14 economic development levy the county or city shall
15 follow the procedures and receive authorization to
16 impose the levy as provided in section 331.424A or
17 384.12, subsection 22, as applicable."

ANDY McKEAN

S-3712

1 Amend Senate File 417 as follows:

2 1. Page 19, line 24, by striking the word
3 "similar" and inserting the following: "competitively
4 appropriate".

5 2. Page 19, by inserting after line 31 the
6 following:

7 "Sec. ____ . NEW SECTION. 476.1F PROHIBITED ACTS.

8 A rate-regulated telephone company subject to
9 section 476.1E shall not do any of the following:

10 1. Discriminate against a competing provider of
11 communications services in the price of, or by
12 refusing or delaying access to, essential network
13 service.

14 2. Degrade the quality of access or service or
15 offer inferior dialing arrangements or connections to
16 a competing provider of communications services.

17 3. Bundle essential network service in a manner
18 requiring a competing provider of communications
19 services to purchase functions unnecessary to the
20 competing provider's service offering.

21 4. Fail to include, for purposes of establishing a

22 price floor for a local exchange telephone utility
23 service, all pricing components it charges a competing
24 provider of communications services for essential
25 network service.

26 5. Fail to disclose in a timely manner, upon
27 request and pursuant to protective agreements
28 concerning proprietary information, all information
29 reasonably necessary for the network interface
30 equipment or network interface services that will meet
31 the specifications of the utility's local exchange
32 network.

33 6. Subsidize a nonessential network service,
34 except for basic local telephone service, 911
35 services, E911 services, and relay service for
36 communications-impaired persons, with revenues from
37 essential network services.

38 Sec. ____ . NEW SECTION. 476.1G DEFINITIONS.
39 For purposes of sections 476.1E, 476.1F, this
40 section, and 476.1H, unless the context otherwise
41 requires:

42 1. "Essential network service" means switched
43 access and any function of the certified local
44 exchange telephone utility which is necessary to
45 another provider of communications service or product
46 for the offering of such provider's service or
47 product.

48 2. "Nonessential network service" means any
49 service that is not an essential network service.

50 Sec. ____ . NEW SECTION. 476.1H PENALTY.

Page 2

1 A person who is injured or threatened with injury
2 by conduct prohibited under section 476.1F may bring
3 an action in the county where the cause of action
4 arose, where any defendant resides or transacts
5 business, or where an act in furtherance of the
6 conduct prohibited by this chapter occurred. Remedies
7 may be sought as set forth in section 553.12."

8 3. Page 21, line 8, by inserting after the word
9 "implemented" the following: "through reductions of
10 at least ten percent of the difference between the
11 intrastate and the federal rate per year".

12 4. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3713

- 1 Amend the amendment, S-3689, to Senate File 417 as
2 follows:
- 3 1. Page 7, by inserting after line 10 the
4 following:
- 5 " ____ . Page 19, line 24, by striking the word
6 "similar" and inserting the following: "competitively
7 appropriate".
- 8 ____ . Page 19, by inserting after line 31 the
9 following:
- 10 "Sec. ____ . **NEW SECTION. 476.1F PROHIBITED ACTS.**
- 11 A rate-regulated telephone company subject to
12 section 476.1E shall not do any of the following:
- 13 1. Discriminate against a competing provider of
14 communications services in the price of, or by
15 refusing or delaying access to, essential network
16 service.
- 17 2. Degrade the quality of access or service or
18 offer inferior dialing arrangements or connections to
19 a competing provider of communications services.
- 20 3. Bundle essential network service in a manner
21 requiring a competing provider of communications
22 services to purchase functions unnecessary to the
23 competing provider's service offering.
- 24 4. Fail to include, for purposes of establishing a
25 price floor for a local exchange telephone utility
26 service, all pricing components it charges a competing
27 provider of communications services for essential
28 network service.
- 29 5. Fail to disclose in a timely manner, upon
30 request and pursuant to protective agreements
31 concerning proprietary information, all information
32 reasonably necessary for the network interface
33 equipment or network interface services that will meet
34 the specifications of the utility's local exchange
35 network.
- 36 6. Subsidize a nonessential network service,
37 except for basic local telephone service, 911
38 services, E911 services, and relay service for
39 communications-impaired persons, with revenues from
40 essential network services.
- 41 Sec. ____ . **NEW SECTION. 476.1G DEFINITIONS.**
- 42 For purposes of sections 476.1E, 476.1F, this
43 section, and 476.1H, unless the context otherwise
44 requires:
- 45 1. "Essential network service" means switched
46 access and any function of the certified local
47 exchange telephone utility which is necessary to
48 another provider of communications service or product

49 for the offering of such provider's service or
50 product.

Page 2

- 1 2. "Nonessential network service" means any
2 service that is not an essential network service.
3 Sec. ____ . NEW SECTION. 476.1H PENALTY.
4 A person who is injured or threatened with injury
5 by conduct prohibited under section 476.1F may bring
6 an action in the county where the cause of action
7 arose, where any defendant resides or transacts
8 business, or where an act in furtherance of the
9 conduct prohibited by this chapter occurred. Remedies
10 may be sought as set forth in section 553.12.""
11 2. Page 13, by inserting after line 9 the
12 following:
13 "____. Page 21, line 8, by inserting after the
14 word "implemented" the following: "through reductions
15 of at least ten percent of the difference between the
16 intrastate and the federal rate per year"."
17 3. By renumbering as necessary.

MICHAEL GRONSTAL

HOUSE AMENDMENT TO
SENATE FILE 418

S-3714

- 1 Amend Senate File 418, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 29, by striking the word
4 "service".

HOUSE AMENDMENT TO
SENATE FILE 410

S-3715

- 1 Amend Senate File 410, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 422.43, subsection 1, Code
6 1993, is amended to read as follows:
7 1. There is imposed a tax of five percent upon the
8 gross receipts from all sales of tangible personal
9 property, consisting of goods, wares, or merchandise,
10 except as otherwise provided in this division, sold at

- 11 retail in the state to consumers or users; a like rate
 12 of tax upon the gross receipts from the sales,
 13 furnishing, or service of gas, electricity, water,
 14 heat, pay television service, and communication
 15 service, including the gross receipts from such sales
 16 by any municipal corporation or joint water utility
 17 furnishing gas, electricity, water, heat, pay
 18 television service, and communication service to the
 19 public in its proprietary capacity, except as
 20 otherwise provided in this division, when sold at
 21 retail in the state to consumers or users; a like rate
 22 of tax upon the gross receipts from all sales of
 23 tickets or admissions to places of amusement, fairs,
 24 and athletic events except those of elementary and
 25 secondary educational institutions; a like rate of tax
 26 on the gross receipts from an entry fee or like charge
 27 imposed solely for the privilege of participating in
 28 an activity at a place of amusement, fair, or athletic
 29 event unless the gross receipts from the sales of
 30 tickets or admissions charges for observing the same
 31 activity are taxable under this division; and a like
 32 rate of tax upon that part of private club membership
 33 fees or charges paid for the privilege of
 34 participating in any athletic sports provided club
 35 members.”
- 36 2. Title page, line 1, by inserting after the
 37 word “the” the following: “sales tax on certain entry
 38 fees and the”.
- 39 3. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 387

S-3716

- 1 Amend Senate File 387, as passed by the Senate, as
 2 follows:
- 3 1. Page 1, line 5, by striking the word “The” and
 4 inserting the following: “The If the general assembly
 5 appropriates moneys for the establishment of family
 6 resource centers, the”.
- 7 2. Page 2, line 6, by inserting after the word
 8 “childhood” the following: “education or”.
- 9 3. Page 2, line 9, by inserting after the word
 10 “economics” the following: “, or at least five years
 11 of experience as an administrator of a licensed early
 12 childhood education or development program”.
- 13 4. Page 2, line 11, by striking the word
 14 “including” and inserting the following: “including
 15 includes”.

16 5. Page 3, lines 22 and 23, by striking the words
17 "or a positive youth development program" and
18 inserting the following: "and other programs as the
19 community determines."

S-3717

1 Amend House File 331, as passed by the House, as
2 follows:

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

5 "Sec. ____ . NEW SECTION. 455B.105A TECHNICAL
6 EVALUATION COUNCIL.

7 1. A technical evaluation council is established,
8 which shall have all of the following goals:

9 a. To augment the limited resources of the
10 department by providing technical expertise from
11 affected communities.

12 b. To increase the acceptability and improve the
13 substance of rules to ensure compliance and to reduce
14 the number of challenges to adopted rules.

15 c. To develop a collaborative process to maintain
16 environmental quality in the areas of water quality,
17 water supply, and solid waste.

18 d. To implement the requirement established
19 pursuant to section 455B.105, subsection 1.

20 2. The council shall offer technical assistance
21 and advice to the department and the environmental
22 protection commission in establishing and implementing
23 programs regarding water quality, water supply, and
24 solid waste. The department shall consult with the
25 technical evaluation council in establishing rules to
26 implement the provisions of this chapter relating to
27 water quality, water supply, and solid waste.

28 3. The council shall consist of the following
29 members:

30 a. One representative of each of the following
31 organizations appointed by each of the organization's
32 governing body:

33 (1) The American public works association, Iowa
34 chapter.

35 (2) The American water works association, Iowa
36 section.

37 (3) The Iowa association of municipal utilities.

38 (4) The Iowa rural water association.

39 (5) The Iowa society of solid waste operators.

40 (6) The Iowa state association of counties.

41 (7) The Iowa water pollution control association.

42 (8) The league of Iowa municipalities.

43 b. Five members appointed by the chairperson of

44 the environmental protection commission; qualified to
 45 represent interests which are significantly affected
 46 by statutes or rules relating to water quality, water
 47 supply, and solid waste, including representatives of
 48 environmental organizations. .
 49 4. Members of the technical evaluation council
 50 shall serve without compensation. The terms of the

Page 2

1 members shall begin and end as provided in section
 2 69.19 and any vacancy shall be filled by the original
 3 appointing authority. The terms shall be for four
 4 years and shall be staggered as determined by the
 5 chairperson of the environmental protection
 6 commission. The initial organizational meeting of the
 7 technical evaluation council shall be convened by the
 8 chairperson of the environmental protection commission
 9 and shall be held no later than October 1, 1993.
 10 Members of the technical evaluation council shall
 11 elect a chairperson, who shall be responsible for
 12 convening additional meetings of the council, as
 13 necessary."
 14 2. By renumbering as necessary.

JAMES B. KERSTEN

S-3718

1 Amend Senate File 425 as follows:
 2 1. Page 17, by striking lines 5 through 10 and
 3 inserting the following:
 4 "b. New jobs training projects. The department
 5 shall make available financial assistance for new jobs
 6 training projects from repayments and interest in the
 7 fund from previously funded new jobs training
 8 projects. Funds shall be awarded to projects based on
 9 the order proposals are received and approved."

MIKE CONNOLLY

S-3719

1 Amend Senate File 424 as follows:
 2 1. By striking page 2, line 9, through page 5,
 3 line 13, and inserting the following:
 4 "Sec. ____ . Section 730.5, subsection 3, paragraph
 5 a, Code 1993, is amended to read as follows:
 6 a. The employer has probable cause to believe that
 7 an employee's faculties are impaired on the job. For

8 purposes of this paragraph, an employer that does not
 9 have probable cause to believe that the employee's
 10 facilities are impaired on the job shall be deemed to
 11 have probable cause to test an employee if the
 12 employer is investigating an accident in the workplace
 13 and all of the following conditions are met:

14 (1) The employer has reasonable grounds to believe
 15 that the employee proposed to be tested either
 16 directly caused or directly contributed to the
 17 accident.

18 (2) The surrounding circumstances do not
 19 reasonably indicate that the employee was not
 20 impaired.

21 (3) The accident results in a situation where a
 22 person has suffered an injury which requires medical
 23 treatment away from the workplace or which involves
 24 damage to property and equipment in an amount
 25 reasonably estimated to exceed one thousand dollars at
 26 the time of the accident.

27 (4) Prior to the accident, the employer has
 28 provided the employee to be tested with written notice
 29 of the employer's rules or policies regarding alcohol
 30 and controlled substances and testing when a workplace
 31 accident or injury occurs.

32 Sec. ____ . Section 730.5, subsection 3, paragraph
 33 c, Code 1993, is amended to read as follows:

34 c. The test sample withdrawn from the employee is
 35 analyzed by a laboratory or testing facility that has
 36 been approved under rules adopted by the department of
 37 public health. The laboratory or testing facility
 38 shall report to the employer only the presence of
 39 alcohol or illegal controlled substances in any test
 40 sample.

41 Sec. ____ . Section 730.5, subsection 7, Code 1993,
 42 is amended to read as follows:

43 7. A drug test conducted as a part of a physical
 44 examination performed as a part of a preemployment
 45 physical or as a part of a regularly scheduled
 46 physical is only permissible In addition to drug
 47 testing permitted by subsection 3, drug testing of an
 48 employee or applicant for employment shall also be
 49 permitted under the following circumstances:

50 a. For a preemployment physical application

Page 2

1 process, the employer shall include notice that a drug
 2 test will be part of a preemployment physical
 3 application process in any notice or advertisement
 4 soliciting applicants for employment or in the

5 application for employment, and an applicant for
 6 employment shall be personally informed of the
 7 requirement for a drug test at the first interview.
 8 b. For a regularly scheduled physical, the
 9 employer shall give notice that a drug test will be
 10 part of the physical at least thirty days prior to the
 11 date the physical is scheduled.

12 c. An employer may require an employee, as a
 13 condition of employment, to undergo drug testing if
 14 that employee has been referred by the employer for
 15 substance abuse evaluation pursuant to subsection 3,
 16 paragraph "f", and treatment was recommended by the
 17 evaluation. The employee may be required to undergo
 18 drug testing without prior notice, but in no case
 19 shall more than four tests be conducted in the twelve-
 20 month period following the employee's completion of
 21 substance abuse treatment if the treatment was
 22 recommended by the evaluation.

23 Drug testing conducted under this subsection shall
 24 conform to the requirements of subsection 3,
 25 paragraphs "c", "d", "e", and "f"; however, paragraph
 26 "f" shall not apply to drug tests conducted as a part
 27 of a preemployment ~~physical~~ application process."

28 2. By renumbering as necessary.

MARY E. KRAMER
 LINN FUHRMAN

S-3720

- 1 Amend Senate File 425 as follows:
 2 1. Page 13, line 20, by striking the figure
 3 "\$42,300,000" and inserting the following:
 4 "\$43,200,000".

LARRY MURPHY

S-3721

- 1 Amend Senate File 424, as follows:
 2 1. Page 5, by inserting after line 13 the
 3 following:
 4 "Sec. ____ . REPEAL PROVISION. If the Lennox plant
 5 in Marshalltown, Iowa, is closed within two years of
 6 the effective date of this Act, chapter 731 is
 7 repealed on the date of the closing of the plant."
 8 2. Title page, line 1, by inserting after the
 9 word "testing" the following: ", providing a repeal

10 provision for the labor union membership law.”

11 3. By renumbering as necessary.

JIM RIORDAN

S-3722

1 Amend Senate File 425 as follows:

2 1. Page 18, by striking line 25 through page 22,

3 line 1. *

TOM VILSACK

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 319

S-3723

1 Amend the Senate amendment, H-4279, to House File
2 319, as passed by the House, as follows:

3 1. Page 1, by striking lines 5 and 6.

4 2. Page 1, line 11, by inserting after the figure

5 “125.44” the following: “and the costs associated

6 with detention and evaluation under sections 125.83

7 and 125.84”.

8 3. Page 1, line 37, by inserting after the figure

9 “1,” the following: “and subsections 3 and 4”.

10 4. Page 1, line 38, by striking the word “is” and

11 inserting the following: “are”.

12 5. Page 2, by striking lines 4 and 5 and

13 inserting the following: “facility is located. The

14 ~~advocate's responsibility with respect to any patient~~

15 ~~shall begin at whatever”.~~

16 6. Page 2, lines 11 through 13, by striking the

17 words “the time the district court sets the time and

18 place for the hearing.”

19 7. Page 2, by striking lines 27 through 29 and

20 inserting the following: “conclusion of the hearing

21 unless the attorney indicates an intent to continue

22 the attorney's services and the court so directs

23 further proceedings regarding the hospitalization of

24 the patient are scheduled. If the court”.

25 8. Page 2, by inserting after line 38, the

26 following:

27 “3. To make the advocate readily accessible to

28 communications from the patient and to originate

29 communications with the patient within no later than

30 five days of after the patient's commitment.

31 4. To visit the patient within no later than

- 32 fifteen days of after the patient's commitment and
33 periodically thereafter."
34 9. By renumbering as necessary.

S-3724

- 1 Amend Senate File 425 as follows:
2 1. Page 26, by inserting after line 13 the
3 following:
4 "Sec. ____ . There is appropriated from the general
5 fund of the state to the Iowa special olympics,
6 incorporated for the fiscal year beginning July 1,
7 1993, the sum of \$15,000 to be used for Iowa special
8 olympics programs benefiting the citizens of Iowa with
9 disabilities."

EMIL J. HUSAK
LARRY MURPHY

S-3725

- 1 Amend the amendment, S-3314, to House File 430, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 4, line 44 through page 5,
5 line 4.

FLORENCE BUHR

S-3726

- 1 Amend Senate File 425 as follows:
2 1. Page 28, by inserting after line 21 the
3 following:
4 "Sec. 100. 1993 Iowa Acts, House File 518, section
5 25, subsection 1, paragraph i, is amended by striking
6 the paragraph and inserting in lieu thereof the
7 following:
8 i. The basis for establishing the maximum medical
9 assistance reimbursement rate for nursing facilities
10 shall be the 70th percentile of facility costs as
11 calculated from the June 30, 1993, unaudited
12 compilation of cost and statistical data."
13 2. Page 30, line 5, by inserting after the figure
14 "50," the following: "100."
15 3. By renumbering as necessary.

BERLE E. PRIEBE

S-3727

1 Amend Senate File 425 as follows:

2 1. Page 11, by inserting after line 2 the
3 following:

4 "Sec. 100. GAAP PURPOSES. Commencing with the
5 fiscal year beginning July 1, 1992, and in succeeding
6 fiscal years, if the provisions of section 8.57 are
7 applied and a balance is available which exceeds the
8 succeeding fiscal year's cash reserve goal percentage,
9 the excess amount shall be applied to the GAAP deficit
10 reduction account and used to reduce the GAAP deficit
11 in the fiscal year in which the balance is available."

12 2. Page 11, by inserting after line 12 the
13 following:

14 "Sec. ____ . Section 100 of this Act, being deemed
15 of immediate importance, takes effect upon enactment."

16 3. By renumbering as necessary.

JIM LIND

S-3728

1 Amend Senate File 425 as follows:

2 1. Page 29, by inserting after line 33 the
3 following:

4 "Sec. 100. Section 135H.4, Code 1993, as amended
5 by 1993 Iowa Acts, House File 518, section 29, is
6 amended to read as follows:

7 135H.4 LICENSURE.

8 A person shall not establish, operate, or maintain
9 a psychiatric medical institution for children unless
10 the person obtains a license for the institution under
11 this chapter and either holds a license under section
12 237.3, subsection 2, paragraph "a", as a comprehensive
13 residential facility for children or holds a license
14 under section 125.13, if the facility provides
15 substance abuse treatment.

16 Sec. 200. Section 135H.6, subsection 6, Code 1993,
17 as amended by 1993 Iowa Acts, House File 518, section
18 30, is amended to read as follows:

19 6. The proposed psychiatric institution is under
20 the direction of an agency which has operated a
21 facility licensed under section 237.3, subsection 2,
22 paragraph "a", as a comprehensive residential facility
23 for children for three years or of an agency which has
24 operated a facility for three years providing
25 psychiatric services exclusively to children or
26 adolescents and the facility meets or exceeds
27 requirements for licensure under section 237.3,

28 subsection 2, paragraph "a", as a comprehensive
29 residential facility for children."

30 2. Page 30, line 5, by striking the word and
31 figure "and 56" and inserting the following: "56,
32 100, and 200".

33 3. By renumbering as necessary.

MAGGIE TINSMAN
RICHARD VARN

S-3729

1 Amend Senate File 425 as follows:

2 1. Page 28, by inserting after line 27 the
3 following:

4 "Sec. ____ . Section 25.1, Code 1993, is amended to
5 read as follows:

6 25.1 RECEIPT, INVESTIGATION, AND REPORT.

7 When a claim is filed or made against the state, on
8 which in the judgment of the director of management
9 the state would be liable except for the fact of its
10 sovereignty or which has no appropriation available
11 for its payment, the director of management shall
12 deliver ~~said that~~ claim to the state appeal board.
13 The state appeal board shall make a record of the
14 receipt of ~~said that~~ claim and forthwith deliver ~~same~~
15 it to the special assistant attorney general for
16 claims who shall, with a view to determining the
17 merits and legality ~~thereof of it~~, fully investigate
18 ~~said the~~ claim, including the facts upon which it is
19 based and report in duplicate findings and conclusions
20 of law to the state appeal board. To help defray the
21 initial costs of processing a claim, the department of
22 management may assess a processing fee against the
23 state agency which incurred the liability of the
24 claim.

25 Sec. ____ . Section 25.2, Code 1993, is amended to
26 read as follows:

27 25.2 EXAMINATION OF REPORT -- APPROVAL OR
28 REJECTION -- PAYMENT.

29 The state appeal board with the recommendation of
30 the special assistant attorney general for claims may
31 approve or reject claims against the state of less
32 than ten years covering the following: Outdated
33 warrants; outdated sales and use tax refunds; license
34 refunds; additional agricultural land tax credits;
35 outdated invoices; fuel and gas tax refunds; outdated
36 homestead and veterans' exemptions; outdated funeral
37 service claims; tractor fees; registration permits;
38 outdated bills for merchandise; services furnished to

39 the state; claims by any county or county official
 40 relating to the personal property tax credit; and
 41 refunds of fees collected by the state. Payments
 42 authorized by the state appeal board shall be paid
 43 from the appropriation or fund of original
 44 certification of the claim; ~~except, that if such,~~
 45 However, if that appropriation or fund has since
 46 reverted under section 8.33 then such payment
 47 authorized by the state appeal board shall be out of
 48 any money in the state treasury not otherwise
 49 appropriated. Notwithstanding the provisions of this
 50 section, the director of revenue and finance may

Page 2

1 reissue outdated warrants."

JIM LIND

S-3730

- 1 Amend Senate File 425 as follows:
- 2 1. By striking page 17, line 24 through page 18,
- 3 line 12.
- 4 2. By renumbering as necessary.

LARRY MURPHY

S-3731

- 1 Amend Senate File 425 as follows:
- 2 1. Page 14, by inserting after line 25 the
- 3 following:
- 4 "Sec. ____ . BONDING FOR CAPITAL IMPROVEMENTS. The
- 5 Iowa finance authority, at the request of the
- 6 department of general services, shall issue negotiable
- 7 bonds and notes pursuant to section 16.26 in the
- 8 following amounts and for the following purposes:
- 9 1. For the restoration of the exterior of the
- 10 state capitol building:
- 11 \$ 23,024,723
- 12 2. For the restoration of the interior of the
- 13 state capitol building, including but not limited to:
- 14 replacement of the electrical system, removal of
- 15 asbestos, provide handicap accessibility, and comply
- 16 with orders from the state fire marshal:
- 17 \$ 8,328,552
- 18 3. To connect the state capitol building tunnel to
- 19 the Grand Avenue tunnel:
- 20 \$ 400,000

21 4. For restoration of the old historical building:
 22 \$ 7,900,000".

RAY TAYLOR
 WILLIAM DIELEMAN
 JOHN JENSEN

S-3732

1 Amend Senate File 425 as follows:
 2 1. Page 27, by inserting after line 15 the
 3 following:
 4 "Sec. ____ . REGENTS MERIT EXEMPT PAY ADJUSTMENTS.
 5 Of the funds appropriated to the state board of
 6 regents for the fiscal year beginning July 1, 1993,
 7 and ending June 30, 1994, the sum of \$125,000, or so
 8 much thereof as necessary, shall be used to provide
 9 pay adjustments for regents merit exempt employees.
 10 The funds shall be used to adjust pay disparities
 11 resulting from pay adjustments provided to regents
 12 employees covered by collective bargaining agreements
 13 and pay adjustments provided for regent merit exempt
 14 employees."

JEAN LLOYD-JONES
 RICHARD J. VARN
 HARRY G. SLIFE
 JIM LIND
 RALPH ROSENBERG

S-3733

1 Amend Senate File 425 as follows:
 2 1. Page 1, by inserting after line 27 the
 3 following:
 4 "Sec. 80. Section 425.1, subsections 1 through 5,
 5 Code 1993, are amended to read as follows:
 6 1. A homestead credit fund is created. There is
 7 appropriated annually from the general fund of the
 8 state to the department of revenue and finance to be
 9 credited to the homestead credit fund, ~~an amount~~
 10 ~~sufficient to implement this chapter~~ the amount as
 11 provided in section 8.59.
 12 The director of revenue and finance shall issue
 13 warrants on the homestead credit fund payable to the
 14 county treasurers of the several counties of the state
 15 under this chapter.
 16 2. The homestead credit fund shall be apportioned
 17 each year so as to give a credit against the tax on
 18 each eligible homestead in the state in an amount

19 equal to the actual levy on the first four thousand
20 eight hundred fifty dollars of actual value for each
21 homestead allowable homestead value.

22 3. For purposes of this chapter, the "allowable
23 homestead value" means for the fiscal year beginning
24 July 1, 1994, the amount equal to the appropriation
25 made in subsection 1 for the fiscal year beginning
26 July 1, 1994, divided by the actual amount of
27 homestead claims for taxes due in the fiscal year
28 beginning July 1, 1993, times four thousand eight
29 hundred fifty dollars. For succeeding fiscal years,
30 the allowable homestead value equals the appropriation
31 for that fiscal year divided by the actual amount of
32 homestead claims for taxes due in the previous fiscal
33 year times the allowable homestead value calculated
34 under this subsection for the previous fiscal year.

35 3 4. The amount due each county shall be paid by
36 the department of revenue and finance in two payments
37 on November 15 and March 15 of each fiscal year, drawn
38 upon warrants payable to the respective county
39 treasurers. The two payments shall be as nearly equal
40 as possible.

41 4 5. Annually the department of revenue and
42 finance shall estimate the credit not to exceed the
43 actual levy on the first four thousand eight hundred
44 fifty dollars of actual value of each eligible
45 homestead, and shall certify to the county auditor of
46 each county the credit and its amount in dollars. The
47 director of revenue and finance shall certify to the
48 county auditor of each county, by April 15 preceding
49 the fiscal year in which the credit is to be paid, the
50 amount of allowable homestead value. Each county

Page 2

1 auditor shall then enter the credit against the tax
2 levied on each eligible homestead in each county
3 payable during the ensuing year, designating on the
4 tax lists the credit as being from the homestead
5 credit fund, and credit shall then be given to the
6 several taxing districts in which eligible homesteads
7 are located in an amount equal to the credits allowed
8 on the taxes of the homesteads. The amount of credits
9 shall be apportioned by each county treasurer to the
10 several taxing districts as provided by law, in the
11 same manner as though the amount of the credit had
12 been paid by the owners of the homesteads. However,
13 the several taxing districts shall not draw the funds
14 so credited until after the semiannual allocations
15 have been received by the county treasurer, as

16 provided in this chapter. Each county treasurer shall
17 show on each tax receipt the amount of credit received
18 from the homestead credit fund.

19 If the appropriation made in subsection 1 is
20 insufficient to pay all claims in full, the director
21 shall prorate the amount available to each county.
22 5. If the homestead tax credit computed under this
23 section is less than sixty-two dollars and fifty
24 cents, the amount of homestead tax credit on that
25 eligible homestead shall be sixty-two dollars and
26 fifty cents subject to the limitation imposed in this
27 section."

28 2. Page 11, by inserting after line 4 the
29 following:

30 "Sec. ____ . Section 80 of this division takes
31 effect January 1, 1994, for homestead credit claims
32 for property taxes payable on or after July 1, 1994."

JOHN P. KIBBIE
SHELDON RITTMER

S-3734

1 Amend Senate File 425 as follows:

2 1. Page 14, by inserting after line 25 the
3 following:

4 "4. To the department of cultural affairs, for a
5 grant for purposes of conducting an international
6 children's choir festival in the city of Des Moines
7 June 29 through July 4, 1993, that is sponsored by a
8 local choral society:

9 \$ 15,000".

MARY E. KRAMER
FLORENCE BUHR
ELAINE SZYMONIAK
TONY BISIGNANO
LEONARD L. BOSWELL
WILLIAM D. PALMER

S-3735

1 Amend Senate File 425 as follows:

2 1. Page 27, by inserting after line 15 the
3 following:

4 "Sec. ____ . There is appropriated from the general
5 fund of the state to the division of inspections of
6 the department of inspections and appeals, if House
7 File 659 is enacted by the 75th General Assembly, 1993
8 Session, for the fiscal year beginning July 1, 1993,

9 the sum of \$10,000, or so much thereof as is
 10 necessary, for data processing services for
 11 implementation of House File 659, if so enacted. This
 12 appropriation is in addition to any other
 13 appropriation made to the department of inspections
 14 and appeals.
 15 Sec. ____ . If Senate File 394 is enacted by the
 16 75th General Assembly, 1993 Session, the division of
 17 investigations of the department of inspections and
 18 appeals is authorized an additional 1.0 full-time
 19 equivalent position for implementation of Senate File
 20 394, if so enacted."

TOM VILSACK
 LARRY MURPHY
 WILMER RENSINK

S-3736

1 Amend Senate File 425 as follows:
 2 1. Page 11, by inserting after line 2 the
 3 following:
 4 "Sec. ____ . EDUCATIONAL EXCELLENCE. For the fiscal
 5 year beginning July 1, 1993, and ending June 30, 1994,
 6 the appropriation made to the department of education
 7 pursuant to section 294A.25, subsection 1, shall be
 8 reduced by \$750,000."
 9 2. By renumbering as necessary.

LARRY MURPHY
 MIKE CONNOLLY
 JIM LIND
 JOHN P. KIBBIE

S-3737

1 Amend Senate File 425 as follows:
 2 1. Page 14, by inserting after line 25 the
 3 following:
 4 "____ . To the following entities of state
 5 government:
 6 a. To the department of economic development for
 7 the fiscal year beginning July 1, 1993, and ending
 8 June 30, 1994, in addition to other appropriations
 9 made to the department for that fiscal year, the
 10 following amount, or so much thereof as is necessary,
 11 to be used for the purpose designated:
 12 For conducting a study to develop a plan for the
 13 utilization of state institutions and their physical
 14 and human resources and entering into contracts and

15 chapter 28E agreements as specified in paragraph "c":
16 \$ 25,000

17 b. To the university of northern Iowa for the
18 decision-making institute for the fiscal year
19 beginning July 1, 1993, and ending June 30, 1994, in
20 addition to other appropriations made to the
21 university for that fiscal year, the following amount,
22 or so much thereof as is necessary, to be used for the
23 purpose designated:

24 For conducting a study to develop a plan for the
25 utilization of state institutions and their physical
26 and human resources and entering into contracts and
27 chapter 28E agreements as specified in paragraph "c":
28 \$ 25,000

29 c. The department of economic development and the
30 institute for decision-making at the university of
31 northern Iowa, in consultation with the department of
32 human services and the department of corrections,
33 shall conduct a study to develop a plan for the
34 utilization of the physical and human resources of
35 communities containing state institutions which are
36 undergoing or may undergo substantial changes in
37 mission, scope, and size of operations. The
38 communities and state institutions examined in the
39 study and included in the plan shall include those
40 specified in sections 218.1 and 904.102. The
41 department of economic development and the decision-
42 making institute may use the funds appropriated
43 pursuant to this subsection to enter into contracts or
44 chapter 28E agreements with political subdivisions,
45 other state departments or state institutions, or
46 other persons in the affected communities to assist in
47 the planning process. The plan shall consider the
48 interests of the communities in providing for economic
49 development, the interests of the affected workers in
50 the institutions, the necessity of providing state

Page 2

1 services on a statewide basis and the impact of any
2 action in one institution upon other state
3 institutions providing similar services, and the
4 effect of the plan upon state resources. The
5 department of economic development and the decision-
6 making institute shall submit a report detailing the
7 plan to the governor and the general assembly on or
8 before January 15, 1994.

9 d. Notwithstanding section 8.39, the department of
10 economic development and the decision-making institute
11 of the university of northern Iowa may transfer the

12 funds appropriated pursuant to this subsection as
 13 necessary to effectuate the purposes of this
 14 subsection."
 15 2. By renumbering and correcting internal
 16 references as necessary.

RICHARD VARN
 LEONARD L. BOSWELL
 LARRY MURPHY
 TOM VILSACK
 DERRYL MCLAREN

HOUSE AMENDMENT TO
 SENATE FILE 205

S-3738

1 Amend Senate File 205, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 1 through 7.
 4 2. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 389

S-3739

1 Amend Senate File 389, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 1, line 1 through page 2,
 4 line 28.
 5 2. Page 4, line 34, by inserting after the word
 6 "durability," the following: "telecommunication
 7 capabilities."
 8 3. Page 5, by inserting after line 30 the
 9 following:
 10 "4. The current computer hardware inventories of
 11 the school districts and of the parents or guardians
 12 of pupils enrolled in public school districts.
 13 5. Multimedia presentation hardware and software
 14 currently used or available for use by a school
 15 district."
 16 4. Page 6, by striking lines 28 through 30.
 17 5. Title page, by striking lines 1 through 4 and
 18 inserting the following: "An Act relating to access
 19 by students to computers and establishing an
 20 educational technology consortium."
 21 6. By renumbering as necessary.

S-3740

1 Amend Senate File 425 as follows:

2 1. Page 15, by inserting after line 26 the
3 following:

4 "Sec. ____ . Section 15.108, subsection 5, Code
5 1993, is amended by adding the following new
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. The department may
8 establish a revolving fund to receive contributions
9 and funds from the product sales center to be used for
10 startup or expansion of tourism special events, fairs,
11 and festivals.

12 Sec. ____ . Section 15.111, subsection 1, Code 1993,
13 is amended by striking the subsection.

14 Sec. ____ . Section 15.111, subsection 2, paragraph
15 a, Code 1993, is amended by striking the paragraph.

16 Sec. ____ . NEW SECTION. 15.112 FARMWORKS MATCHING
17 FUNDS.

18 If the federal government funds the "farmworks"
19 national demonstration project for distressed family
20 farmers, the department shall allocate to the project
21 from the rural enterprise fund or another fund, an
22 amount equal to four percent of the federal funding
23 each year for a three-year period on a dollar-for-
24 dollar matching basis with local or private
25 contributions.

26 Sec. ____ . Section 15.225, subsection 1, Code 1993,
27 is amended by adding the following new paragraph:

28 NEW PARAGRAPH. f. Apprenticeship opportunities in
29 conjunction with paragraphs "a" through "d" or in
30 accordance with rules adopted by the board.

31 Sec. ____ . Section 15.251, subsection 2, Code 1993,
32 is amended to read as follows:

33 2. The department may charge, within thirty days
34 following the sale of certificates under chapter ~~280B~~
35 260E, the board of directors of the merged area a fee
36 of up to one percent of the gross sale amount of the
37 certificates issued. The amount of this fee shall be
38 deposited into a job training fund created in the
39 ~~office of the treasurer of state department~~ and may be
40 used by the department to cover the costs of
41 management of chapter ~~280B~~ 260E and to support other
42 efforts by the community colleges related to providing
43 productivity and quality enhancement training. Funds
44 deposited under this subsection into the job training
45 fund during a fiscal year which are not expended by
46 the department in that fiscal year are available for
47 use by the department under this subsection for
48 subsequent fiscal years."

49 2. Page 15, by inserting after line 34 the
50 following:

Page 2

1 "Sec. ____ . Section 15E.92, Code 1993, is amended
2 to read as follows:

3 15E.92 REPORTING AND FUND SOLVENCY.

4 The chairperson of the corporation on or before
5 ~~July 30~~ December 31 of each fiscal year shall make and
6 deliver a report to the governor and the legislative
7 fiscal committee. The report shall include all
8 transactions conducted by the corporation in the
9 preceding fiscal year. The report shall also include
10 a balance sheet outlining the financial solvency of
11 the Iowa product development corporation fund, a
12 certified copy of any audits of the corporation
13 conducted in the preceding fiscal year, and other
14 information requested by the governor or the
15 legislative fiscal committee."

16 3. Page 16, by inserting after line 18 the
17 following:

18 "Sec. ____ . Section 260F.6, subsection 1, Code
19 1993, is amended to read as follows:

20 1. There is established for the community colleges
21 a community college job training fund ~~under the~~
22 ~~supervision of the treasurer of state in the~~
23 department of economic development. The community
24 college job training fund consists of moneys
25 appropriated for the fiscal year beginning July 1,
26 1987, and for succeeding fiscal years for the purposes
27 of this chapter plus the interest and principal from
28 repayment of advances made to businesses for program
29 costs, moneys transferred from the Iowa employment
30 retraining fund to the community college job training
31 fund on July 1, 1992, plus the repayments, including
32 interest, of loans made from that retraining fund, and
33 interest earned from moneys in the community college
34 job training fund."

35 4. By striking page 17, line 24 through page 18,
36 line 12.

37 5. Page 18, by inserting after line 24 the
38 following:

39 "Sec. ____ . 1993 Iowa Acts, Senate File 227,
40 section 8, is amended to read as follows:

41 SEC. 8. Notwithstanding other provisions of law to
42 the contrary, \$50,000 of the moneys collected in the
43 rural community 2000 revolving fund created in section
44 15.287 during fiscal year ~~1993~~ 1992-1993 shall be
45 carried forward and deposited in the economic

46 development deaf interpreters revolving fund created
 47 in section 15.108, subsection 7, paragraph "j" on July
 48 1, ~~1994~~ 1993.
 49 Sec. ____ . 1993 Iowa Acts, Senate File 227, section
 50 8, as amended by this Act, takes effect upon the

Page 3

1 enactment of this Act."

JIM RIORDAN
 TOM VILSACK
 TONY BISIGNANO

S-3741

- 1 Amend Senate File 425 as follows:
 2 1. Page 26, by striking lines 14 through 25.

BERL E. PRIEBE

S-3742

- 1 Amend Senate File 425 as follows:
 2 1. Page 19, line 2, by inserting after the word
 3 "resides" the following: "and with the recipient's
 4 attorney".
 5 2. Page 20, line 14, by inserting after the word
 6 "offer." the following: "Actual knowledge under this
 7 section shall include the notice to the attorney
 8 pursuant to subsection 1."

TOM VILSACK

S-3743

- 1 Amend Senate File 425 as follows:
 2 1. Page 7, line 22, by striking the word "ten"
 3 and inserting the following: "~~ten~~ twenty".
 4 2. Page 8, line 2, by striking the word "ten" and
 5 inserting the following: "twenty".

JAMES R. RIORDAN

S-3744

- 1 Amend Senate File 425 as follows:
 2 1. Page 14, by inserting after line 25 the
 3 following:
 4 "Sec. ____ . BONDING FOR CAPITAL IMPROVEMENTS. The

5 Iowa finance authority, at the request of the
6 department of general services, shall issue negotiable
7 bonds and notes pursuant to section 16.26 in the
8 following amounts and for the following purposes:
9 1. For the restoration of the interior of the
10 state capitol building, including but not limited to:
11 replacement of the electrical system, removal of
12 asbestos, provide handicap accessibility, and comply
13 with orders from the state fire marshal:
14 \$ 8,328,552
15 2. To connect the state capitol building tunnel to
16 the Grand Avenue tunnel:
17 \$ 400,000
18 3. For restoration of the old historical building:
19 \$ 7,900,000".

RAY TAYLOR
WILLIAM W. DIELEMAN
JOHN W. JENSEN

S-3745

1 Amend Senate File 425 as follows:
2 1. Page 14, by inserting after line 25 the
3 following:
4 "Sec. ____ BONDING FOR CAPITAL IMPROVEMENTS. The
5 Iowa finance authority, at the request of the
6 department of general services, shall issue negotiable
7 bonds and notes pursuant to section 16.26 in the
8 following amounts and for the restoration of the
9 exterior of the state capitol building:
10 \$ 23,024,723".

RAY TAYLOR
WILLIAM W. DIELEMAN
JOHN W. JENSEN

S-3746

1 Amend House File 331, as passed by the House, as
2 follows:
3 1. By striking page 3, line 18 through page 4,
4 line 30 and inserting the following:
5 "1. A person who knowingly violates any provision
6 of division II of this chapter, any permit, rule,
7 standard, or order issued under division II of this
8 chapter, or any condition or limitation included in
9 any permit issued under division II of this chapter,
10 is guilty of an aggravated misdemeanor. A conviction
11 for a violation is punishable by a fine of not more

12 than ten thousand dollars for each day of violation or
13 by imprisonment for not more than two years, or both.
14 If the conviction is for a second or subsequent
15 violation committed by a person under this section,
16 however, the conviction is punishable by a fine of not
17 more than twenty thousand dollars for each day of
18 violation or by imprisonment for not more than four
19 years, or by both.

20 2. a. A person who knowingly makes any false
21 statement, representation, or certification of any
22 application, record, report, plan, or other document
23 filed or required to be maintained under division II
24 of this chapter, or by any permit, rule, standard, or
25 order issued under division II of this chapter or who
26 falsifies, tampers with, or knowingly renders
27 inaccurate any monitoring device or method required to
28 be maintained under division II of this chapter, or by
29 any permit, rule, standard, or order issued under
30 division II of this chapter, or who knowingly fails to
31 notify or report as required by division II of this
32 chapter or by any permit, rule, standard, or order
33 issued under division II of this chapter, or by any
34 condition or limitation included in any permit issued
35 under division II of this chapter, is guilty of an
36 aggravated misdemeanor punishable by a fine of not
37 more than ten thousand dollars per day per violation
38 or by imprisonment for not more than one year, or by
39 both. If the conviction is for a second or subsequent
40 violation committed by a person under this paragraph,
41 however, the conviction is punishable by a fine of not
42 more than twenty thousand dollars for each day of
43 violation or by imprisonment for not more than two
44 years, or by both.

45 b. A person who knowingly fails to pay any fee
46 owed the state under any provision of division II of
47 this chapter, or any permit, rule, standard, or order
48 issued under division II of this chapter, is guilty of
49 an aggravated misdemeanor punishable by a fine of not
50 more than ten thousand dollars per day per violation

Page 2

1 or by imprisonment for not more than six months, or by
2 both. If the conviction is for a second or subsequent
3 violation under this paragraph, however, the
4 conviction is punishable by a fine of not more than
5 twenty thousand dollars for each day of violation or
6 by imprisonment for not more than one year, or by
7 both.

8 3. A person who negligently releases into the

9 ambient air any hazardous air pollutant or extremely
10 hazardous substance, and who at the time negligently
11 places another person in imminent danger of death or
12 serious bodily injury shall, upon conviction, be
13 punished by a fine of not more than twenty-five
14 thousand dollars for each day of violation or by
15 imprisonment for not more than one year, or by both.
16 If the conviction is for a second or subsequent
17 negligent violation committed by a person under this
18 section, however, the conviction is punishable by a
19 fine of not more than fifty thousand dollars for each
20 day of violation or by imprisonment for not more than
21 two years, or by both.

22 4. a. A person who knowingly releases into the
23 ambient air any hazardous air pollutant or extremely
24 hazardous substance, and who knows at the time that
25 the conduct places another person in imminent danger
26 of death or serious bodily injury shall, upon
27 conviction, if the person committing the violation is
28 an individual or a government entity, be punished by a
29 fine of not more than fifty thousand dollars per
30 violation or by imprisonment for not more than two
31 years, or by both. However, if the person committing
32 the violation is other than an individual or a
33 government entity, upon conviction the person shall be
34 punished by a fine of not more than one million
35 dollars per violation. If the conviction is for a
36 second or subsequent violation under this paragraph,
37 the conviction is punishable by a fine or
38 imprisonment, or both, as consistent with federal law.

39 b. In determining whether a defendant who is an
40 individual knew that the violation placed another
41 person in imminent danger of death or serious bodily
42 injury the following shall apply:

43 (1) The defendant is deemed to have knowledge only
44 if the defendant possessed actual awareness or held an
45 actual belief.

46 (2) Knowledge possessed by a person other than the
47 defendant, and not by the defendant personally, is not
48 attributable to the defendant. In establishing a
49 defendant's possession of actual knowledge,
50 circumstantial evidence may be used, including

Page 3

1 evidence that the defendant took affirmative action to
2 be shielded from relevant information.

3 c. It is an affirmative defense that the conduct
4 was freely consented to by the person endangered and
5 that the danger and conduct were reasonably

6 foreseeable hazards of either of the following:

7 (1) An occupation, a business, or a profession.

8 (2) Medical treatment or medical or scientific
9 experimentation conducted by professionally approved
10 methods if the person was made aware of the risks
11 involved prior to providing consent. An affirmative
12 defense under this subparagraph shall be established
13 by a preponderance of the evidence.

14 d. All general defenses, affirmative defenses, and
15 bars to prosecution that are applicable with respect
16 to other criminal offenses apply under paragraph "a".
17 All defenses and bars to prosecution shall be
18 determined by the courts in accordance with the
19 principles of common law as interpreted, taking into
20 consideration the elements of reason and experience.

21 The concepts of justification and legal excuse, as
22 applicable, may be developed, taking into
23 consideration the elements of reason and experience.

24 e. As used in this subsection, "serious bodily
25 injury" means bodily injury which involves a
26 substantial risk of death, unconsciousness, extreme
27 physical pain, protracted and obvious disfigurement,
28 or protracted loss or impairment of the function of a
29 bodily member, organ, or mental faculty.

30 5. a. Notwithstanding this section, a source
31 required to obtain a permit for construction or
32 modification of a source prior to the date on which
33 the state received delegation of the federal operating
34 permit program which failed to timely file for the
35 permit is subject to the civil penalty for
36 noncompliance in effect at the time.

37 b. This subsection does not provide an exception
38 from application of the penalties established under
39 this section for failure of a person to file a timely
40 and complete application for a federal construction
41 permit.

42 c. This subsection does not provide an exception
43 from application of the penalties established in this
44 section for a person who does not file a timely and
45 complete application for a required permit once
46 notified, in writing, by the department of the
47 noncompliance. A person who does not comply following
48 notification of noncompliance is subject to the
49 criminal penalties established under this section."

JOE WELSH
HARRY SLIFE
TONY BISIGNANO
JOHN P. KIBBIE

S-3747

1 Amend the amendment, S-3314, to House File 430, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 14, by inserting after line 6 the
5 following:

6 "Sec. ____ . NEW SECTION. 2.39 REPORTS TO THE
7 GENERAL ASSEMBLY.

8 All reports required to be filed with the general
9 assembly by a state department or agency shall be
10 filed by delivering one printed copy and one copy in
11 electronic format as prescribed by the secretary of
12 the senate and the chief clerk of the house.

13 Sec. ____ . Section 8.6, Code 1993, is amended by
14 adding the following new subsections:

15 NEW SUBSECTION. 16. WORKFLOW PROCESS REVIEW. To
16 review the workflow processes of all departments for
17 the following purposes:

18 a. To determine where information technology may
19 be used to improve the efficiency of a department and
20 how such technology may be used to the fullest extent
21 possible for the maximum benefit.

22 b. To discourage the duplication of information
23 collection efforts and encourage information sharing
24 among departments.

25 c. To discourage manual duplication of certain
26 acts including the rekeying of documents which may be
27 otherwise transferred or delivered in a usable
28 electronic format.

29 NEW SUBSECTION. 17. STATE AGENCY REPORTS. To
30 develop a process for the inventory, production
31 review, and process analysis of state agency reports
32 including all of the following duties:

33 a. Directing each state agency to develop a list
34 of reports published or made available by the agency
35 and to provide the list to the department. The list
36 provided shall indicate which reports are specifically
37 required by state or federal law to be published or
38 provided. Notwithstanding any provision requiring a
39 report to be provided in writing, the department shall
40 require that all reports required by state law be
41 provided in electronic format as determined by the
42 department, unless the state agency is granted a
43 waiver by the department to publish or provide the
44 report in writing. The department shall develop a
45 process for the granting of such waivers.

46 b. Making a request to all state agencies to
47 identify reports which can be provided to the federal
48 government in an electronic format in lieu of printed

49 copies. The department shall direct all state
50 agencies required by federal law to make a report to

Page 2

1 the federal government to make a request to the
2 receiving agency to permit the report to be provided
3 in electronic format.

4 c. Developing data standards for reports to be
5 provided in electronic format. Such standards shall
6 be adopted by rule pursuant to chapter 17A after the
7 department has consulted with affected local, state,
8 and federal officials.

9 d. Developing procedures for state agencies
10 regarding public access to public documents and public
11 information.

12 e. Developing a process for the identification of
13 documents to be provided electronically.

14 Sec. ____ . NEW SECTION. 8.60 INFORMATION
15 TECHNOLOGY ACQUISITION FUND ESTABLISHED.

16 1. There is created in the office of the treasurer
17 of state a technology acquisition fund which is under
18 the control of the department of management. Moneys
19 deposited in the fund are not subject to reversion
20 pursuant to section 8.33.

21 2. In addition to funds appropriated to the
22 technology acquisition fund in subsection 1, fifty
23 percent of the savings identified as a result of a
24 reduction in publication and dissemination expenses
25 which are realized as a result of section 8.6,
26 subsection 17, shall be deposited in the information
27 technology acquisition fund. The remaining fifty
28 percent of such savings shall be deposited in the cash
29 reserve fund established in section 8.56. However,
30 any savings realized from the reduction in publication
31 and dissemination expenses which have been funded from
32 the road use tax fund or the primary road fund shall
33 be credited to a separate account of the information
34 technology acquisition fund and shall be used
35 exclusively for road use tax fund purposes. The
36 department of management shall adopt rules pursuant to
37 chapter 17A establishing a procedure for identifying
38 funds which are subject to this subsection.

39 3. The department shall adopt rules pursuant to
40 chapter 17A establishing standards which shall govern
41 the use of moneys in the fund. The standards shall
42 recognize the benefits which can be realized through
43 interagency collaboration and cooperation in the use
44 of such moneys. The standards shall also provide that
45 priority of the use of the moneys in the fund shall be

46 related to the highest demonstrated or reasonably
 47 projected savings to be realized.
 48 4. For purposes of the subsection:
 49 a. "Information technology" includes, but is not
 50 limited to, all forms of hardware or software used for

Page 3

1 collecting, processing, transmitting, or storing data
 2 or information, other forms of data, or information
 3 manipulation.
 4 b. "Procurement" includes purchase, lease-
 5 purchase, lease, or other forms of financing deemed by
 6 the department to be appropriate.

7 Sec. ____ . NEW SECTION. 18.12A INFORMATION
 8 TECHNOLOGY PURCHASES.

9 The department is authorized, subject to the
 10 approval of the department of management, to make
 11 expenditures for the purchase of information
 12 technology. The department shall use moneys deposited
 13 in the technology acquisition fund created in section
 14 8.60 for the purchase of such technology. The
 15 department may also use funds as otherwise identified
 16 and authorized to be used for such acquisitions.
 17 Sec. ____ . NEW SECTION. 303.95 ELECTRONIC ACCESS
 18 TO DOCUMENTS.

19 The state library shall work to develop a system of
 20 electronic access to documents maintained by the state
 21 library with a goal of providing electronic access to
 22 all such documents. The access shall be provided
 23 initially through the use of compact disc technology.
 24 This section shall not prohibit the state librarian
 25 from considering other forms of electronic access if
 26 the use of such other access is shown to exceed the
 27 benefits of, and is more cost-effective than, the use
 28 of compact disc technology."

29 2. Renumber as necessary.

RICHARD VARN
 . LARRY MURPHY

S-3748

- 1 Amend Senate File 426 as follows:
 2 1. Page 3, by inserting after line 1 the
 3 following:
 4 "Sec. ____ . REPEAL PROVISION. This Act is repealed

- 5 effective June 30, 2003.”
- 6 2. By renumbering as necessary.

H. KAY HEDGE

HOUSE AMENDMENT TO
SENATE FILE 422

S-3749

- 1 Amend Senate File 422, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 20 the
- 4 following:
- 5 “Sec. ____ . ELECTIVE EXECUTIVE OFFICIALS.
- 6 1. The annual salary rates specified in this
- 7 section are effective for the pay period beginning
- 8 December 30, 1994, and for subsequent fiscal years
- 9 until otherwise provided by the general assembly. The
- 10 salaries provided for in this section shall be paid
- 11 from funds appropriated to the department or agency
- 12 specified in this section pursuant to any Act of the
- 13 general assembly or if the appropriation is not
- 14 sufficient, from the salary adjustment fund.
- 15 2. The following annual salary rates shall be paid
- 16 to the person holding the position indicated:
- 17 a. OFFICE OF THE GOVERNOR
- 18 (1) Salary for governor:
- 19 \$ 79,800
- 20 (2) Salary for lieutenant governor:
- 21 \$ 62,400
- 22 b. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
- 23 Salary for the secretary of agriculture:
- 24 \$ 62,400
- 25 c. DEPARTMENT OF JUSTICE
- 26 Salary for the attorney general:
- 27 \$ 76,500
- 28 d. OFFICE OF THE AUDITOR OF STATE
- 29 Salary for the auditor of state:
- 30 \$ 62,400
- 31 e. OFFICE OF THE SECRETARY OF STATE
- 32 Salary for the secretary of state:
- 33 \$ 62,400
- 34 f. OFFICE OF THE TREASURER OF STATE
- 35 Salary for the treasurer of state:
- 36 \$ 62,400”.
- 37 2. Page 1, by inserting after line 20 the
- 38 following:
- 39 “Sec. 100. APPOINTED STATE OFFICERS. The governor
- 40 shall establish a salary for appointed nonelected

41 persons in the executive branch of state government
 42 holding a position enumerated in section 101 of this
 43 Act within the range provided by considering, among
 44 other items, the experience of the individual in the
 45 position, changes in the duties of the position, the
 46 incumbent's performance of assigned duties, and
 47 subordinates' salaries. However, the attorney general
 48 shall establish the salary for the consumer advocate,
 49 the chief justice of the state supreme court shall
 50 establish the salary for the state court

Page 2

1 administrator, and the state fair board shall
 2 establish the salary of the secretary of the state
 3 fair board each within the salary range provided in
 4 section 101 of this Act.
 5 The governor, in establishing salaries as provided
 6 in section 101 of this Act, shall take into
 7 consideration other employee benefits which may be
 8 provided for an individual including, but not limited
 9 to, housing.

10 A person whose salary is established pursuant to
 11 section 101 of this Act and who is a full-time
 12 permanent employee of the state shall not receive any
 13 other remuneration from the state or from any other
 14 source for the performance of that person's duties
 15 unless the additional remuneration is first approved
 16 by the governor or authorized by law. However, this
 17 provision does not exclude the reimbursement for
 18 necessary travel and expenses incurred in the
 19 performance of duties or fringe benefits normally
 20 provided to employees of the state.

21 Sec. 101. STATE OFFICERS -- SALARY RATES AND
 22 RANGES. The following annual salary ranges are
 23 effective for the positions specified in this section
 24 for the fiscal year beginning July 1, 1993, and for
 25 subsequent fiscal years until otherwise provided by
 26 the general assembly. The governor or other person
 27 designated in section 100 of this Act shall determine
 28 the salary to be paid to the person indicated at a
 29 rate within the salary ranges indicated from funds
 30 appropriated by the general assembly for that purpose.

31 1. The following salary ranges are effective
 32 beginning with the fiscal year beginning July 1, 1993,
 33 and as otherwise provided in this section:

34 SALARY RANGES	<u>Minimum</u>	<u>Maximum</u>
35 a. Range 1	\$ 7,900	\$23,800
36 b. Range 2	\$28,700	\$47,700
37 c. Range 3	\$39,400	\$55,700

38	d. Range 4	\$47,400	\$63,700
39	e. Range 5	\$55,700	\$71,700
40	2. The following are range 1 positions: There are		
41	no range 1 positions as of the fiscal year beginning		
42	July 1, 1993.		
43	3. The following are range 2 positions:		
44	administrator of criminal and juvenile justice		
45	planning of the department of human rights,		
46	administrator of the arts division of the department		
47	of cultural affairs, administrators of the division of		
48	persons with disabilities, the division on the status		
49	of women, the division on the status of African-		
50	Americans, the division for deaf services, and the		

Page 3

1 division of Latino affairs of the department of human
 2 rights, administrator of the division of professional
 3 licensing and regulation of the department of
 4 commerce, executive director of the commission of
 5 veterans affairs, and administrator of the division of
 6 emergency management of the department of public
 7 defense.

8 4. The following are range 3 positions:
 9 administrator of the division of community action
 10 agencies of the department of human rights, and
 11 chairperson and members of the employment appeal board
 12 of the department of inspections and appeals.

13 5. The following are range 4 positions:
 14 superintendent of banking, superintendent of credit
 15 unions, drug abuse prevention coordinator,
 16 administrator of the alcoholic beverages division of
 17 the department of commerce, state public defender, and
 18 chairperson and members of the board of parole.

19 6. The following are range 5 positions:
 20 chairperson and members of the utilities board,
 21 consumer advocate, job service commissioner, labor
 22 commissioner, industrial commissioner, commissioner of
 23 insurance, administrator of the historical division of
 24 the department of cultural affairs, administrator of
 25 the public broadcasting division of the department of
 26 education, the administrator of the state racing and
 27 gaming commission of the department of inspections and
 28 appeals, commandant of the veterans home, and
 29 secretary of the state fair board.

30 7. The following salary ranges are effective
 31 beginning with the fiscal year beginning July 1, 1993,
 32 and as otherwise provided in this section:

33	SALARY RANGES		<u>Minimum</u>	<u>Maximum</u>
34	a. Range 6	\$43,100	\$ 57,800	

35	b. Range 7	\$58,900	\$ 72,300
36	c. Range 8	\$63,100	\$ 84,000
37	d. Range 9	\$70,500	\$ 99,900

38 8. The following are range 6 positions: director
 39 of the department of human rights, director of the
 40 Iowa state civil rights commission, executive director
 41 of the college student aid commission, director of the
 42 department for the blind, and executive secretary of
 43 the campaign finance disclosure commission.
 44 9. The following are range 7 positions: director
 45 of the department of cultural affairs, director of the
 46 department of personnel, director of public health,
 47 executive director of the department of elder affairs,
 48 commissioner of public safety, director of the
 49 department of general services, director of the
 50 department of commerce, director of law enforcement

Page 4

1 academy, and director of the department of inspections
 2 and appeals.

3 10. The following are range 8 positions:
 4 executive director of the Iowa finance authority,
 5 director of revenue and finance, director of the
 6 department of natural resources, director of the
 7 department of corrections, and director of the
 8 department of employment services.

9 11. The following are range 9 positions: director
 10 of the department of education, director of human
 11 services, director of the department of economic
 12 development, executive director of the state board of
 13 regents, director of the state department of
 14 transportation, lottery commissioner, the state court
 15 administrator, and the director of the department of
 16 management.

17 Sec. 102. PUBLIC EMPLOYMENT RELATIONS BOARD.

18 1. The salary rates specified in this section are
 19 effective for the fiscal year beginning July 1, 1993,
 20 and for subsequent fiscal years until otherwise
 21 provided by the general assembly. The salaries
 22 provided for in this section shall be paid from funds
 23 appropriated to the department or agency specified in
 24 this section.

25 2. The following annual salary rates shall be paid
 26 to the persons holding the positions indicated:

27	a. Chairperson of the public employment relations		
28	board:		
29	. . . . .	\$	55,700

30 b. Two members of the public employment relations
 31 board:

32\$ 51,700
 33 Sec. 6. PAY RATES AND RANGES - EFFECTIVE DATES.
 34 The annual salary rates or ranges provided in sections
 35 101 and 102 of this Act become effective for the
 36 fiscal year beginning July 1, 1993, with the pay
 37 period beginning June 18, 1993. In addition to the
 38 salaries as fixed by the appropriate appointing
 39 authority, state officers covered in sections 101 and
 40 102 may receive a cash payment, if authorized by the
 41 appropriate appointing authority, of \$650 which shall
 42 not be added to the base salary, paid in 26 equal
 43 installments during the fiscal year beginning July 1,
 44 1993. Cash payments, if authorized, shall take effect
 45 with the pay period beginning June 18, 1993."
 46 3. Page 4, line 9, by inserting after the word
 47 "payments" the following: "and step increases".
 48 4. By striking page 5, line 17 through page 6,
 49 line 23, and inserting the following:
 50 "Sec. 11. Section 2.10, subsections 1, 3, 6, and

Page 5

1 7, Code 1993, are amended to read as follows:
 2 1. Every member of the general assembly except the
 3 presiding officer of the senate, the speaker of the
 4 house, the majority and minority floor leader of each
 5 house, and the president pro tempore of the senate and
 6 speaker pro tempore of the house, shall receive an
 7 annual salary of eighteen thousand ~~one~~ eight hundred
 8 dollars for the year ~~1991~~ 1995 and subsequent years
 9 while serving as a member of the general assembly. In
 10 addition, each such member shall receive the sum of
 11 ~~fifty~~ sixty dollars per day for expenses of office,
 12 except travel, for each day the general assembly is in
 13 session commencing with the first day of a legislative
 14 session and ending with the day of final adjournment
 15 of each legislative session as indicated by the
 16 journals of the house and senate, except that if the
 17 length of the first regular session of the general
 18 assembly exceeds one hundred ten calendar days and the
 19 second regular session exceeds one hundred calendar
 20 days, the payments shall be made only for one hundred
 21 ten calendar days for the first session and one
 22 hundred calendar days for the second session.
 23 However, members from Polk county shall receive
 24 ~~thirty-five~~ forty-five dollars per day. Each member
 25 shall receive a ~~seventy-five~~ one hundred twenty-five
 26 dollar per month allowance for legislative district
 27 constituency postage, travel, telephone costs, and
 28 other expenses. Travel expenses shall be paid at the

29 rate established by section 18.117 for actual travel
 30 in going to and returning from the seat of government
 31 by the nearest traveled route for not more than one
 32 time per week during a legislative session. However,
 33 any increase from time to time in the mileage rate
 34 established by section 18.117 shall not become
 35 effective for members of the general assembly until
 36 the convening of the next general assembly following
 37 the session in which the increase is adopted; and this
 38 provision shall prevail over any inconsistent
 39 provision of any present or future statute.

40 3. The speaker of the house, presiding officer of
 41 the senate, and the majority and minority floor leader
 42 of each house shall each receive an annual salary of
 43 ~~twenty-seven~~ twenty-nine thousand ~~nine~~ hundred dollars
 44 for the year ~~1991~~ 1995 and subsequent years while
 45 serving in that capacity. The president pro tempore
 46 of the senate and the speaker pro tempore of the house
 47 shall receive an annual salary of nineteen thousand
 48 ~~one~~ nine hundred dollars for the year ~~1991~~ 1995 and
 49 subsequent years while serving in that capacity.

50 Expense and travel allowances shall be the same for

Page 6

1 the speaker of the house and the presiding officer of
 2 the senate, the president pro tempore of the senate
 3 and the speaker pro tempore of the house, and the
 4 majority and minority leader of each house as provided
 5 for other members of the general assembly.”

6 5. Page 6, line 26, by striking the word
 7 “seventy” and inserting the following: “sixty”.

8 6. Page 7, line 8, by striking the word “seventy”
 9 and inserting the following: “sixty”.

10 7. Page 7, by inserting after line 14 the follow-
 11 ing:

12 “Sec. ____ . Section 2.10, Code 1993, is amended by
 13 adding the following new subsection:
 14 NEW SUBSECTION. 8. A member of the general
 15 assembly may return to the state treasury all or a
 16 part of the salary, per diem, or expenses paid to the
 17 member pursuant to this section. The member may
 18 specify the public use for the returned money. A
 19 member has no income tax liability for that portion of
 20 the member’s salary or per diem which is returned to
 21 the state treasury pursuant to this subsection. The
 22 administrative officer of each house shall provide a
 23 form at the convening of each legislative session to
 24 allow legislators to return any portion of their
 25 salaries or expenses according to this section.”

26 8. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary.

S-3750

1 Amend the amendment, S-3483, to House File 652, as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. Page 2, line 42, by inserting after the word
5 "designee." the following: "No compilation of vote
6 subtotals shall be made while the polls are open. Any
7 person who makes a compilation of vote subtotals
8 before the polls are closed commits a simple
9 misdemeanor."
- 10 2. Page 2, line 43, by striking the words "of
11 these persons" and inserting the following: "person".

MICHAEL E. GRONSTAL

S-3751

1 Amend Senate File 426 as follows:

- 2 1. Page 3, by inserting after line 1 the
3 following:
4 "Sec. ____ . With enactment of this Act, exempting
5 from property taxation machinery and computer
6 equipment used to produce new or finished products
7 from recycling property, it is the intent of the
8 general assembly of the state of Iowa to begin the
9 process of repealing the inhibitor to economic growth
10 created by the taxation of machinery and computer
11 equipment as real property. It is the belief of the
12 general assembly that a repeal of the property tax on
13 machinery and computer equipment will operate as a
14 stimulus to economic growth.
15 The general assembly recognizes that businesses
16 respond to the property taxation of machinery and
17 computer equipment by shifting the incidence of the
18 tax burden from the business on which the tax is
19 imposed to consumers of the business' products through
20 higher prices, through lower rents paid to owners of
21 the land on which the business is located, or through
22 lower wages for the business' employees.
23 It is the intent of the general assembly, through
24 future enactments, to remove the fiscal constraints
25 imposed upon businesses and economic growth by the
26 levy of a property tax on machinery and computer
27 equipment and to repeal the property tax on machinery
28 and computer equipment by prioritizing and targeting
29 sectors of the state's economy, rather than through a

30 piecemeal exemption for specific businesses or
31 industries.”

32 2. By renumbering as necessary.

LINN FUHRMAN
TOM VILSACK

S-3752

1 Amend the amendment, S-3456, to House File 361, as
2 passed by the House, as follows:

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

5 “Sec. 100. Section 135.100, Code 1993, is amended
6 by adding the following new subsections:

7 NEW SUBSECTION. 1A. “Lead abatement” means any
8 action designated to reduce exposure to lead in a
9 residence or tenancy and may include, but is not
10 limited to, relocation of occupants, repair,
11 encapsulation, or removal of lead-based paint or lead-
12 contaminated dust, soil, or drinking water,
13 replacement of surfaces containing lead-based paint,
14 and cleanup measures or ongoing maintenance measures.
15 “Lead abatement” does not include repainting with a
16 lead-free coating without repairing, removing,
17 replacing, or encapsulating the underlying lead-based
18 paint. Relocation of occupants as a form of lead
19 abatement need not be performed by a lead abatement
20 contractor.

21 NEW SUBSECTION. 1B. “Lead abatement contractor”
22 means a person who performs lead abatement work.

23 NEW SUBSECTION. 1C. “Lead hazard” means a source
24 of lead, including but not limited to paint, dust,
25 air, soil, or water that the department determines has
26 caused or is likely to cause elevated blood-lead
27 levels in children.

28 NEW SUBSECTION. 1D. “Lead inspector” means a
29 person who performs inspections to detect the presence
30 of lead-based paint and lead hazards.

31 NEW SUBSECTION. 1E. “Lead-based paint” means any
32 paint, lacquer, glaze, or other liquid surface coating
33 and putty or plaster already applied to a surface
34 which contains a quantity of lead in excess of one
35 milligram of lead per square centimeter of surface or
36 in excess of five-tenths of one percent of lead by
37 weight.

38 NEW SUBSECTION. 1F. “Lead-poisoned child” means a
39 child with an elevated blood-lead level as currently
40 defined by the centers for disease control of the
41 United States department of health and human services.

42 Sec. 101. Section 135.104, subsection 3, Code
43 1993, is amended to read as follows:
44 3. A screening program for children, with emphasis
45 on children less than five six years of age.
46 Sec. 102. Section 135.105, Code 1993, is amended
47 by adding the following new subsection:
48 **NEW SUBSECTION. 3.** Adopt rules by January 1,
49 1994, to provide for lead hazard inspections and to
50 require the abatement of lead hazards in the case of a

Page 2

1 lead-poisoned child. The department shall consult
2 with federal, state, and local governments and
3 agencies in developing the rules. The rules shall be
4 consistent with the recommendations of the centers for
5 disease control of the United States department of
6 health and human services.

7 Sec. 103. **NEW SECTION. 135.105A LEAD INSPECTOR**
8 **AND LEAD ABATEMENT CONTRACTOR TRAINING AND**
9 **CERTIFICATION ESTABLISHED.**

10 The department shall establish a program for the
11 training and certification of lead inspectors and lead
12 abatement contractors. The department shall consult
13 with federal, state, and local governments and
14 agencies in developing the training and certification
15 program. The department shall maintain a listing,
16 available to the public and to local health depart-
17 ments, of lead inspectors and lead abatement
18 contractors who have successfully completed the
19 training program and have been certified by the
20 department. The department shall adopt rules by
21 January 1, 1994, regarding training and certification
22 requirements and establish fees in amounts sufficient
23 to defray the costs of the training and certification
24 program. The rules shall also prohibit a certified
25 lead inspector from also obtaining certification as a
26 lead abatement contractor.

27 Sec. 104. **NEW SECTION. 135.105B DEVELOPMENT OF**
28 **STANDARDS FOR LEAD INSPECTION AND ABATEMENT.**

29 1. The department shall develop standards by
30 January 1, 1994, regarding inspection for lead-based
31 paint and lead hazards and for abatement of lead
32 hazards, including lead-based paint and lead hazards
33 found in privately owned homes and rental property.
34 The department shall consult with federal, state, and
35 local governments and agencies in developing the
36 standards.
37 2. The methods developed for lead inspections and
38 abatement shall include, but are not limited to, the

39 following:

40 a. That lead inspections performed are adequate to
41 detect the presence of lead-based paint and lead
42 hazards. The methods shall provide for the use of
43 laboratories, if necessary, approved by the
44 department, in connection with any lead inspection
45 which relies on the use of a laboratory to detect the
46 presence of lead in samples of substances from
47 premises.

48 b. Techniques approved by the department to abate
49 lead hazards, taking into account reliability,
50 effectiveness, and affordability. The standards shall

Page 3

1 include provisions for the protection of personal
2 health and safety, hazard awareness, proper cleanup
3 procedures, and other measures necessary to protect
4 residents and workers.

5 3. Procedures for follow-up inspections and
6 recordkeeping to ensure that abatement is completed.

7 Sec. 105. NEW SECTION. 135.105C REQUIREMENTS --
8 PROVISIONS -- PENALTY.

9 1. A person shall not train lead inspectors or
10 lead abatement contractors unless the person is
11 trained and certified in accordance with the rules
12 established for training and certification by the
13 department.

14 2. A lead abatement inspector shall perform
15 inspections and a lead abatement contractor shall
16 perform lead abatement work only in compliance with
17 the standards established by the department.

18 3. A person shall not perform lead abatement work
19 for compensation unless the person is certified as a
20 lead abatement contractor, and a person shall not
21 perform lead inspections for compensation unless the
22 person is certified as a lead inspector.

23 4. Beginning February 1, 1994, a person who
24 violates this section is guilty of a serious
25 misdemeanor."

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

28 "Sec. ____ . CONTINGENCY. Implementation of
29 sections 103 through 105 of this Act is contingent
30 upon the receipt of federal funding specifically for
31 the implementation of a program to train and certify
32 lead inspectors and lead abatement contractors."

33 3. Page 3, line 3, by inserting after the word

34 "to" the following: "lead abatement,"

35 4. By renumbering as necessary.

FLORENCE BUHR

S-3753

1 Amend Senate File 426 as follows:

2 1. Page 1, by striking lines 6 through 9 and

3 inserting the following: "process".

4 2. By striking page 1, line 12 through page 2,
5 line 3.

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

7 inserting the following: "certain new machinery and
8 computer equipment."

9 4. By renumbering as necessary.

WAYNE BENNETT
SHELDON RITTMER

S-3754

1 Amend Senate File 426 as follows:

2 1. Page 1, line 8, by inserting after the word

3 "new" the following: "raw materials".

4 2. Page 2, lines 19 and 20, by striking the words
5 "any additional" and inserting the following: "the".

6 3. Page 2, line 27, by striking the words "any
7 additional" and inserting the following: "the".

WILLIAM W. DIELEMAN

S-3755

1 Amend House File 666, as amended by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the fol-
4 lowing:

5 "Section 200. Section 422.9, Code 1993, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 6. In the case of a taxpayer
8 whose itemized deductions are reduced by section 68 of
9 the Internal Revenue Code, the amount of Iowa income
10 tax described in subsection 2, paragraph "a", to be
11 subtracted from the reduced deductions may be limited
12 in the ratio of the total Iowa income tax to the total
13 itemized deductions subject to reduction under section
14 68 of the Internal Revenue Code. Those itemized
15 deductions not subject to reduction shall not be
16 affected by this subsection. This subsection shall

17 not apply to any tax year beginning after December 31,
18 1995."

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

21 "Sec. ____ . EFFECTIVE DATE. Section 200 of this
22 Act, being deemed of immediate importance, takes
23 effect upon enactment."

24 3. Title page, line 2, by inserting after the
25 word "and" the following: "to itemized deductions for
26 certain taxpayers, and".

27 4. Title page, line 3, by inserting after the
28 word "provision" the following: "and an effective
29 date".

30 5. By renumbering as necessary.

JIM KERSTEN

S-3756

1 Amend Senate File 426 as follows:

2 1. Page 2, lines 19 and 20, by striking the words
3 "any additional" and inserting the following: "the".

4 2. Page 2, line 27, by striking the words "any
5 additional" and inserting the following: "the".

WILLIAM W. DIELEMAN

S-3757

1 Amend the amendment, S-3456, to House File 361, as
2 passed by the House, as follows:

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

5 "Sec. ____ . Section 136C.3, subsection 2,
6 unnumbered paragraph 2, Code 1993, is amended to read
7 as follows:

8 The department shall establish a technical advisory
9 ~~committee made up of two radiologic technologists, two~~
10 ~~physicians, including one radiologist and one private~~
11 ~~practitioner, and a representative of the department.~~
12 ~~The advisory committee shall committees as necessary~~
13 to assist the department in developing and
14 establishing criteria for continuing education and
15 examinations for persons using radiation machines and
16 radioactive materials governed by this chapter."

17 ____ . Page 1, by inserting after line 2 the
18 following:

19 Sec. ____ . Section 142B.1, subsection 3, Code 1993,
20 is amended to read as follows:

21 3. "Public place" means any enclosed indoor area

22 used by the general public or serving as a place of
23 work containing two hundred fifty or more square feet
24 of floor space, including, but not limited to, all
25 restaurants with a seating capacity greater than
26 fifty, all retail stores, lobbies and malls, offices,
27 including waiting rooms, and other commercial
28 establishments; public conveyances with departures,
29 travel, and destination entirely within this state;
30 educational facilities; hospitals, clinics, nursing
31 homes, and other health care and medical facilities;
32 licensed child care centers, as defined in section
33 237A.1; and auditoriums, elevators, theaters,
34 libraries, art museums, concert halls, indoor arenas,
35 and meeting rooms. "Public place" does not include a
36 retail store at which fifty percent or more of the
37 sales result from the sale of tobacco or tobacco
38 products, the portion of a retail store where tobacco
39 or tobacco products are sold, a private, enclosed
40 office occupied exclusively by smokers even though the
41 office may be visited by nonsmokers, a room used
42 primarily as the residence of students or other
43 persons at an educational facility, a sleeping room in
44 a motel or hotel, or each resident's room in a health
45 care facility. The person in custody or control of
46 the facility shall provide a sufficient number of
47 rooms in which smoking is not permitted to accommodate
48 all persons who desire such rooms.
49 Sec. ____ . Section 142B.2, subsection 3, unnumbered
50 paragraph 1, Code 1993, is amended to read as follows:

Page 2

1 Where smoking areas are designated, existing
2 physical barriers and existing ventilation systems
3 shall be used to minimize the toxic effect of smoke in
4 adjacent nonsmoking areas. In the case of public
5 places consisting of a single room, the provisions of
6 this law shall be considered met if one side of the
7 room is reserved and posted as a no-smoking area A
8 designated smoking area shall only be designated if
9 transmission of environmental tobacco smoke to
10 adjacent areas can be completely eliminated. No
11 public place other than a bar shall be designated as a
12 smoking area in its entirety. If a bar has within its
13 premises a nonsmoking area, this designation shall be
14 posted on all entrances normally used by the public.
15 Sec. ____ . Section 142B.6, unnumbered paragraph 3,
16 Code 1993, is amended to read as follows:
17 The Iowa department of public health shall adopt
18 rules to enforce this chapter. Enforcement of this

19 chapter shall be implemented in an equitable manner
 20 throughout the state. For the purpose of equitable
 21 and uniform implementation, application, and
 22 enforcement of state and local laws and regulations,
 23 the provisions of this chapter shall supersede any
 24 local law or regulation which is inconsistent with or
 25 conflicts with the provisions of this chapter.”
 26 2. Page 3, line 8, by inserting after the word
 27 “programs,” the following: “operation of radiation
 28 equipment, indoor air,”.

JEAN LLOYD-JONES
 ELAINE SZYMONIAK

S-3758

1 Amend the amendment, S-3689, to Senate File 417, as
 2 follows:
 3 1. By striking page 1, line 2, through page 13
 4 line 46, and inserting the following:
 5 “—. By striking everything after the enacting
 6 clause and inserting the following:
 7 “Section 1. Section 18.133, subsection 1, Code
 8 1993, is amended by striking the subsection and
 9 inserting in lieu thereof the following:
 10 1. “Board” means the Iowa communications network
 11 board.
 12 Sec. 2. Section 18.133, subsections 2 and 3, Code
 13 1993, are amended to read as follows:
 14 2. “Private agency” means accredited nonpublic
 15 schools, and nonprofit institutions of higher
 16 education eligible for tuition grants, and hospitals
 17 licensed pursuant to chapter 135B.
 18 3. “Public agency” means a state agency, a school
 19 corporation, a city library, a regional library as
 20 provided in chapter 303B, and a county library as
 21 provided in chapter 336, and agencies of the federal
 22 government not including the United States postal
 23 service or any United States post office.
 24 Sec. 3. NEW SECTION. 18.133A IOWA COMMUNICATIONS
 25 NETWORK BOARD:
 26 1. An Iowa communications network board is
 27 established within the department of commerce with the
 28 sole authority to supervise the management and
 29 operation of the network. The board shall ensure that
 30 the network operates in an efficient and responsible
 31 manner consistent with the provisions of this chapter
 32 for the purpose of providing the best economic service
 33 attainable to the users consistent with the state’s
 34 financial capacity. The use of the Iowa

35 communications network is subject to the review and
36 approval of the board. Such review and approval by
37 the board shall provide for the centralized,
38 coordinated use and control of the network. The board
39 may contract with appropriate vendors for the
40 maintenance, operation, management, and development of
41 the technical aspects and uses of Part I and Part II
42 of the network in a manner consistent with this
43 chapter for the purpose of providing the best services
44 attainable to the users consistent with the state's
45 financial capacity.

46 2. The communications division of the department
47 of general services shall provide sufficient resources
48 and staff to the board and to the department of
49 commerce to carry out all board responsibilities.
50 3. The board consists of nine members appointed by

Page 2

1 the governor, subject to senate confirmation. The
2 members shall be citizens of the state who have
3 substantial knowledge of the subjects related to the
4 state communications network. Members of the board
5 shall not have any interest, financially or otherwise,
6 in any entity related to or associated with any
7 activity concerning the planning, development,
8 operation, or maintenance of Part I or Part II of the
9 network as provided in chapter 68B. Members of the
10 board also shall not serve in any manner or be
11 employed by an interest or institution the interests
12 of which are represented by a member of the
13 educational telecommunications council established in
14 subsection 4. The appointments shall be based upon
15 the training, experience, and capacity of the
16 appointees in areas including, but not limited to,
17 public utility regulation, telecommunications, and
18 education issues related to the network. Members of
19 the board shall serve four-year staggered terms as
20 designated by the governor and appointments to the
21 board are subject to sections 69.16, 69.16A, and
22 69.19. Members shall receive actual and necessary
23 expenses and a per diem as provided in section 7E.6.
24 However, a member who is also a state employee shall
25 only receive the member's actual and necessary
26 expenses.

27 4. An educational telecommunications council is
28 established to advise the Iowa communications network
29 board concerning the educational telecommunication
30 applications of the system and other matters as
31 assigned by the board. The council consists of seven

32 members to be appointed by the board. The seven
33 members shall include one person representing the
34 state board of regents; one person representing the
35 department of education; one person representing the
36 community colleges; one person representing public
37 libraries; one person representing school districts;
38 one person representing the area education agencies;
39 and one person representing private colleges. The
40 council shall make long range plans for enhancements
41 needed for educational applications. Administrative
42 support and staffing for the council shall be provided
43 by the department of education.

44 The board shall establish a users' committee which
45 is broadly representative of users of the network to
46 advise the council and the board concerning
47 telecommunications applications. The council shall
48 also consult with any regional committees established
49 for educational telecommunications.

50 Sec. 4. NEW SECTION. 18.133B ANNUAL REPORT TO

Page 3

1 LEGISLATURE.

2 The Iowa utilities board, the consumer advocate,
3 and the Iowa communications network board shall
4 cooperate to produce a report to be delivered to the
5 governor and the general assembly no later than
6 December 31 of each year. The report shall include a
7 review of the effect of the state communications
8 network on the citizens of this state in relation to
9 the rates paid for intrastate telecommunications
10 service and the financial impact of the state
11 communications network on the state's public
12 telecommunications utilities. Additionally, the
13 report shall include information related to the number
14 of users on the network, the hours of use, a listing
15 of new users added to the network during the previous
16 year, a detailed accounting of how any amounts
17 appropriated for the Iowa communications network are
18 expended, other relevant financial information, and
19 other information deemed appropriate by the Iowa
20 utilities board, the consumer advocate, or the state
21 communications network board.

22 Sec. 5. Section 18.134, Code 1993, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 3. The use of any switching
25 equipment used for routing traffic on the network
26 shall be governed by the policies adopted by the Iowa
27 communications network board.

28 Sec. 6. NEW SECTION. 18.134A DISPOSITION OF

29 NETWORK -- LEGISLATIVE APPROVAL.

30 Notwithstanding any provision to the contrary, the
31 Iowa communications network board or the department of
32 general services shall not sell, lease, or otherwise
33 dispose of any component part of Part I or II of the
34 system without prior authorization by a constitutional
35 majority of each house of the general assembly and
36 approval by the governor.

37 Sec. 7. Section 18.135, Code 1993, is amended to
38 read as follows:

39 18.135 RULES.

40 The director board shall adopt rules relating to
41 the state communications network and its use in
42 accordance with this chapter, respecting the rights of
43 a public or private educational agency to determine
44 the contents of its educational program and its rights
45 to control its classrooms and teleconferencing
46 facility. Rules adopted by the board shall not
47 abridge the academic freedom of institutions offering
48 programs through the network. Rules adopted by the
49 board shall also not abridge or modify agreements
50 between an educator and an educational institution

Page 4

1 related to any copyright, patent, invention, software,
2 instruction, instructional programming, or other
3 intellectual property interest. However, a public or
4 private agency which is connected to the
5 communications network, as a condition to such
6 connection, shall establish procedures, terms, and
7 conditions governing the use of its teleconferencing
8 classroom or center by others in a manner which
9 provides reasonable access to educational
10 telecommunications applications available through the
11 network. The board shall adopt rules relating to this
12 provision, but shall not interfere with the prior
13 right of the public or private agency to use, manage,
14 or control such teleconferencing classroom or center.
15 The director board shall also adopt and provide for
16 standard communications procedures and policies to be
17 used by state agencies. However, rules adopted by the
18 board relating to state communications which are not
19 part of the network shall not apply to public
20 universities governed by the state board of regents.

21 Sec. 8. Section 18.136, subsections 1, 2, 3, 4, 8,
22 11, 12, and 14, Code 1993, are amended to read as
23 follows:

24 1. Moneys in the state communications network fund
25 are appropriated to the Iowa public broadcasting board

26 for purposes of providing financing for the
27 procurement, operation, and maintenance of a state
28 communications network with sufficient capacity to
29 serve the video, data, and voice requirements of state
30 agencies and the educational telecommunications
31 system. The treasurer of state, the department of
32 general services, the Iowa public broadcasting board,
33 the Iowa communications network board, and other
34 parties to any financing agreement for the network may
35 enter into a state communications network fund
36 agreement as to the application of proceeds of the
37 fund and procedures for the payment of amounts due
38 under the financing agreement from the state
39 communications network fund. The state communications
40 network consists of Part I, Part II, and Part III of
41 the system.

42 2. For purposes of this section, unless the
43 context otherwise requires:

44 a. "Part I of the system" means the communications
45 connections between and including the central
46 switching and the regional switching centers centers'
47 equipment for the remainder of the network as
48 designated by the board.

49 b. "Part II of the system" means the
50 communications connections between and including the

Page 5

1 regional switching centers centers' equipment and the
2 secondary switching centers points of presence as
3 designated by the board including the network
4 equipment at these points of presence. There shall be
5 a minimum of one point of presence in each county.

6 c. "Part III of the system" means the
7 communications connection between the secondary
8 switching centers point of presence and the end points
9 at the agencies defined in section 18.133, subsections
10 2 and 3 and 4.

11 d. "State communications network" or "network"
12 means Part I, Part II, and Part III of the system.

13 3. The financing for the procurement costs for the
14 entirety of Part I of the system, and the video, data,
15 and voice capacity for state agencies for Part II and
16 Part III of the system, shall be provided by the
17 state. The financing for the procurement costs for
18 Part II of the system shall also be provided eighty
19 percent from by the state and twenty percent from the
20 community colleges for the areas in which Part II of
21 the system is located. The basis for the state match
22 is eighty percent of a single interactive video and

23 interactive audio for Parts I and H of the system,
24 and such data and voice capacity as is necessary. The
25 financing for the procurement and maintenance lease
26 costs for Part III of the system shall be provided
27 eighty percent from by the state and twenty percent
28 from the local school boards of the areas which
29 receive transmissions from the system. The local
30 school boards may meet all or part of the match
31 requirements of Part III of the system through a
32 cooperative arrangement with community colleges. The
33 basis for the amount of state match financing is
34 eighty one hundred percent of a single interactive
35 audio and one-way interactive video connection for
36 Part III of the system, and such data and voice
37 capacity as is necessary. The local school boards and
38 community colleges may meet the match requirements for
39 Part II and Part III of the system from funds they
40 have already spent for their systems, from funds
41 available in the school budget, or from funds received
42 from other nonstate sources. In the case of existing
43 systems, in order to upgrade facilities to the
44 specifications of the state communications network,
45 the local school boards and community colleges, in
46 lieu of a cash match, may meet the match requirements
47 from funds they have already spent for their systems
48 provided that the state match does not exceed the
49 lesser of eighty percent of the total cost of the
50 upgraded system or eighty percent of the replacement

Page 6

1 cost of the system. The communications equipment
2 funds used as a match by a community college shall be
3 calculated based on verified expenditures for capital,
4 equipment, hardware, and software for long-distance
5 learning technologies, including both audio and visual
6 transmission. The communications equipment used as a
7 match shall not subsequently be used as a match by
8 another educational entity or for another part of the
9 system. A local school board may request the school
10 budget review committee to adjust the allowable growth
11 for the school district so that the resulting increase
12 in budget could be used for the match. A local school
13 board shall determine the type of classroom facility
14 to be provided and the type of facility or equipment
15 to be used in providing the connection to the school
16 or the classroom. If a local school board elects to
17 provide one hundred percent of the financing for the
18 lease costs for Part III, the school district may
19 become part of the system as soon as the network can

20 reasonably connect it. A local school board may also
 21 elect that the school district not to become part of
 22 the system. Such election shall be made on an annual
 23 basis. State matching funds shall not be provided for
 24 Part III of the system until Part I and Part II of the
 25 system have been completed. Leasing of Part III of
 26 the system may proceed before Part I and Part II of
 27 the system have been completed as determined by the
 28 board.

29 4. The department of general services Iowa
 30 communications network board shall develop the
 31 requests for proposals that are needed for a state
 32 communications network with sufficient capacity to
 33 serve the video, data, and voice requirements of state
 34 agencies and the educational telecommunications
 35 applications required by the Iowa public broadcasting
 36 communications network board. The department shall
 37 develop a request for proposals for each of the
 38 systems that will make up the network. The utilities
 39 board shall provide technical assistance to the Iowa
 40 communications network board in the development of the
 41 request for proposals. The department may Iowa
 42 communications network board shall develop a request
 43 for proposals for each definitive component of Part I,
 44 Part II, and Part III of the system as provided in
 45 this section, or the department board may provide in
 46 the request for proposals for each such system that
 47 separate contracts may shall be entered into for each
 48 definitive component covered by the request for
 49 proposals. The requests for proposals for components
 50 of Parts I and II of the system may be for the

Page 7

1 purchase, lease-purchase, or lease of the component
 2 parts of the system, may require maintenance costs to
 3 be identified, and the resulting contract may provide
 4 for maintenance for parts of the system. The master
 5 contract may provide for electronic classrooms,
 6 satellite equipment, receiving equipment, studio and
 7 production equipment, and other associated equipment
 8 as required.

9 The state shall lease all component parts for Part
 10 III of the system from qualified providers. A
 11 component of Part III shall not be owned by the state.
 12 The board shall develop a statewide plan for leasing
 13 of the components of Part III. The board must approve
 14 a Part III statewide leasing plan before Part III of
 15 the system may proceed. The board is authorized to
 16 review the terms of any lease entered into related to

17 Part III of the system. However, a local school
18 district is not required to be included in the
19 statewide Part III leasing plan if the local school
20 board elects to provide one hundred percent of the
21 financing for the lease costs related to Part III.
22 Nothing in this section shall preclude a school
23 corporation from using or upgrading existing
24 facilities for use in the corporation's own district
25 or region for Part III of the system which meet the
26 specifications of the state communications network and
27 provide interactive audio and interactive video and
28 such data and voice capacity as is necessary.
29 A certified local exchange telephone company with
30 fewer than fifteen thousand access lines shall have
31 the right to provide through a lease with a school
32 corporation or a public library located within the
33 company's service territory any required individual
34 facility from a point of presence to an end point to
35 be used for providing any component of Part III. The
36 lease rate for a school corporation or a public
37 library for each component of Part III of the system
38 is limited to a fixed periodic fee to cover a ten-year
39 amortization of the capital cost of new facilities,
40 including the placement and construction of such
41 facilities, to serve the school corporation or public
42 library and the actual ongoing costs of providing
43 service, including costs for maintenance, repairs,
44 taxes, and other costs directly related to leasing a
45 component of Part III of the system to the school
46 corporation or public library. Such amortization
47 shall be based upon the actual cost of the financing
48 for such facilities. The certified local exchange
49 telephone company shall not assess a school
50 corporation or public library any toll charge for

Page 8

1 communications transmitted entirely on the state
2 communications network.
3 A certified local exchange telephone company with
4 fewer than fifteen thousand access lines shall have
5 the right to provide through a lease with a public or
6 private agency which is an authorized user, other than
7 a school corporation or public library located within
8 the company's service territory, any required
9 individual facility from a point of presence to an end
10 point to be used for providing any component of Part
11 III. The lease rate for such authorized user for each
12 component of Part III of the system is limited to a
13 fixed periodic fee to cover a ten-year amortization of

14 the capital cost of new facilities to serve such
15 authorized user; and the actual ongoing costs of
16 providing service, including costs for maintenance,
17 repairs, taxes, and other costs directly related to
18 leasing a component of Part III of the system to such
19 authorized user; and may include a reasonable return
20 on the unamortized balance of the capital costs.

21 A certified local exchange telephone company with
22 fewer than fifteen thousand access lines shall have
23 ninety days, from the date an authorized user has
24 requested that the local exchange telephone company
25 provide through a lease the required facilities
26 related to Part III of the network, to notify such
27 user as to whether the local exchange telephone
28 company elects to provide the required facilities. If
29 a certified local exchange telephone company with
30 fewer than fifteen thousand access lines elects not to
31 provide required facilities pursuant to a lease with
32 an authorized user as provided by this subsection, the
33 Iowa communications network board shall develop a
34 request for proposals for lease of the required
35 facilities. The board shall determine the form and
36 content of the request for proposals and shall
37 determine which proposal will be accepted for
38 providing the required facilities. Proposals may be
39 submitted by any qualified person including other
40 certified local exchange telephone companies.
41 However, a proposal shall not be submitted by the
42 certified local exchange telephone company electing
43 not to provide such facilities pursuant to this
44 subsection.

45 For all private agencies and public agencies
46 located in an area served by a certified local
47 exchange telephone company with fifteen thousand or
48 more access lines, proposals for providing the
49 components of Part III of the system may be submitted
50 by any qualified person. Notwithstanding the terms of

Page 9

1 any lease agreement entered into between a qualified
2 person and a school corporation located in an area
3 served by a certified local exchange telephone company
4 with fifteen thousand or more access lines, the school
5 district shall not be assessed any toll charge for
6 communications transmitted entirely on the state
7 communications network.

8 The periodic lease rate for each component shall be
9 reviewed by the Iowa communications network board for
10 compliance with reasonable norms established by rule.

11 The Iowa communications network board may reject a
12 lease rate proposal made by a certified local exchange
13 telephone company with fewer than fifteen thousand
14 access lines related to providing a component part for
15 Part III of the system if the board determines that
16 the rate is unreasonable. The board shall notify the
17 company of such rejection and the company may resubmit
18 an alternative lease rate proposal in the same manner
19 as the original proposal within forty-five days of
20 receipt of the notice of the rejection.

21 For purposes of this section, "new facilities" for
22 purposes of determining the capital cost to be
23 amortized in establishing the lease rate are those
24 facilities which are procured, installed, or
25 constructed to provide Part III of the system to a
26 user on or after the date such user certifies to the
27 board, in a manner as determined by the board, that
28 the user is ready to be connected to the network.

29 8. The Iowa public broadcasting board retains sole
30 authority over the educational telecommunications
31 applications of Part I of the system, and its
32 authority shall include management and operational
33 control, programming, budget, personnel, scheduling,
34 and program switching of educational material carried
35 by Part I of the system educational telecommunications
36 council shall coordinate the educational
37 telecommunication applications of the system pursuant
38 to the rules adopted by the Iowa communications
39 network board, including scheduling and program
40 switching of educational material carried by the
41 system. The Iowa public broadcasting board, through
42 its narrowcast system advisory committee, retains
43 coordination authority over the educational
44 telecommunications applications of Part II and Part
45 III of the system. Community colleges are responsible
46 for scheduling and switching of educational materials
47 carried by Part II and Part III of the system within
48 their respective areas. Such responsibility may be
49 accomplished by a chapter 28E agreement with the
50 department of general services. Scheduling of

Page 10

1 educational applications on the system shall be
2 administered by Iowa public television pursuant to
3 rules adopted by the board.

4 The narrowcast system advisory committee council
5 shall review all requests for grants for facilities
6 made by public agencies for educational
7 telecommunications applications, if they are a part of

8 the state the proposed activities involve the use of
9 or a connection to the state communications network,
10 to ensure that the educational telecommunications
11 application is objectives of the grants are consistent
12 with the telecommunications plan. If the narrowcast
13 system advisory committee council recommends to the
14 Iowa communications network board, and the Iowa
15 communications network board finds that a grant
16 request is inconsistent with the telecommunications
17 plan, the grant request shall not be allowed.

18 11. The fees charged for use of the network by an
19 authorized user for educational telecommunications
20 shall be based on the ongoing operational and
21 maintenance costs of the network only.

22 12. The Iowa public broadcasting communications
23 network board, in consultation with its narrowcast
24 system advisory committee, shall determine the fee
25 fees to be charged per course or credit hour by the
26 state for Parts I, II, and III of the system to the
27 originating institution, and the public and private
28 agencies authorized to use the system. The fees shall
29 be substantially the same for comparable courses uses
30 and authorized users. An authorized user of the
31 system may request a hearing pursuant to section 476.3
32 on a fee approved by the Iowa communications network
33 board.

34 14. Notwithstanding chapter 476, the provisions of
35 chapter 476 shall not apply to a public utility in
36 furnishing a telecommunications service or facility to
37 the department of general services for any part of the
38 state communications network.

39 Sec. 9. Section 18.136, Code 1993, is amended by
40 adding the following new subsections:

41 NEW SUBSECTION. 13A. a. Access to the network
42 shall be offered to agencies of the federal
43 government, not including the United States postal
44 service or any United States post office. An agency
45 of the federal government shall contribute, at a
46 minimum, an amount consistent with its share of use
47 for the part of the system in which the entity
48 participates, as determined by the Iowa communications
49 network board. Access to the network shall be
50 provided pursuant to a lease unless such lease would

Page 11

1 be prohibited by any of the following:

- 2 (1) Federal law.
- 3 (2) Rule or regulation of the federal agency.
- 4 (3) Policy of the federal agency.

5 (4) Lack of funding which prevents an ongoing
6 lease arrangement from being entered into.

7 If the Iowa communications network board determines
8 that a lease is prohibited as provided in this
9 paragraph, the board may still permit an agency of the
10 federal government access to the network upon a
11 showing by the federal agency to the board that
12 sufficient federal funding is available to pay for the
13 costs of connection to the network.

14 b. Access shall be offered to hospitals licensed
15 pursuant to chapter 135B. A hospital shall
16 contribute, at a minimum, an amount consistent with
17 its share of use for the part of the system in which
18 the hospital participates as determined by the Iowa
19 communications network board. Access to Parts I and
20 II of the network shall be offered to hospitals
21 licensed pursuant to chapter 135B for education and
22 distance learning applications; continuing medical
23 education applications; diagnostic, clinical, and
24 consultative services which require the use of
25 interactive video, the transmission of high quality
26 images, or the combination of text, video, visual, or
27 graphic information; the transmission of payments and
28 claims information to and from the medicaid program
29 established under Title XVIII of the federal Social
30 Security Act and the medical assistance (medicare)
31 program established pursuant to chapter 249A, the
32 health data commission or its successor agency, the
33 Iowa department of public health, and the community
34 health management information system, where such
35 information transmission assists in satisfying an
36 information-gathering duty assigned by statute; and
37 the transmission of government payments and claims
38 information to hospitals. This paragraph is repealed
39 effective June 30, 2003.

40 NEW SUBSECTION. 13B. Access shall not be provided
41 to any other entity pursuant to a chapter 28E or other
42 agreement except as expressly provided for by this
43 section.

44 NEW SUBSECTION. 13C. Notwithstanding the
45 provisions of subsection 4 regarding the lease of all
46 component parts for Part III of the system, an
47 authorized user may purchase a wireless system
48 utilizing a portion of the electromagnetic spectrum
49 allocated by the federal communications commission.
50 An authorized user eligible to receive state funding

Page 12

1 for the provision of the component parts for Part III
2 of the system, as provided in subsection 3, may also
3 utilize such wireless system. If such authorized user
4 determines to use such wireless system, the user shall
5 inform the board of the decision to utilize such
6 wireless system and the board shall develop a request
7 for proposals for providing such system. The wireless
8 system may be provided under a lease, lease-purchase
9 agreement, or a purchase of the wireless
10 communications system.

11 NEW SUBSECTION. 13D. Notwithstanding subsection
12 13B, access to and use of Part III of the network
13 shall not be limited so long as the transmission
14 facilities are owned and operated by a nongovernmental
15 entity.

16 Sec. 10. NEW SECTION. 18.137A DISPOSITION OF
17 INVESTMENT INTEREST EARNED.

18 Interest income earned on investment of funds
19 contained in the state communications network fund
20 shall be credited by the treasurer of state to the
21 state communications network fund to be used only for
22 making additional payments above and beyond those
23 scheduled to be made for the repayment of debt related
24 to Parts I and II of the system when permissible under
25 any financing agreement.

26 Sec. 11. Section 256.7, subsection 9, unnumbered
27 paragraph 1, Code 1993, is amended to read as follows:

28 Adopt rules under chapter 17A for the use of
29 telecommunications as an instructional tool for
30 students enrolled in kindergarten through grade twelve
31 and served by local school districts, accredited or
32 approved nonpublic schools, area education agencies,
33 community colleges, institutions of higher education
34 under the state board of regents, and independent
35 colleges and universities in elementary and secondary
36 school classes and courses. The rules shall include
37 but need not be limited to rules relating to programs,
38 educational policy, instructional practices, staff
39 development, use of pilot projects, curriculum
40 monitoring, and the accessibility of licensed
41 teachers. The rules shall encourage innovative use of
42 educational telecommunications to meet student needs.
43 The rules shall not abridge or modify agreements
44 between an educator and an educational institution
45 related to any copyright, patent, invention, software,
46 instruction, instructional programming, or other
47 intellectual property interest.

48 Sec. 12. Section 256.9, Code 1993, is amended by

49 adding the following new subsection:

50 NEW SUBSECTION. 52. Provide technical assistance

Page 13

1 to users of the educational telecommunications system,
 2 coordinate staff development activities for
 3 educational users, and provide assistance in policy
 4 development to local and area education agencies for
 5 the use of educational telecommunications.

6 Sec. 13. NEW SECTION. 256.29 LOAN FOR
 7 TELECOMMUNICATIONS EQUIPMENT.

8 1. Notwithstanding sections 257B.1 and 257B.1A,
 9 for the fiscal year beginning July 1, 1993, from
 10 moneys designated as the permanent school fund of the
 11 state in section 257B.1, a merged area may obtain a
 12 loan to be used to pay for equipment to be located at
 13 the merged areas to enable the merged area to
 14 participate in a system which serves the educational
 15 needs of children of the state through
 16 telecommunications. The department of revenue and
 17 finance shall transfer funds from the permanent school
 18 fund to the Iowa communications network training and
 19 operations fund upon receipt of a written request from
 20 the board of directors of a merged area up to the
 21 following amounts:

22	a. Merged Area I	\$	153,535
23	b. Merged Area II	\$	134,343
24	c. Merged Area III	\$	95,960
25	d. Merged Area IV	\$	76,768
26	e. Merged Area V	\$	172,727
27	f. Merged Area VI	\$	76,768
28	g. Merged Area VII	\$	95,960
29	h. Merged Area IX	\$	76,768
30	i. Merged Area X	\$	134,343
31	j. Merged Area XI	\$	211,111
32	k. Merged Area XII	\$	115,152
33	l. Merged Area XIII	\$	134,343
34	m. Merged Area XIV	\$	153,535
35	n. Merged Area XV	\$	191,919
36	o. Merged Area XVI	\$	76,768

37 2. Loan moneys received under this section that
 38 are not expended during the fiscal year beginning July
 39 1, 1993, are available for expenditure during the
 40 fiscal year beginning July 1, 1994.

41 Sec. 14. NEW SECTION. 256.36A MEDIA AND
 42 EDUCATIONAL SERVICES FUND.

43 A media and educational services fund is
 44 established in the treasurer's office under the
 45 control of the department of education. Moneys

46 deposited in the fund shall be used for the
 47 development of staff development programs for use on
 48 the state communications network, and for the
 49 development of programs to assist teachers in the use
 50 of, and teaching on, the state communications network.

Page 14

1 Sec. 15. If the actual taxable valuation of real
 2 property in the state is at least one-half of one
 3 percent more than the estimated taxable valuation used
 4 for determining property tax payments in the fiscal
 5 year beginning July 1, 1993, resulting in a decrease
 6 in the amount of general fund expenditures for
 7 foundation aid payments pursuant to chapter 257, there
 8 is appropriated from the general fund of the state to
 9 the department of education for the fiscal year
 10 beginning July 1, 1993, and ending June 30, 1994, the
 11 following amount, or so much thereof as may be
 12 necessary, to be used for the purpose designated:

13 1. Notwithstanding chapter 260D, to merged areas
 14 as defined in section 260C.2, for educational training
 15 and for ongoing operational expenses related to
 16 participation in the state communications network,
 17 including but not limited to maintenance costs, repair
 18 costs, cost of necessary equipment, and other
 19 necessary expenditures:

20 \$ 2,000,000

21 The funds appropriated in this subsection shall be
 22 allocated as follows:

23 a. Merged Area I	\$ 161,616
24 b. Merged Area II	\$ 141,414
25 c. Merged Area III	\$ 101,010
26 d. Merged Area IV	\$ 80,808
27 e. Merged Area V	\$ 181,818
28 f. Merged Area VI	\$ 80,808
29 g. Merged Area VII	\$ 101,010
30 h. Merged Area IX	\$ 80,808
31 i. Merged Area X	\$ 141,414
32 j. Merged Area XI	\$ 222,222
33 k. Merged Area XII	\$ 121,212
34 l. Merged Area XIII	\$ 141,414
35 m. Merged Area XIV	\$ 161,616
36 n. Merged Area XV	\$ 202,020
37 o. Merged Area XVI	\$ 80,810

38 2. If the increase in taxable valuation is less
 39 than one-half of one percent as provided in subsection
 40 1, then the actual amount appropriated pursuant to
 41 this section shall be reduced proportionally by the
 42 percentage represented by the actual percent increase

43 in taxable valuation divided by one-half of one
44 percent.

45 Sec. 16. NEW SECTION. 260C.80 IOWA

46 COMMUNICATIONS NETWORK TRAINING AND OPERATIONS FUND.

47 1. An Iowa communications network training and
48 operations fund is established in the office of the
49 treasurer of state under the control of the department
50 of education. Moneys deposited in the fund from

Page 15

1 sources other than the permanent school fund of the
2 state shall be used to reimburse the permanent school
3 fund of the state, as provided in subsection 3, for
4 amounts transferred to the merged areas pursuant to
5 section 256.29, costs of educational training, costs
6 associated with the state communications network, and
7 for other necessary expenditures related to the
8 network. All moneys deposited in the fund are subject
9 to appropriation by the general assembly.

10 2. It is the intent of the general assembly that
11 the amounts deposited into this fund be appropriated
12 for educational training related to use of the state
13 communications network and for ongoing operational
14 expenses related to participation in the state
15 communications network, including maintenance costs,
16 repair costs, costs of necessary equipment, and other
17 necessary expenditures. It is the intent of the
18 general assembly that amounts in the fund be
19 appropriated for the merged areas' participation in
20 the state communications network.

21 3. Notwithstanding any other provision of chapter
22 260E to the contrary, for a period of ten years beyond
23 the scheduled maturity of certificates issued under
24 chapter 260E prior to July 1, 1993, an amount equal to
25 the new jobs credit from withholding for each employer
26 which has entered into a new jobs training agreement
27 shall be deposited in the Iowa communications network
28 training and operations fund from amounts paid to the
29 treasurer of state by employers who have entered into
30 new jobs training agreements. Amounts in the Iowa
31 communications network training and operations fund
32 shall be used by the department for the payment of
33 principal and interest, pursuant to a schedule as
34 determined by the department of management, on amounts
35 transferred from the permanent school fund of the
36 state to a merged area pursuant to section 256.29.
37 Any unencumbered funds may be appropriated for the
38 purposes identified in subsection 2.

39 Sec. 17. Section 273.3, Code 1993, is amended by

40 adding the following new subsection:

41 NEW SUBSECTION. 20. Be authorized to purchase
42 equipment as provided in section 279.48.

43 Sec. 18. NEW SECTION. 279.48 EQUIPMENT PURCHASE.

44 The board of directors of a school corporation may
45 purchase equipment, and may enter into a contract and
46 issue a note to pay for the equipment. The note must
47 mature within five years and bear interest at a rate
48 to be determined by the board of directors in the
49 manner provided in section 74A.3, subsection 1. The
50 board of directors, by resolution, shall provide for

Page 16

1 the form of the contract and note. Principal and
2 interest on the note must be payable from budgeted
3 receipts in the current budget for each year of a
4 period of up to five years.

5 Sec. 19. Section 298.3, subsection 3, Code 1993,
6 is amended to read as follows:

7 3. The purchase of buildings and the purchase of a
8 ~~single unit~~ of equipment or a technology system
9 exceeding five thousand dollars in value.

10 Sec. 20. Section 303.77, subsection 3, Code 1993,
11 is amended to read as follows:

12 3. The board shall appoint at least ~~two~~ one
13 ~~advisory committees~~ committee, each of which has no
14 more than a simple majority of members shall be of the
15 same gender, as follows:

16 a. ~~Advisory committee on the operation of the~~
17 ~~narrowcast system. The advisory committee shall be~~
18 ~~composed of members from among the users of the~~
19 ~~narrowcast system including representatives of~~
20 ~~institutions under the state board of regents,~~
21 ~~community colleges, area education agencies, classroom~~
22 ~~teachers, school district administrators, school~~
23 ~~district boards of directors, the department of~~
24 ~~economic development, the department of education, and~~
25 ~~private colleges and universities.~~

26 b. ~~Advisory~~ the advisory committee on journalistic
27 and editorial integrity. The division shall be
28 governed by the national principles of editorial
29 integrity developed by the editorial integrity
30 project.

31 Duties of the advisory ~~committees~~ committee, and of
32 additional advisory committees the board may from time
33 to time appoint, shall be specified in rules of
34 internal management adopted by the board.

35 Members of advisory committees shall receive actual
36 expenses incurred in performing their official duties.

37 Sec. 21. Section 476.1, unnumbered paragraph 4,
38 Code 1993, is amended to read as follows:
39 Mutual telephone companies in which at least fifty
40 percent of the users are owners, co-operative
41 telephone corporations or associations, telephone
42 companies having less than fifteen thousand customers
43 and less than fifteen thousand access lines,
44 municipally owned utilities, and unincorporated
45 villages which own their own distribution systems are
46 not subject to the rate regulation provided for in
47 this chapter. Rate-regulated telephone companies
48 shall be regulated as set forth in section 476.1E.
49 Sec. 22. NEW SECTION. 476.1E REGULATION OF RATE-
50 REGULATED TELEPHONE COMPANIES.

Page 17

1 1. For purposes of this section, the following
2 terms are defined:
3 a. "Basic local exchange rate" means the flat
4 monthly charge for an access line, whether the service
5 is provided on a flat or measured basis, imposed by a
6 rate-regulated telephone company for basic local
7 exchange service. Basic local exchange rate does not
8 include any charges resulting from action by a federal
9 agency or taxes imposed by a governmental body which
10 are billed by a telephone company to its customers.
11 b. "Basic local exchange service" means the access
12 and transmission of two-way switched voice
13 communications within a local exchange area.
14 c. "Business service" means telecommunications
15 service which is used for occupational, professional,
16 or institutional purposes.
17 d. "Extended service area" means a grouping of two
18 or more exchanges which allows customers of one
19 exchange in the group to place and receive two-way
20 switched communications to and from customers in one
21 or more other exchanges in the group without an
22 interexchange toll charge.
23 e. "Interexchange service" means the access and
24 transmission of communications between two or more
25 local exchange areas, except for two-way switched
26 communications between local exchanges that are
27 included in the same extended service area.
28 f. "Local exchange area" means a territorial unit
29 established by a telephone company for the
30 administration of communications services within a
31 specific area generally encompassing a city and its
32 environs as described in maps filed with and approved
33 by the board.

34 g. "Residence service" means telecommunications
35 service which is furnished to a dwelling and which is
36 used for personal or domestic purposes and not for
37 business, professional, or institutional purposes.

38 2. Rate-regulated telephone companies are subject
39 to rate regulation under this section but are not
40 subject to rate regulation otherwise provided in this
41 chapter. Rate-regulated telephone companies shall
42 file rate lists for their telecommunications services
43 which shall be effective after ten days' notice to the
44 board, with the exception of monthly rates for basic
45 local exchange services.

46 3. The board shall retain authority over the
47 level, extent, scope, and timing of the unbundling of
48 services by a rate-regulated telephone company. The
49 board shall retain authority over matters concerning
50 dialing arrangements. The board shall also retain

Page 18

1 authority, for purposes of establishing a price floor
2 for a local exchange carrier service, over the pricing
3 of components a rate-regulated telephone company
4 charges a competing provider of communications
5 services for essential network services.

6 4. Notwithstanding the provisions of this section,
7 access charges imposed by an interexchange carrier for
8 access to a local exchange network for the purpose of
9 providing interexchange service shall be as agreed to
10 by the interexchange carrier and the rate-regulated
11 telephone company. The Iowa utilities board shall,
12 upon application by any affected interexchange carrier
13 or rate-regulated telephone company, review the access
14 charges. Upon receipt of the proper application by
15 the board, the board shall, unless otherwise agreed to
16 by all affected parties, hold and complete a hearing
17 on the application. The hearing shall be held within
18 sixty days of the application. The board may, within
19 sixty days of the close of the hearing, enter an order
20 setting access charges which are fair and reasonable.

21 5. In setting rates for interexchange services,
22 telephone companies that provide such services shall
23 continue to average their rates for all such services
24 on a statewide basis until December 31, 1995, unless
25 the board, upon application and hearing, orders
26 otherwise. This subsection does not prohibit volume
27 discounts or other discounts based on reasonable
28 business purposes. Nothing in this section shall
29 preempt or affect any right, liability, cause of
30 action, duty, or obligation arising from any law with

31 regard to unfair business practices or anticompetitive
32 activity with regard to interexchange services.
33 6. The board shall retain quality of service
34 regulation over the services provided by all telephone
35 companies and shall investigate and resolve customer
36 complaints concerning quality of service, customer
37 deposits, and disconnection of service. If the
38 complaint cannot be resolved informally, upon petition
39 by the customer, the board shall set the matter for
40 hearing in accordance with the board's rules for
41 notice and hearing, and the board may, by order,
42 render its decision granting or denying in whole or in
43 part the customer's petition.
44 7. The utilities board and the consumer advocate
45 shall cooperate to produce a report to be delivered to
46 the governor and the general assembly no later than
47 December 31 of each year concerning the impact of
48 changes in regulation of telecommunications services
49 provided to citizens of this state.
50 8. Notwithstanding the rate regulation set forth

Page 19

1 in this section, the monthly local exchange rate for
2 basic local exchange service, 911 and E911 service as
3 provided for in chapters 34 and 34A, dual party relay
4 service, and switched access service shall not be
5 greater than the rates in effect for those services on
6 January 1, 1994. For purposes of this section,
7 "switched access service" means the provision of
8 access to a local exchange telephone company for the
9 purpose of enabling an interexchange carrier to
10 originate or terminate telecommunications services
11 within the exchange. This subsection is repealed
12 effective July 1, 1997.

13 9. It is the intent of the general assembly that
14 the general assembly study and review the impact of
15 the implementation of this section on rates for
16 telecommunications services charged to consumers,
17 telecommunications service levels, and the service
18 quality of such services during the year including the
19 1996 regular session of the general assembly.

20 10. Effective July 1, 1997, chapter 476 and any
21 other provision of law relating to the regulation of
22 telephone companies is void and is of no effect.

23 **Sec. 23. NEW SECTION. 476.1F PROHIBITED ACTS.**

24 A rate-regulated telephone company subject to
25 section 476.1E shall not do any of the following:

26 1. Discriminate against a competing provider of
27 communications services in the price of, or by

28 refusing or delaying access to, essential network
29 service.
30 2. Degrade the quality of access or service or
31 connections to a competing provider of communications
32 services.
33 3. Fail to disclose in a timely manner, upon
34 request and pursuant to protective agreements
35 concerning proprietary information, all information
36 reasonably necessary for the network interface
37 equipment or network interface services that will meet
38 the specifications of the utility's local exchange
39 network.
40 4. Subsidize a service, except for basic local
41 telephone service, 911 services, E911 services, and
42 relay service for communications-impaired persons,
43 with revenues from other services.
44 Sec. 24. Section 476.6, subsections 3 and 12, Code
45 1993, are amended by striking the subsections.
46 Sec. 25. Section 476.71, Code 1993, is amended to
47 read as follows:
48 476.71 PURPOSE.
49 It is the intent of the general assembly that a
50 public utility should not directly or indirectly

Page 20

1 include in regulated rates or charges, or rates or
2 charges in effect pursuant to section 476.1E, any
3 costs or expenses of an affiliate engaged in any
4 business other than that of utility business unless
5 the affiliate provides goods or services to the public
6 utility. The costs that are included should be
7 reasonably necessary and appropriate for utility
8 business. It is also the intent of the general
9 assembly that a public utility should only provide
10 nonutility services in a manner that minimizes the
11 possibility of cross-subsidization or unfair
12 competitive advantage.
13 Sec. 26. Section 476.72, Code 1993, is amended to
14 read as follows:
15 476.72 DEFINITIONS.
16 As used in this division, unless the context
17 otherwise requires:
18 1. "Affiliate" means a party that directly, or
19 indirectly through one or more intermediaries,
20 controls, is controlled by, or is under common control
21 with a rate-regulated public utility.
22 2. "Control" means the possession, direct or
23 indirect, of the power to direct or cause the
24 direction of the management and policies of an

25 enterprise through ownership, by contract or
26 otherwise.

27 3. "Nonutility service" includes the sale, lease,
28 or other conveyance of commercial and residential gas
29 or electric appliances, interior lighting systems and
30 fixtures, or heating, ventilating, or air conditioning
31 systems and component parts, communications systems
32 and component parts, services, or products sold,
33 leased, or otherwise provided by a telephone company
34 subject to section 476.1E, other than those systems,
35 parts, services, or products regulated under section
36 476.1E, or the servicing, repair, or maintenance of
37 such equipment.

38 4. "Public utility" includes only gas or electric
39 rate-regulated public utilities and rate-regulated
40 telephone utilities providing ~~local exchange~~
41 telecommunication service subject to section 476.1E.

42 5. "Utility business" means the generation or
43 transmission of electricity or furnishing of gas or
44 furnishing electricity or furnishing rate-regulated
45 communications services to the public for
46 compensation.

47 Sec. 27. Section 476.78, Code 1993, is amended to
48 read as follows:

49 476.78 CROSS-SUBSIDIZATION PROHIBITED.

50 A rate-regulated gas or electric public utility or

Page 21

1 a rate-regulated telephone company subject to section
2 476.1E shall not directly or indirectly include any
3 costs or expenses attributable to providing nonutility
4 service in regulated rates or charges.

5 Sec. 28. Section 476.79, Code 1993, is amended to
6 read as follows:

7 476.79 PROVISION OF NONUTILITY SERVICE.

8 1. A rate-regulated gas or electric public utility
9 or a rate-regulated telephone company subject to
10 section 476.1E, providing any nonutility service to
11 its customers shall keep and render to the board
12 separate records of the nonutility service. The board
13 may provide for the examination and inspection of the
14 books, accounts, papers, and records of the nonutility
15 service, as may be necessary, to enforce any
16 provisions of this chapter.

17 2. The board shall adopt rules which specify the
18 manner and form of the accounts relating to providing
19 nonutility services which the rate-regulated gas or
20 electric utility or a rate-regulated telephone company
21 subject to section 476.1E shall maintain.

22 Sec. 29. Section 476.80, Code 1993, is amended to
23 read as follows:

24 476.80 ADDITIONAL REQUIREMENTS.

25 A rate-regulated gas or electric public utility or
26 a rate-regulated telephone company subject to section
27 476.1E which engages in a systematic marketing effort
28 as defined by the board, other than on an incidental
29 or casual basis, to promote the availability of
30 nonutility service from the public utility shall make
31 available at reasonable compensation on a
32 nondiscriminatory basis to all persons engaged
33 primarily in providing the same competitive nonutility
34 services in that area all of the following services to
35 the same extent utilized by the public utility in
36 connection with its nonutility services:

37 1. Access to and use of the public utility's
38 customer lists.

39 2. Access to and use of the public utility's
40 billing and collection system.

41 3. Access to and use of the public utility's
42 mailing system.

43 Sec. 30. Section 476.81, Code 1993, is amended to
44 read as follows:

45 476.81 AUDIT REQUIRED.

46 The board may periodically retain a nationally or
47 regionally recognized independent auditing firm to
48 conduct an audit of the nonutility services provided
49 by a rate-regulated gas or electric public utility or
50 a rate-regulated telephone company subject to section

Page 22

1 476.1E subject to the provisions of section 476.80. A
2 nonutility service audit shall not be conducted more
3 frequently than every three years, unless ordered by
4 the board for good cause. The cost of the audit shall
5 be paid by the public utility to the independent
6 auditing firm and shall be included in its regulated
7 rates and charges, unless otherwise ordered by the
8 board for good cause after providing the public
9 utility the opportunity for a hearing on the board's
10 decision.

11 Sec. 31. Section 476.83, Code 1993, is amended to
12 read as follows:

13 476.83 COMPLAINTS.

14 Any person may file a written complaint with the
15 board requesting the board to determine compliance by
16 a rate-regulated gas or electric utility or a rate-
17 regulated telephone company subject to section 476.1E
18 with the provisions of section 476.78, 476.79, or

19 476.80 or any validly adopted rules to implement those
20 sections. If the board determines there is any
21 reasonable ground to investigate the complaint, the
22 board shall promptly initiate formal complaint
23 proceedings. The formal proceeding may be initiated
24 at any time by the board on its own motion.

25 Sec. 32. Section 477.1, Code 1993, is amended to
26 read as follows:

27 477.1 RIGHT-OF-WAY.

28 Any person, firm, and corporation, within or
29 without the state, may construct a telegraph or
30 telephone line or cable system along the public roads
31 of the state, or across or under the rivers or over,
32 under, or through any lands belonging to the state or
33 any private individual, and may erect or install
34 necessary fixtures. The state may construct Parts I
35 and II and a certified local exchange telephone
36 company may construct Part III of the state
37 communications network established in division V of
38 chapter 18 along the public roads of the state, and
39 private ways, or across or under the rivers or over,
40 under, or through any lands belonging to a private
41 person or individual, and may erect or install
42 necessary equipment and fixtures on such property
43 including installing and maintaining equipment in
44 structures at an endpoint, and at other points along
45 the network. However, construction of a telegraph or
46 telephone line or cable system along a primary road is
47 subject to rules adopted by the state department of
48 transportation.

49 Sec. 33. INITIAL BOARD CHAIRPERSON.

50 Notwithstanding the provision of section 18.133A,

Page 23

1 subsection 3, the initial chairperson of the board
2 shall be appointed by the governor from the membership
3 of the board for a two-year term.

4 Sec. 34. Sections 21 through 31 of this Act are
5 effective January 1, 1994."

RICHARD VARN
EMIL J. HUSAK
JAMES B. KERSTEN
WILLIAM W. DIELEMAN
DERRYL McLAREN
JIM LIND
JOE J. WELSH

S-3759

- 1 Amend Senate File 426 as follows:
 2 1. Page 2, line 13, by striking the words "any
 3 additional" and inserting the following: "the".
 4 2. Page 2, lines 19 and 20, by striking the words
 5 "any additional" and inserting the following: "the".
 6 3. Page 2, line 27, by striking the words "any
 7 additional" and inserting the following: "the".

WILLIAM W. DIELEMAN

S-3760

- 1 Amend Senate File 426 as follows:
 2 1. Page 3, by inserting after line 1 the
 3 following:
 4 "Sec. ____ . Exemptions granted under section
 5 427B.24, which are in effect on June 30, 2003, shall
 6 continue until their expiration."
 7 2. By renumbering as necessary.

SHELDON RITTMER

S-3761

- 1 Amend Senate File 417 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 18.133, subsection 1, Code
 5 1993, is amended by striking the subsection and
 6 inserting in lieu thereof the following:
 7 1. "Board" means the Iowa communications network
 8 board.
 9 Sec. 2. Section 18.133, subsections 2 and 3, Code
 10 1993, are amended to read as follows:
 11 2. "Private agency" means accredited nonpublic
 12 schools, ~~and~~ nonprofit institutions of higher
 13 education eligible for tuition grants, and hospitals
 14 licensed pursuant to chapter 135B.
 15 3. "Public agency" means a state agency, a school
 16 corporation, a city library, a regional library as
 17 provided in chapter 303B, ~~and~~ a county library as
 18 provided in chapter 336, and agencies of the federal
 19 government not including the United States postal
 20 service or any United States post office.
 21 Sec. 3. NEW SECTION. 18.133A IOWA COMMUNICATIONS
 22 NETWORK BOARD.
 23 1. An Iowa communications network board is
 24 established within the department of commerce with the
 25 sole authority to supervise the management and
 26 operation of the network. The board shall ensure that

27 the network operates in an efficient and responsible
28 manner consistent with the provisions of this chapter
29 for the purpose of providing the best economic service
30 attainable to the users consistent with the state's
31 financial capacity. The use of the Iowa
32 communications network is subject to the review and
33 approval of the board. Such review and approval by
34 the board shall provide for the centralized,
35 coordinated use and control of the network. The board
36 may contract with appropriate vendors for the
37 maintenance, operation, management, and development of
38 the technical aspects and uses of Part I and Part II
39 of the network in a manner consistent with this
40 chapter for the purpose of providing the best services
41 attainable to the users consistent with the state's
42 financial capacity.

43 2. The communications division of the department
44 of general services shall provide sufficient resources
45 and staff to the board and to the department of
46 commerce to carry out all board responsibilities.

47 3. The board consists of nine members appointed by
48 the governor, subject to senate confirmation. The
49 members shall be citizens of the state who have
50 substantial knowledge of the subjects related to the

Page 2

1 state communications network. Members of the board
2 shall not have any interest, financially or otherwise,
3 in any entity related to or associated with any
4 activity concerning the planning, development,
5 operation, or maintenance of Part I or Part II of the
6 network as provided in chapter 68B. Members of the
7 board also shall not serve in any manner or be
8 employed by an interest or institution the interests
9 of which are represented by a member of the
10 educational telecommunications council established in
11 subsection 4. The appointments shall be based upon
12 the training, experience, and capacity of the
13 appointees in areas including, but not limited to,
14 public utility regulation, telecommunications, and
15 education issues related to the network. Members of
16 the board shall serve four-year staggered terms as
17 designated by the governor and appointments to the
18 board are subject to sections 69.16, 69.16A, and
19 69.19. Members shall receive actual and necessary
20 expenses and a per diem as provided in section 7E.6.
21 However, a member who is also a state employee shall
22 only receive the member's actual and necessary
23 expenses.

24 4. An educational telecommunications council is
25 established to advise the Iowa communications network
26 board concerning the educational telecommunication
27 applications of the system and other matters as
28 assigned by the board. The council consists of seven
29 members to be appointed by the board. The seven
30 members shall include one person representing the
31 state board of regents; one person representing the
32 department of education; one person representing the
33 community colleges; one person representing public
34 libraries; one person representing school districts;
35 one person representing the area education agencies;
36 and one person representing private colleges. The
37 council shall make long range plans for enhancements
38 needed for educational applications. Administrative
39 support and staffing for the council shall be provided
40 by the department of education.
41 The board shall establish a users' committee which
42 is broadly representative of users of the network to
43 advise the council and the board concerning
44 telecommunications applications. The council shall
45 also consult with any regional committees established
46 for educational telecommunications.
47 Sec. 4. NEW SECTION. 18.133B ANNUAL REPORT TO
48 LEGISLATURE.
49 The Iowa utilities board, the consumer advocate,
50 and the Iowa communications network board shall

Page 3

1 cooperate to produce a report to be delivered to the
2 governor and the general assembly no later than
3 December 31 of each year. The report shall include a
4 review of the effect of the state communications
5 network on the citizens of this state in relation to
6 the rates paid for intrastate telecommunications
7 service and the financial impact of the state
8 communications network on the state's public
9 telecommunications utilities. Additionally, the
10 report shall include information related to the number
11 of users on the network, the hours of use, a listing
12 of new users added to the network during the previous
13 year, a detailed accounting of how any amounts
14 appropriated for the Iowa communications network are
15 expended, other relevant financial information, and
16 other information deemed appropriate by the Iowa
17 utilities board, the consumer advocate, or the state
18 communications network board.
19 Sec. 5. Section 18.134, Code 1993, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 3. The use of any switching
22 equipment used for routing traffic on the network
23 shall be governed by the policies adopted by the Iowa
24 communications network board.
25 Sec. 6. NEW SECTION. 18.134A DISPOSITION OF
26 NETWORK -- LEGISLATIVE APPROVAL.
27 Notwithstanding any provision to the contrary, the
28 Iowa communications network board or the department of
29 general services shall not sell, lease, or otherwise
30 dispose of any component part of Part I or II of the
31 system without prior authorization by a constitutional
32 majority of each house of the general assembly and
33 approval by the governor.

34 Sec. 7. Section 18.135, Code 1993, is amended to
35 read as follows:

36 18.135 RULES.

37 The director board shall adopt rules relating to
38 the state communications network and its use in
39 accordance with this chapter, respecting the rights of
40 a public or private educational agency to determine
41 the contents of its educational program and its rights
42 to control its classrooms and teleconferencing
43 facility. Rules adopted by the board shall not
44 abridge the academic freedom of institutions offering
45 programs through the network. Rules adopted by the
46 board shall also not abridge or modify agreements
47 between an educator and an educational institution
48 related to any copyright, patent, invention, software,
49 instruction, instructional programming, or other
50 intellectual property interest. However, a public or

Page 4

1 private agency which is connected to the
2 communications network, as a condition to such
3 connection, shall establish procedures, terms, and
4 conditions governing the use of its teleconferencing
5 classroom or center by others in a manner which
6 provides reasonable access to educational
7 telecommunications applications available through the
8 network. The board shall adopt rules relating to this
9 provision, but shall not interfere with the prior
10 right of the public or private agency to use, manage,
11 or control such teleconferencing classroom or center.
12 The director board shall also adopt and provide for
13 standard communications procedures and policies to be
14 used by state agencies. However, rules adopted by the
15 board relating to state communications which are not
16 part of the network shall not apply to public
17 universities governed by the state board of regents.

18 Sec. 8. Section 18.136, subsections 1, 2, 3, 4, 8,
19 11, 12, and 14, Code 1993, are amended to read as
20 follows:

21 1. Moneys in the state communications network fund
22 are appropriated to the Iowa public broadcasting board
23 for purposes of providing financing for the
24 procurement, operation, and maintenance of a state
25 communications network with sufficient capacity to
26 serve the video, data, and voice requirements of state
27 agencies and the educational telecommunications
28 system. The treasurer of state, the department of
29 general services, the Iowa public broadcasting board,
30 the Iowa communications network board, and other
31 parties to any financing agreement for the network may
32 enter into a state communications network fund
33 agreement as to the application of proceeds of the
34 fund and procedures for the payment of amounts due
35 under the financing agreement from the state
36 communications network fund. The state communications
37 network consists of Part I, Part II, and Part III of
38 the system.

39 2. For purposes of this section, unless the
40 context otherwise requires:

41 a. "Part I of the system" means the communications
42 connections between and including the central
43 switching and the regional switching centers centers'
44 equipment for the remainder of the network as
45 designated by the board.

46 b. "Part II of the system" means the
47 communications connections between and including the
48 regional switching centers centers' equipment and the
49 secondary switching centers points of presence as
50 designated by the board including the network

Page 5

1 equipment at these points of presence. There shall be
2 a minimum of one point of presence in each county.

3 c. "Part III of the system" means the
4 communications connection between the secondary
5 switching centers point of presence and the end points
6 at the agencies defined in section 18.133, subsections
7 2 and 3 and 4.

8 d. "State communications network" or "network"
9 means Part I, Part II, and Part III of the system.

10 3. The financing for the procurement costs for the
11 entirety of Part I of the system, and the video, data,
12 and voice capacity for state agencies for Part II and
13 Part III of the system, shall be provided by the
14 state. The financing for the procurement costs for

15 Part II of the system shall also be provided eighty
16 percent from by the state and twenty percent from the
17 community colleges for the areas in which Part II of
18 the system is located. The basis for the state match
19 is eighty percent of a single interactive video and
20 interactive audio for Parts I and II of the system,
21 and such data and voice capacity as is necessary. The
22 financing for the procurement and maintenance lease
23 costs for Part III of the system shall be provided
24 eighty percent from by the state and twenty percent
25 from the local school boards of the areas which
26 receive transmissions from the system. The local
27 school boards may meet all or part of the match
28 requirements of Part III of the system through a
29 cooperative arrangement with community colleges. The
30 basis for the amount of state match financing is
31 eighty one hundred percent of a single interactive
32 audio and one-way interactive video connection for
33 Part III of the system, and such data and voice
34 capacity as is necessary. The local school boards and
35 community colleges may meet the match requirements for
36 Part II and Part III of the system from funds they
37 have already spent for their systems; from funds
38 available in the school budget; or from funds received
39 from other nonstate sources. In the case of existing
40 systems; in order to upgrade facilities to the
41 specifications of the state communications network;
42 the local school boards and community colleges, in
43 lieu of a cash match; may meet the match requirements
44 from funds they have already spent for their systems
45 provided that the state match does not exceed the
46 lesser of eighty percent of the total cost of the
47 upgraded system or eighty percent of the replacement
48 cost of the system. The communications equipment
49 funds used as a match by a community college shall be
50 calculated based on verified expenditures for capital;

Page 6

1 equipment, hardware, and software for long-distance
2 learning technologic; including both audio and visual
3 transmission. The communications equipment used as a
4 match shall not subsequently be used as a match by
5 another educational entity or for another part of the
6 system. A local school board may request the school
7 budget review committee to adjust the allowable growth
8 for the school district so that the resulting increase
9 in budget could be used for the match. A local school
10 board shall determine the type of classroom facility
11 to be provided and the type of facility or equipment

12 to be used in providing the connection to the school
13 or the classroom. If a local school board elects to
14 provide one hundred percent of the financing for the
15 lease costs for Part III, the school district may
16 become part of the system as soon as the network can
17 reasonably connect it. A local school board may also
18 elect that the school district not to become part of
19 the system. Such election shall be made on an annual
20 basis. State matching funds shall not be provided for
21 Part III of the system until Part I and Part II of the
22 system have been completed. Leasing of Part III of
23 the system may proceed before Part I and Part II of
24 the system have been completed as determined by the
25 board.

26 4. The department of general services Iowa
27 communications network board shall develop the
28 requests for proposals that are needed for a state
29 communications network with sufficient capacity to
30 serve the video, data, and voice requirements of state
31 agencies and the educational telecommunications
32 applications required by the Iowa public broadcasting
33 communications network board. The department shall
34 develop a request for proposals for each of the
35 systems that will make up the network. The utilities
36 board shall provide technical assistance to the Iowa
37 communications network board in the development of the
38 request for proposals. The department may Iowa
39 communications network board shall develop a request
40 for proposals for each definitive component of Part I,
41 Part II, and Part III of the system as provided in
42 this section, or the department board may provide in
43 the request for proposals for each such system that
44 separate contracts may shall be entered into for each
45 definitive component covered by the request for
46 proposals. The requests for proposals for components
47 of Parts I and II of the system may be for the
48 purchase, lease-purchase, or lease of the component
49 parts of the system, may require maintenance costs to
50 be identified, and the resulting contract may provide

Page 7

1 for maintenance for parts of the system. The master
2 contract may provide for electronic classrooms,
3 satellite equipment, receiving equipment, studio and
4 production equipment, and other associated equipment
5 as required.

6 The state shall lease all component parts for Part
7 III of the system from qualified providers. A
8 component of Part III shall not be owned by the state.

9 The board shall develop a statewide plan for leasing
10 of the components of Part III. The board must approve
11 a Part III statewide leasing plan before Part III of
12 the system may proceed. The board is authorized to
13 review the terms of any lease entered into related to
14 Part III of the system. However, a local school
15 district is not required to be included in the
16 statewide Part III leasing plan if the local school
17 board elects to provide one hundred percent of the
18 financing for the lease costs related to Part III.
19 Nothing in this section shall preclude a school
20 corporation from using or upgrading existing
21 facilities for use in the corporation's own district
22 or region for Part III of the system which meet the
23 specifications of the state communications network and
24 provide interactive audio and interactive video and
25 such data and voice capacity as is necessary.
26 A certified local exchange telephone company with
27 fewer than fifteen thousand access lines shall have
28 the right to provide through a lease with a school
29 corporation or a public library located within the
30 company's service territory any required individual
31 facility from a point of presence to an end point to
32 be used for providing any component of Part III. The
33 lease rate for a school corporation or a public
34 library for each component of Part III of the system
35 is limited to a fixed periodic fee to cover a ten-year
36 amortization of the capital cost of new facilities,
37 including the placement and construction of such
38 facilities, to serve the school corporation or public
39 library and the actual ongoing costs of providing
40 service, including costs for maintenance, repairs,
41 taxes, and other costs directly related to leasing a
42 component of Part III of the system to the school
43 corporation or public library. Such amortization
44 shall be based upon the actual cost of the financing
45 for such facilities. The certified local exchange
46 telephone company shall not assess a school
47 corporation or public library any toll charge for
48 communications transmitted entirely on the state
49 communications network.
50 A certified local exchange telephone company with

Page 8

1 fewer than fifteen thousand access lines shall have
2 the right to provide through a lease with a public or
3 private agency which is an authorized user, other than
4 a school corporation or public library located within
5 the company's service territory, any required

6 individual facility from a point of presence to an end
7 point to be used for providing any component of Part
8 III. The lease rate for such authorized user for each
9 component of Part III of the system is limited to a
10 fixed periodic fee to cover a ten-year amortization of
11 the capital cost of new facilities to serve such
12 authorized user; and the actual ongoing costs of
13 providing service, including costs for maintenance,
14 repairs, taxes, and other costs directly related to
15 leasing a component of Part III of the system to such
16 authorized user; and may include a reasonable return
17 on the unamortized balance of the capital costs.

18 A certified local exchange telephone company with
19 fewer than fifteen thousand access lines shall have
20 ninety days, from the date an authorized user has
21 requested that the local exchange telephone company
22 provide through a lease the required facilities
23 related to Part III of the network, to notify such
24 user as to whether the local exchange telephone
25 company elects to provide the required facilities. If
26 a certified local exchange telephone company with
27 fewer than fifteen thousand access lines elects not to
28 provide required facilities pursuant to a lease with
29 an authorized user as provided by this subsection, the
30 Iowa communications network board shall develop a
31 request for proposals for lease of the required
32 facilities. The board shall determine the form and
33 content of the request for proposals and shall
34 determine which proposal will be accepted for
35 providing the required facilities. Proposals may be
36 submitted by any qualified person including other
37 certified local exchange telephone companies.
38 However, a proposal shall not be submitted by the
39 certified local exchange telephone company electing
40 not to provide such facilities pursuant to this
41 subsection.

42 For all private agencies and public agencies
43 located in an area served by a certified local
44 exchange telephone company with fifteen thousand or
45 more access lines, proposals for providing the
46 components of Part III of the system may be submitted
47 by any qualified person. Notwithstanding the terms of
48 any lease agreement entered into between a qualified
49 person and a school corporation located in an area
50 served by a certified local exchange telephone company

Page 9

1 with fifteen thousand or more access lines, the school
2 district shall not be assessed any toll charge for

3 communications transmitted entirely on the state
4 communications network.

5 The periodic lease rate for each component shall be
6 reviewed by the Iowa communications network board for
7 compliance with reasonable norms established by rule.
8 The Iowa communications network board may reject a
9 lease rate proposal made by a certified local exchange
10 telephone company with fewer than fifteen thousand
11 access lines related to providing a component part for
12 Part III of the system if the board determines that
13 the rate is unreasonable. The board shall notify the
14 company of such rejection and the company may resubmit
15 an alternative lease rate proposal in the same manner
16 as the original proposal within forty-five days of
17 receipt of the notice of the rejection.

18 For purposes of this section, "new facilities" for
19 purposes of determining the capital cost to be
20 amortized in establishing the lease rate are those
21 facilities which are procured, installed, or
22 constructed to provide Part III of the system to a
23 user on or after the date such user certifies to the
24 board, in a manner as determined by the board, that
25 the user is ready to be connected to the network.

26 8. The Iowa public broadcasting board retains sole
27 authority over the educational telecommunications
28 applications of Part I of the system, and its
29 authority shall include management and operational
30 control, programming, budget, personnel, scheduling,
31 and program switching of educational material carried
32 by Part I of the system educational telecommunications
33 council shall coordinate the educational
34 telecommunication applications of the system pursuant
35 to the rules adopted by the Iowa communications
36 network board, including scheduling and program
37 switching of educational material carried by the
38 system. The Iowa public broadcasting board, through
39 its narrowcast system advisory committee, retains
40 coordination authority over the educational
41 telecommunications applications of Part II and Part
42 III of the system. Community colleges are responsible
43 for scheduling and switching of educational materials
44 carried by Part II and Part III of the system within
45 their respective areas. Such responsibility may be
46 accomplished by a chapter 28E agreement with the
47 department of general services. Scheduling of
48 educational applications on the system shall be
49 administered by Iowa public television pursuant to
50 rules adopted by the board.

Page 10

1 The narrowcast system advisory committee council
2 shall review all requests for grants for facilities
3 made by public agencies for educational
4 telecommunications applications, if they are a part of
5 the state the proposed activities involve the use of
6 or a connection to the state communications network,
7 to ensure that the educational telecommunications
8 application is objectives of the grants are consistent
9 with the telecommunications plan. If the narrowcast
10 system advisory committee council recommends to the
11 Iowa communications network board, and the Iowa
12 communications network board finds that a grant
13 request is inconsistent with the telecommunications
14 plan, the grant request shall not be allowed.

15 11. The fees charged for use of the network by an
16 authorized user for educational telecommunications
17 shall be based on the ongoing operational and
18 maintenance costs of the network only.

19 12. The Iowa public broadcasting communications
20 network board, in consultation with its narrowcast
21 system advisory committee, shall determine the fee
22 fees to be charged per course or credit hour by the
23 state for Parts I, II, and III of the system to the
24 originating institution, and the public and private
25 agencies authorized to use the system. The fees shall
26 be substantially the same for comparable courses uses
27 and authorized users. An authorized user of the
28 system may request a hearing pursuant to section 476.3
29 on a fee approved by the Iowa communications network
30 board.

31 14. Notwithstanding chapter 476, the provisions of
32 chapter 476 shall not apply to a public utility in
33 furnishing a telecommunications service or facility to
34 the department of general services for any part of the
35 state communications network.

36 Sec. 9. Section 18.136, Code 1993, is amended by
37 adding the following new subsections:

38 NEW SUBSECTION. 13A. a. Access to the network
39 shall be offered to agencies of the federal
40 government, not including the United States postal
41 service or any United States post office. An agency
42 of the federal government shall contribute, at a
43 minimum, an amount consistent with its share of use
44 for the part of the system in which the entity
45 participates, as determined by the Iowa communications
46 network board. Access to the network shall be
47 provided pursuant to a lease unless such lease would
48 be prohibited by any of the following:

- 49 (1) Federal law.
50 (2) Rule or regulation of the federal agency.

Page 11

1 (3) Policy of the federal agency.
2 (4) Lack of funding which prevents an ongoing
3 lease arrangement from being entered into.
4 If the Iowa communications network board determines
5 that a lease is prohibited as provided in this
6 paragraph, the board may still permit an agency of the
7 federal government access to the network upon a
8 showing by the federal agency to the board that
9 sufficient federal funding is available to pay for the
10 costs of connection to the network.
11 b. Access shall be offered to hospitals licensed
12 pursuant to chapter 135B. A hospital shall
13 contribute, at a minimum, an amount consistent with
14 its share of use for the part of the system in which
15 the hospital participates as determined by the Iowa
16 communications network board. Access to Parts I and
17 II of the network shall be offered to hospitals
18 licensed pursuant to chapter 135B for education and
19 distance learning applications; continuing medical
20 education applications; diagnostic, clinical, and
21 consultative services which require the use of
22 interactive video, the transmission of high quality
23 images, or the combination of text, video, visual, or
24 graphic information; the transmission of payments and
25 claims information to and from the medicaid program
26 established under Title XVIII of the federal Social
27 Security Act and the medical assistance (medicare)
28 program established pursuant to chapter 249A, the
29 health data commission or its successor agency, the
30 Iowa department of public health, and the community
31 health management information system, where such
32 information transmission assists in satisfying an
33 information-gathering duty assigned by statute; and
34 the transmission of government payments and claims
35 information to hospitals. This paragraph is repealed
36 effective June 30, 2003.
37 NEW SUBSECTION. 13B. Access shall not be provided
38 to any other entity pursuant to a chapter 28E or other
39 agreement except as expressly provided for by this
40 section.
41 NEW SUBSECTION. 13C. Notwithstanding the
42 provisions of subsection 4 regarding the lease of all
43 component parts for Part III of the system, an
44 authorized user may purchase a wireless system
45 utilizing a portion of the electromagnetic spectrum

46 allocated by the federal communications commission.
47 An authorized user eligible to receive state funding
48 for the provision of the component parts for Part III
49 of the system, as provided in subsection 3, may also
50 utilize such wireless system. If such authorized user

Page 12

1 determines to use such wireless system, the user shall
2 inform the board of the decision to utilize such
3 wireless system and the board shall develop a request
4 for proposals for providing such system. The wireless
5 system may be provided under a lease, lease-purchase
6 agreement, or a purchase of the wireless
7 communications system.

8 NEW SUBSECTION. 13D. Notwithstanding subsection
9 13B, access to and use of Part III of the network
10 shall not be limited so long as the transmission
11 facilities are owned and operated by a nongovernmental
12 entity.

13 Sec. 10. NEW SECTION. 18.137A DISPOSITION OF
14 INVESTMENT INTEREST EARNED.

15 Interest income earned on investment of funds
16 contained in the state communications network fund
17 shall be credited by the treasurer of state to the
18 state communications network fund to be used only for
19 making additional payments above and beyond those
20 scheduled to be made for the repayment of debt related
21 to Parts I and II of the system when permissible under
22 any financing agreement.

23 Sec. 11. Section 256.7, subsection 9, unnumbered
24 paragraph 1, Code 1993, is amended to read as follows:

25 Adopt rules under chapter 17A for the use of
26 telecommunications as an instructional tool for
27 students enrolled in kindergarten through grade twelve
28 and served by local school districts, accredited or
29 approved nonpublic schools, area education agencies,
30 community colleges, institutions of higher education
31 under the state board of regents, and independent
32 colleges and universities in elementary and secondary
33 school classes and courses. The rules shall include
34 but need not be limited to rules relating to programs,
35 educational policy, instructional practices, staff
36 development, use of pilot projects, curriculum
37 monitoring, and the accessibility of licensed
38 teachers. The rules shall encourage innovative use of
39 educational telecommunications to meet student needs.
40 The rules shall not abridge or modify agreements
41 between an educator and an educational institution
42 related to any copyright, patent, invention, software.

43 instruction, instructional programming, or other
 44 intellectual property interest.

45 Sec. 12. Section 256.9, Code 1993, is amended by
 46 adding the following new subsection:

47 NEW SUBSECTION. 52. Provide technical assistance
 48 to users of the educational telecommunications system,
 49 coordinate staff development activities for
 50 educational users, and provide assistance in policy

Page 13

1 development to local and area education agencies for
 2 the use of educational telecommunications.

3 Sec. 13. NEW SECTION. 256.29 LOAN FOR
 4 TELECOMMUNICATIONS EQUIPMENT.

5 1. Notwithstanding sections 257B.1 and 257B.1A,
 6 for the fiscal year beginning July 1, 1993, from
 7 moneys designated as the permanent school fund of the
 8 state in section 257B.1, a merged area may obtain a
 9 loan to be used to pay for equipment to be located at
 10 the merged areas to enable the merged area to
 11 participate in a system which serves the educational
 12 needs of children of the state through
 13 telecommunications. The department of revenue and
 14 finance shall transfer funds from the permanent school
 15 fund to the Iowa communications network training and
 16 operations fund upon receipt of a written request from
 17 the board of directors of a merged area up to the
 18 following amounts:

19	a. Merged Area I	.....	\$	153,535
20	b. Merged Area II	.....	\$	134,343
21	c. Merged Area III	.....	\$	95,960
22	d. Merged Area IV	.....	\$	76,768
23	e. Merged Area V	.....	\$	172,727
24	f. Merged Area VI	.....	\$	76,768
25	g. Merged Area VII	.....	\$	95,960
26	h. Merged Area IX	.....	\$	76,768
27	i. Merged Area X	.....	\$	134,343
28	j. Merged Area XI	.....	\$	211,111
29	k. Merged Area XII	.....	\$	115,152
30	l. Merged Area XIII	.....	\$	134,343
31	m. Merged Area XIV	.....	\$	153,535
32	n. Merged Area XV	.....	\$	191,919
33	o. Merged Area XVI	.....	\$	76,768

34 2. Loan moneys received under this section that
 35 are not expended during the fiscal year beginning July
 36 1, 1993, are available for expenditure during the
 37 fiscal year beginning July 1, 1994.

38 Sec. 14. NEW SECTION. 256.36A MEDIA AND
 39 EDUCATIONAL SERVICES FUND.

40 A media and educational services fund is
 41 established in the treasurer's office under the
 42 control of the department of education. Moneys
 43 deposited in the fund shall be used for the
 44 development of staff development programs for use on
 45 the state communications network, and for the
 46 development of programs to assist teachers in the use
 47 of, and teaching on, the state communications network.
 48 Sec. 15. If the actual taxable valuation of real
 49 property in the state is at least one-half of one
 50 percent more than the estimated taxable valuation used

Page 14

1 for determining property tax payments in the fiscal
 2 year beginning July 1, 1993, resulting in a decrease
 3 in the amount of general fund expenditures for
 4 foundation aid payments pursuant to chapter 257, there
 5 is appropriated from the general fund of the state to
 6 the department of education for the fiscal year
 7 beginning July 1, 1993, and ending June 30, 1994, the
 8 following amount, or so much thereof as may be
 9 necessary, to be used for the purpose designated:

10 1. Notwithstanding chapter 260D, to merged areas
 11 as defined in section 260C.2, for educational training
 12 and for ongoing operational expenses related to
 13 participation in the state communications network,
 14 including but not limited to maintenance costs, repair
 15 costs, cost of necessary equipment, and other
 16 necessary expenditures:
 17 \$ 2,000,000

18 The funds appropriated in this subsection shall be
 19 allocated as follows:

20 a. Merged Area I	\$	161,616
21 b. Merged Area II	\$	141,414
22 c. Merged Area III	\$	101,010
23 d. Merged Area IV	\$	80,808
24 e. Merged Area V	\$	181,818
25 f. Merged Area VI	\$	80,808
26 g. Merged Area VII	\$	101,010
27 h. Merged Area IX	\$	80,808
28 i. Merged Area X	\$	141,414
29 j. Merged Area XI	\$	222,222
30 k. Merged Area XII	\$	121,212
31 l. Merged Area XIII	\$	141,414
32 m. Merged Area XIV	\$	161,616
33 n. Merged Area XV	\$	202,020
34 o. Merged Area XVI	\$	80,810

35 2. If the increase in taxable valuation is less
 36 than one-half of one percent as provided in subsection

37 1, then the actual amount appropriated pursuant to
38 this section shall be reduced proportionally by the
39 percentage represented by the actual percent increase
40 in taxable valuation divided by one-half of one
41 percent.

42 Sec. 16. NEW SECTION. 260C.80 IOWA

43 COMMUNICATIONS NETWORK TRAINING AND OPERATIONS FUND.

44 1. An Iowa communications network training and
45 operations fund is established in the office of the
46 treasurer of state under the control of the department
47 of education. Moneys deposited in the fund from
48 sources other than the permanent school fund of the
49 state shall be used to reimburse the permanent school
50 fund of the state, as provided in subsection 3, for

Page 15

1 amounts transferred to the merged areas pursuant to
2 section 256.29, costs of educational training, costs
3 associated with the state communications network, and
4 for other necessary expenditures related to the
5 network. All moneys deposited in the fund are subject
6 to appropriation by the general assembly.

7 2. It is the intent of the general assembly that
8 the amounts deposited into this fund be appropriated
9 for educational training related to use of the state
10 communications network and for ongoing operational
11 expenses related to participation in the state
12 communications network, including maintenance costs,
13 repair costs, costs of necessary equipment, and other
14 necessary expenditures. It is the intent of the
15 general assembly that amounts in the fund be
16 appropriated for the merged areas' participation in
17 the state communications network.

18 3. Notwithstanding any other provision of chapter
19 260E to the contrary, for a period of ten years beyond
20 the scheduled maturity of certificates issued under
21 chapter 260E prior to July 1, 1993, an amount equal to
22 the new jobs credit from withholding for each employer
23 which has entered into a new jobs training agreement
24 shall be deposited in the Iowa communications network
25 training and operations fund from amounts paid to the
26 treasurer of state by employers who have entered into
27 new jobs training agreements. Amounts in the Iowa
28 communications network training and operations fund
29 shall be used by the department for the payment of
30 principal and interest, pursuant to a schedule as
31 determined by the department of management, on amounts
32 transferred from the permanent school fund of the
33 state to a merged area pursuant to section 256.29.

34 Any unencumbered funds may be appropriated for the
35 purposes identified in subsection 2.

36 Sec. 17. Section 273.3, Code 1993, is amended by
37 adding the following new subsection:

38 NEW SUBSECTION. 20. Be authorized to purchase
39 equipment as provided in section 279.48.

40 Sec. 18. NEW SECTION. 279.48 EQUIPMENT PURCHASE.

41 The board of directors of a school corporation may
42 purchase equipment, and may enter into a contract and
43 issue a note to pay for the equipment. The note must
44 mature within five years and bear interest at a rate
45 to be determined by the board of directors in the
46 manner provided in section 74A.3, subsection 1. The
47 board of directors, by resolution, shall provide for
48 the form of the contract and note. Principal and
49 interest on the note must be payable from budgeted
50 receipts in the current budget for each year of a

Page 16

1 period of up to five years.

2 Sec. 19. Section 298.3, subsection 3, Code 1993,
3 is amended to read as follows:

4 3. The purchase of buildings and the purchase of a
5 ~~single unit of~~ equipment or a technology system
6 exceeding five thousand dollars in value.

7 Sec. 20. Section 303.77, subsection 3, Code 1993,
8 is amended to read as follows:

9 3. The board shall appoint at least ~~two~~ one
10 advisory ~~committees~~ committee, each of which has no
11 more than a simple majority of members ~~shall be~~ of the
12 same gender, as follows:

13 a. ~~Advisory committee on the operation of the~~
14 ~~narrowcast system. The advisory committee shall be~~
15 ~~composed of members from among the users of the~~
16 ~~narrowcast system including representatives of~~
17 ~~institutions under the state board of regents,~~
18 ~~community colleges, area education agencies, classroom~~
19 ~~teachers, school district administrators, school~~
20 ~~district boards of directors, the department of~~
21 ~~economic development, the department of education, and~~
22 ~~private colleges and universities.~~

23 b. ~~Advisory~~ the advisory committee on journalistic
24 and editorial integrity. The division shall be
25 governed by the national principles of editorial
26 integrity developed by the editorial integrity
27 project.

28 Duties of the advisory ~~committees~~ committee, and of
29 additional advisory committees the board may from time
30 to time appoint, shall be specified in rules of

31 internal management adopted by the board.
32 Members of advisory committees shall receive actual
33 expenses incurred in performing their official duties.
34 Sec. 21. Section 476.1, unnumbered paragraph 4,
35 Code 1993, is amended to read as follows:
36 Mutual telephone companies in which at least fifty
37 percent of the users are owners, co-operative
38 telephone corporations or associations, telephone
39 companies having less than fifteen thousand customers
40 and less than fifteen thousand access lines,
41 municipally owned utilities, and unincorporated
42 villages which own their own distribution systems are
43 not subject to the rate regulation provided for in
44 this chapter. Rate-regulated telephone companies
45 shall be regulated as set forth in section 476.1E.
46 Sec. 22. NEW SECTION. 476.1E REGULATION OF RATE-
47 REGULATED TELEPHONE COMPANIES.
48 1. For purposes of this section, the following
49 terms are defined:
50 a. "Basic local exchange rate" means the flat

Page 17

1 monthly charge for an access line, whether the service
2 is provided on a flat or measured basis, imposed by a
3 rate-regulated telephone company for basic local
4 exchange service. Basic local exchange rate does not
5 include any charges resulting from action by a federal
6 agency or taxes imposed by a governmental body which
7 are billed by a telephone company to its customers.
8 b. "Basic local exchange service" means the access
9 and transmission of two-way switched voice
10 communications within a local exchange area.
11 c. "Business service" means telecommunications
12 service which is used for occupational, professional,
13 or institutional purposes.
14 d. "Extended service area" means a grouping of two
15 or more exchanges which allows customers of one
16 exchange in the group to place and receive two-way
17 switched communications to and from customers in one
18 or more other exchanges in the group without an
19 interexchange toll charge.
20 e. "Interexchange service" means the access and
21 transmission of communications between two or more
22 local exchange areas, except for two-way switched
23 communications between local exchanges that are
24 included in the same extended service area.
25 f. "Local exchange area" means a territorial unit
26 established by a telephone company for the
27 administration of communications services within a

28 specific area generally encompassing a city and its
29 environs as described in maps filed with and approved
30 by the board.

31 g. "Residence service" means telecommunications
32 service which is furnished to a dwelling and which is
33 used for personal or domestic purposes and not for
34 business, professional, or institutional purposes.

35 2. Rate-regulated telephone companies are subject
36 to rate regulation under this section but are not
37 subject to rate regulation otherwise provided in this
38 chapter. Rate-regulated telephone companies shall
39 file rate lists for their telecommunications services
40 which shall be effective after ten days' notice to the
41 board, with the exception of monthly rates for basic
42 local exchange services.

43 3. The board shall retain authority over the
44 level, extent, scope, and timing of the unbundling of
45 services by a rate-regulated telephone company. The
46 board shall retain authority over matters concerning
47 dialing arrangements. The board shall also retain
48 authority, for purposes of establishing a price floor
49 for a local exchange carrier service, over the pricing
50 of components a rate-regulated telephone company

Page 18

1 charges a competing provider of communications
2 services for essential network services.
3 4. Notwithstanding the provisions of this section,
4 access charges imposed by an interexchange carrier for
5 access to a local exchange network for the purpose of
6 providing interexchange service shall be as agreed to
7 by the interexchange carrier and the rate-regulated
8 telephone company. The Iowa utilities board shall,
9 upon application by any affected interexchange carrier
10 or rate-regulated telephone company, review the access
11 charges. Upon receipt of the proper application by
12 the board, the board shall, unless otherwise agreed to
13 by all affected parties, hold and complete a hearing
14 on the application. The hearing shall be held within
15 sixty days of the application. The board may, within
16 sixty days of the close of the hearing, enter an order
17 setting access charges which are fair and reasonable.
18 5. In setting rates for interexchange services,
19 telephone companies that provide such services shall
20 continue to average their rates for all such services
21 on a statewide basis until December 31, 1995, unless
22 the board, upon application and hearing, orders
23 otherwise. This subsection does not prohibit volume
24 discounts or other discounts based on reasonable

25 business purposes. Nothing in this section shall
26 preempt or affect any right, liability, cause of
27 action, duty, or obligation arising from any law with
28 regard to unfair business practices or anticompetitive
29 activity with regard to interexchange services.

30 6. The board shall retain quality of service
31 regulation over the services provided by all telephone
32 companies and shall investigate and resolve customer
33 complaints concerning quality of service, customer
34 deposits, and disconnection of service. If the
35 complaint cannot be resolved informally, upon petition
36 by the customer, the board shall set the matter for
37 hearing in accordance with the board's rules for
38 notice and hearing, and the board may, by order,
39 render its decision granting or denying in whole or in
40 part the customer's petition.

41 7. The utilities board and the consumer advocate
42 shall cooperate to produce a report to be delivered to
43 the governor and the general assembly no later than
44 December 31 of each year concerning the impact of
45 changes in regulation of telecommunications services
46 provided to citizens of this state.

47 8. Notwithstanding the rate regulation set forth
48 in this section, the monthly local exchange rate for
49 basic local exchange service, 911 and E911 service as
50 provided for in chapters 34 and 34A, dual party relay

Page 19

1 service, and switched access service shall not be
2 greater than the rates in effect for those services on
3 January 1, 1994. For purposes of this section,
4 "switched access service" means the provision of
5 access to a local exchange telephone company for the
6 purpose of enabling an interexchange carrier to
7 originate or terminate telecommunications services
8 within the exchange. This subsection is repealed
9 effective July 1, 1997.

10 9. It is the intent of the general assembly that
11 the general assembly study and review the impact of
12 the implementation of this section on rates for
13 telecommunications services charged to consumers,
14 telecommunications service levels, and the service
15 quality of such services during the year including the
16 1996 regular session of the general assembly.

17 10. Effective July 1, 1997, chapter 476 and any
18 other provision of law relating to the regulation of
19 telephone companies is void and is of no effect.

20 Sec. 23. **NEW SECTION. 476.1F PROHIBITED ACTS.**

21 A rate-regulated telephone company subject to

22 section 476.1E shall not do any of the following:
23 1. Discriminate against a competing provider of
24 communications services in the price of, or by
25 refusing or delaying access to, essential network
26 service.
27 2. Degrade the quality of access or service or
28 connections to a competing provider of communications
29 services.
30 3. Fail to disclose in a timely manner, upon
31 request and pursuant to protective agreements
32 concerning proprietary information, all information
33 reasonably necessary for the network interface
34 equipment or network interface services that will meet
35 the specifications of the utility's local exchange
36 network.
37 4. Subsidize a service, except for basic local
38 telephone service, 911 services, E911 services, and
39 relay service for communications-impaired persons,
40 with revenues from other services.
41 Sec. 24. Section 476.6, subsections 3 and 12, Code
42 1993, are amended by striking the subsections.
43 Sec. 25. Section 476.71, Code 1993, is amended to
44 read as follows:
45 476.71 PURPOSE.
46 It is the intent of the general assembly that a
47 public utility should not directly or indirectly
48 include in regulated rates or charges, or rates or
49 charges in effect pursuant to section 476.1E, any
50 costs or expenses of an affiliate engaged in any

Page 20

1 business other than that of utility business unless
2 the affiliate provides goods or services to the public
3 utility. The costs that are included should be
4 reasonably necessary and appropriate for utility
5 business. It is also the intent of the general
6 assembly that a public utility should only provide
7 nonutility services in a manner that minimizes the
8 possibility of cross-subsidization or unfair
9 competitive advantage.
10 Sec. 26. Section 476.72, Code 1993, is amended to
11 read as follows:
12 476.72 DEFINITIONS.
13 As used in this division, unless the context
14 otherwise requires:
15 1. "Affiliate" means a party that directly, or
16 indirectly through one or more intermediaries,
17 controls, is controlled by, or is under common control,
18 with a rate-regulated public utility.

19 2. "Control" means the possession, direct or
20 indirect, of the power to direct or cause the
21 direction of the management and policies of an
22 enterprise through ownership, by contract or
23 otherwise.

24 3. "Nonutility service" includes the sale, lease,
25 or other conveyance of commercial and residential gas
26 or electric appliances, interior lighting systems and
27 fixtures, or heating, ventilating, or air conditioning
28 systems and component parts, communications systems
29 and component parts, services, or products sold,
30 leased, or otherwise provided by a telephone company
31 subject to section 476.1E, other than those systems,
32 parts, services, or products regulated under section
33 476.1E, or the servicing, repair, or maintenance of
34 such equipment.

35 4. "Public utility" includes only gas or electric
36 rate-regulated public utilities and rate-regulated
37 telephone utilities providing local exchange
38 telecommunication service subject to section 476.1E.

39 5. "Utility business" means the generation or
40 transmission of electricity or furnishing of gas or
41 furnishing electricity or furnishing rate-regulated
42 communications services to the public for
43 compensation.

44 Sec. 27. Section 476.78, Code 1993, is amended to
45 read as follows:

46 476.78 CROSS-SUBSIDIZATION PROHIBITED.

47 A rate-regulated gas or electric public utility or
48 a rate-regulated telephone company subject to section
49 476.1E shall not directly or indirectly include any
50 costs or expenses attributable to providing nonutility

Page 21

1 service in regulated rates or charges.

2 Sec. 28. Section 476.79, Code 1993, is amended to
3 read as follows:

4 476.79 PROVISION OF NONUTILITY SERVICE.

5 1. A rate-regulated gas or electric public utility
6 or a rate-regulated telephone company subject to
7 section 476.1E, providing any nonutility service to
8 its customers shall keep and render to the board
9 separate records of the nonutility service. The board
10 may provide for the examination and inspection of the
11 books, accounts, papers, and records of the nonutility
12 service, as may be necessary, to enforce any
13 provisions of this chapter.

14 2. The board shall adopt rules which specify the
15 manner and form of the accounts relating to providing

16 nonutility services which the rate-regulated gas or
 17 electric utility or a rate-regulated telephone company
 18 subject to section 476.1E shall maintain.

19 Sec. 29. Section 476.80, Code 1993, is amended to
 20 read as follows:

21 476.80 ADDITIONAL REQUIREMENTS.

22 A rate-regulated gas or electric public utility or
 23 a rate-regulated telephone company subject to section
 24 476.1E which engages in a systematic marketing effort
 25 as defined by the board, other than on an incidental
 26 or casual basis, to promote the availability of
 27 nonutility service from the public utility shall make
 28 available at reasonable compensation on a
 29 nondiscriminatory basis to all persons engaged
 30 primarily in providing the same competitive nonutility
 31 services in that area all of the following services to
 32 the same extent utilized by the public utility in
 33 connection with its nonutility services:

34 1. Access to and use of the public utility's
 35 customer lists.

36 2. Access to and use of the public utility's
 37 billing and collection system.

38 3. Access to and use of the public utility's
 39 mailing system.

40 Sec. 30. Section 476.81, Code 1993, is amended to
 41 read as follows:

42 476.81 AUDIT REQUIRED.

43 The board may periodically retain a nationally or
 44 regionally recognized independent auditing firm to
 45 conduct an audit of the nonutility services provided
 46 by a rate-regulated gas or electric public utility or
 47 a rate-regulated telephone company subject to section
 48 476.1E subject to the provisions of section 476.80. A
 49 nonutility service audit shall not be conducted more
 50 frequently than every three years, unless ordered by

Page 22

1 the board for good cause. The cost of the audit shall
 2 be paid by the public utility to the independent
 3 auditing firm and shall be included in its regulated
 4 rates and charges, unless otherwise ordered by the
 5 board for good cause after providing the public
 6 utility the opportunity for a hearing on the board's
 7 decision.

8 Sec. 31. Section 476.83, Code 1993, is amended to
 9 read as follows:

10 476.83 COMPLAINTS.

11 Any person may file a written complaint with the
 12 board requesting the board to determine compliance by

13 a rate-regulated gas or electric utility or a rate-
14 regulated telephone company subject to section 476.1E
15 with the provisions of section 476.78, 476.79, or
16 476.80 or any validly adopted rules to implement those
17 sections. If the board determines there is any
18 reasonable ground to investigate the complaint, the
19 board shall promptly initiate formal complaint
20 proceedings. The formal proceeding may be initiated
21 at any time by the board on its own motion.
22 Sec. 32. Section 477.1, Code 1993, is amended to
23 read as follows:

24 477.1 RIGHT-OF-WAY.

25 Any person, firm, and corporation, within or
26 without the state, may construct a telegraph or
27 telephone line or cable system along the public roads
28 of the state, or across or under the rivers or over,
29 under, or through any lands belonging to the state or
30 any private individual, and may erect or install
31 necessary fixtures. The state may construct Parts I
32 and II and a certified local exchange telephone
33 company may construct Part III of the state
34 communications network established in division V of
35 chapter 18 along the public roads of the state, and
36 private ways, or across or under the rivers or over,
37 under, or through any lands belonging to a private
38 person or individual, and may erect or install
39 necessary equipment and fixtures on such property
40 including installing and maintaining equipment in
41 structures at an endpoint, and at other points along
42 the network. However, construction of a telegraph or
43 telephone line or cable system along a primary road is
44 subject to rules adopted by the state department of
45 transportation.

46 Sec. 33. INITIAL BOARD CHAIRPERSON.
47 Notwithstanding the provision of section 18.133A,
48 subsection 3, the initial chairperson of the board
49 shall be appointed by the governor from the membership
50 of the board for a two-year term.

Page 23

1 Sec. 34. Sections 21 through 31 of this Act are
2 effective January 1, 1994."

MICHAEL E. GRONSTAL

S-3762

1 Amend the amendment, S-3689, to Senate File 417, as
2 follows:

3 1. By striking page 1, line 2, through page 13
4 line 46, and inserting the following:

5 " ____ . By striking everything after the enacting
6 clause and inserting the following:

7 "Section 1. Section 18.133, subsection 1, Code
8 1993, is amended by striking the subsection and
9 inserting in lieu thereof the following:

10 1. "Board" means the Iowa communications network
11 board.

12 Sec. 2. Section 18.133, subsections 2 and 3, Code
13 1993, are amended to read as follows:

14 2. "Private agency" means accredited nonpublic
15 schools, ~~and~~ nonprofit institutions of higher
16 education eligible for tuition grants, and hospitals
17 licensed pursuant to chapter 135B.

18 3. "Public agency" means a state agency, a school
19 corporation, a city library, a regional library as
20 provided in chapter 303B, ~~and~~ a county library as
21 provided in chapter 336, and agencies of the federal
22 government not including the United States postal
23 service or any United States post office.

24 Sec. 3. NEW SECTION. 18.133A IOWA COMMUNICATIONS
25 NETWORK BOARD.

26 1. An Iowa communications network board is
27 established within the department of commerce with the
28 sole authority to supervise the management and
29 operation of the network. The board shall ensure that
30 the network operates in an efficient and responsible
31 manner consistent with the provisions of this chapter
32 for the purpose of providing the best economic service
33 attainable to the users consistent with the state's
34 financial capacity. The use of the Iowa
35 communications network is subject to the review and
36 approval of the board. Such review and approval by
37 the board shall provide for the centralized,
38 coordinated use and control of the network. The board
39 may contract with appropriate vendors for the
40 maintenance, operation, management, and development of
41 the technical aspects and uses of Part I and Part II
42 of the network in a manner consistent with this
43 chapter for the purpose of providing the best services
44 attainable to the users consistent with the state's
45 financial capacity.

46 2. The communications division of the department
47 of general services shall provide sufficient resources
48 and staff to the board and to the department of
49 commerce to carry out all board responsibilities.

50 3. The board consists of nine members appointed by

Page 2

1 the governor, subject to senate confirmation. The
2 members shall be citizens of the state who have
3 substantial knowledge of the subjects related to the
4 state communications network. Members of the board
5 shall not have any interest, financially or otherwise,
6 in any entity related to or associated with any
7 activity concerning the planning, development,
8 operation, or maintenance of Part I or Part II of the
9 network as provided in chapter 68B. Members of the
10 board also shall not serve in any manner or be
11 employed by an interest or institution the interests
12 of which are represented by a member of the
13 educational telecommunications council established in
14 subsection 4. The appointments shall be based upon
15 the training, experience, and capacity of the
16 appointees in areas including, but not limited to,
17 public utility regulation, telecommunications, and
18 education issues related to the network. Members of
19 the board shall serve four-year staggered terms as
20 designated by the governor and appointments to the
21 board are subject to sections 69.16, 69.16A, and
22 69.19. Members shall receive actual and necessary
23 expenses and a per diem as provided in section 7E.6.
24 However, a member who is also a state employee shall
25 only receive the member's actual and necessary
26 expenses.

27 4. An educational telecommunications council is
28 established to advise the Iowa communications network
29 board concerning the educational telecommunication
30 applications of the system and other matters as
31 assigned by the board. The council consists of seven
32 members to be appointed by the board. The seven
33 members shall include one person representing the
34 state board of regents; one person representing the
35 department of education; one person representing the
36 community colleges; one person representing public
37 libraries; one person representing school districts;
38 one person representing the area education agencies;
39 and one person representing private colleges. The
40 council shall make long range plans for enhancements
41 needed for educational applications. Administrative,
42 support and staffing for the council shall be provided
43 by the department of education.

44 The board shall establish a users' committee which
45 is broadly representative of users of the network to
46 advise the council and the board concerning
47 telecommunications applications. The council shall
48 also consult with any regional committees established

49 for educational telecommunications.

50 Sec. 4. NEW SECTION. 18.133B ANNUAL REPORT TO

Page 3

1 LEGISLATURE.

2 The Iowa utilities board, the consumer advocate,
3 and the Iowa communications network board shall
4 cooperate to produce a report to be delivered to the
5 governor and the general assembly no later than
6 December 31 of each year. The report shall include a
7 review of the effect of the state communications
8 network on the citizens of this state in relation to
9 the rates paid for intrastate telecommunications
10 service and the financial impact of the state
11 communications network on the state's public
12 telecommunications utilities. Additionally, the
13 report shall include information related to the number
14 of users on the network, the hours of use, a listing
15 of new users added to the network during the previous
16 year, a detailed accounting of how any amounts
17 appropriated for the Iowa communications network are
18 expended, other relevant financial information, and
19 other information deemed appropriate by the Iowa
20 utilities board, the consumer advocate, or the state
21 communications network board.

22 Sec. 5. Section 18.134, Code 1993, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 3. The use of any switching
25 equipment used for routing traffic on the network
26 shall be governed by the policies adopted by the Iowa
27 communications network board.

28 Sec. 6. NEW SECTION. 18.134A DISPOSITION OF
29 NETWORK -- LEGISLATIVE APPROVAL.

30 Notwithstanding any provision to the contrary, the
31 Iowa communications network board or the department of
32 general services shall not sell, lease, or otherwise
33 dispose of any component part of Part I or II of the
34 system without prior authorization by a constitutional
35 majority of each house of the general assembly and
36 approval by the governor.

37 Sec. 7. Section 18.135, Code 1993, is amended to
38 read as follows:

39 18.135 RULES.

40 The ~~director board~~ shall adopt rules relating to
41 the state communications network and its use in
42 accordance with this chapter, respecting the rights of
43 a public or private educational agency to determine
44 the contents of its educational program and its rights
45 to control its classrooms and teleconferencing

46 facility. Rules adopted by the board shall not
47 abridge the academic freedom of institutions offering
48 programs through the network. Rules adopted by the
49 board shall also not abridge or modify agreements
50 between an educator and an educational institution

Page 4

1 related to any copyright, patent, invention, software,
2 instruction, instructional programming, or other
3 intellectual property interest. However, a public or
4 private agency which is connected to the
5 communications network, as a condition to such
6 connection, shall establish procedures, terms, and
7 conditions governing the use of its teleconferencing
8 classroom or center by others in a manner which
9 provides reasonable access to educational
10 telecommunications applications available through the
11 network. The board shall adopt rules relating to this
12 provision, but shall not interfere with the prior
13 right of the public or private agency to use, manage,
14 or control such teleconferencing classroom or center.
15 The director board shall also adopt and provide for
16 standard communications procedures and policies to be
17 used by state agencies. However, rules adopted by the
18 board relating to state communications which are not
19 part of the network shall not apply to public
20 universities governed by the state board of regents.

21 Sec. 8. Section 18.136, subsections 1, 2, 3, 4, 8,
22 11, 12, and 14, Code 1993, are amended to read as
23 follows:

24 1. Moneys in the state communications network fund
25 are appropriated to the Iowa public broadcasting board
26 for purposes of providing financing for the
27 procurement, operation, and maintenance of a state
28 communications network with sufficient capacity to
29 serve the video, data, and voice requirements of state
30 agencies and the educational telecommunications
31 system. The treasurer of state, the department of
32 general services, the Iowa public broadcasting board,
33 the Iowa communications network board, and other
34 parties to any financing agreement for the network may
35 enter into a state communications network fund
36 agreement as to the application of proceeds of the
37 fund and procedures for the payment of amounts due
38 under the financing agreement from the state
39 communications network fund. The state communications
40 network consists of Part I, Part II, and Part III of
41 the system.

42 2. For purposes of this section, unless the

43 context otherwise requires:

- 44 a. "Part I of the system" means the communications
45 connections between and including the central
46 switching and the regional switching centers centers'
47 equipment for the remainder of the network as
48 designated by the board.
49 b. "Part II of the system" means the
50 communications connections between and including the

Page 5

- 1 regional switching centers centers' equipment and the
2 secondary switching centers points of presence as
3 designated by the board including the network
4 equipment at these points of presence. There shall be
5 a minimum of one point of presence in each county.
6 c. "Part III of the system" means the
7 communications connection between the secondary
8 switching centers point of presence and the end points
9 at the agencies defined in section 18.133, subsections
10 2 and 3 and 4.
11 d. "State communications network" or "network"
12 means Part I, Part II, and Part III of the system.
13 3. The financing for the procurement costs for the
14 entirety of Part I of the system, and the video, data,
15 and voice capacity for state agencies for Part II and
16 Part III of the system, shall be provided by the
17 state. The financing for the procurement costs for
18 Part II of the system shall also be provided eighty
19 percent from by the state and twenty percent from the
20 community colleges for the areas in which Part II of
21 the system is located. The basis for the state match
22 is eighty percent of a single interactive video and
23 interactive audio for Parts I and II of the system,
24 and such data and voice capacity as is necessary. The
25 financing for the procurement and maintenance lease
26 costs for Part III of the system shall be provided
27 eighty percent from by the state and twenty percent
28 from the local school boards of the areas which
29 receive transmissions from the system. The local
30 school boards may meet all or part of the match
31 requirements of Part III of the system through a
32 cooperative arrangement with community colleges: The
33 basis for the amount of state match financing is
34 eighty one hundred percent of a single interactive
35 audio and one-way interactive video connection for
36 Part III of the system, and such data and voice
37 capacity as is necessary. The local school boards and
38 community colleges may meet the match requirements for
39 Part II and Part III of the system from funds they

40 have already spent for their systems; from funds
41 available in the school budget; or from funds received
42 from other nonstate sources. In the case of existing
43 systems; in order to upgrade facilities to the
44 specifications of the state communications network;
45 the local school boards and community colleges; in
46 lieu of a cash match; may meet the match requirements
47 from funds they have already spent for their systems
48 provided that the state match does not exceed the
49 lesser of eighty percent of the total cost of the
50 upgraded system or eighty percent of the replacement

Page 6

1 cost of the system. The communications equipment
2 funds used as a match by a community college shall be
3 calculated based on verified expenditures for capital,
4 equipment, hardware, and software for long-distance
5 learning technologies; including both audio and visual
6 transmission. The communications equipment used as a
7 match shall not subsequently be used as a match by
8 another educational entity or for another part of the
9 system. A local school board may request the school
10 budget review committee to adjust the allowable growth
11 for the school district so that the resulting increase
12 in budget could be used for the match. A local school
13 board shall determine the type of classroom facility
14 to be provided and the type of facility or equipment
15 to be used in providing the connection to the school
16 or the classroom. If a local school board elects to
17 provide one hundred percent of the financing for the
18 lease costs for Part III, the school district may
19 become part of the system as soon as the network can
20 reasonably connect it. A local school board may also
21 elect that the school district not to become part of
22 the system. Such election shall be made on an annual
23 basis. State matching funds shall not be provided for
24 Part III of the system until Part I and Part II of the
25 system have been completed. Leasing of Part III of
26 the system may proceed before Part I and Part II of
27 the system have been completed as determined by the
28 board.

29 4. The department of general services Iowa
30 communications network board shall develop the
31 requests for proposals that are needed for a state
32 communications network with sufficient capacity to
33 serve the video, data, and voice requirements of state
34 agencies and the educational telecommunications
35 applications required by the Iowa public broadcasting
36 communications network board. The department shall

37 develop a request for proposals for each of the
38 systems that will make up the network The utilities
39 board shall provide technical assistance to the Iowa
40 communications network board in the development of the
41 request for proposals. The department may Iowa
42 communications network board shall develop a request
43 for proposals for each definitive component of Part I,
44 Part II, and Part III of the system as provided in
45 this section, or the department board may provide in
46 the request for proposals for each such system that
47 separate contracts may shall be entered into for each
48 definitive component covered by the request for
49 proposals. The requests for proposals for components
50 of Parts I and II of the system may be for the

Page 7

1 purchase, lease-purchase, or lease of the component
2 parts of the system, may require maintenance costs to
3 be identified, and the resulting contract may provide
4 for maintenance for parts of the system. The master
5 contract may provide for electronic classrooms,
6 satellite equipment, receiving equipment, studio and
7 production equipment, and other associated equipment
8 as required.

9 The state shall lease all component parts for Part
10 III of the system from qualified providers. A
11 component of Part III shall not be owned by the state.
12 The board shall develop a statewide plan for leasing
13 of the components of Part III. The board must approve
14 a Part III statewide leasing plan before Part III of
15 the system may proceed. The board is authorized to
16 review the terms of any lease entered into related to
17 Part III of the system. However, a local school
18 district is not required to be included in the
19 statewide Part III leasing plan if the local school
20 board elects to provide one hundred percent of the
21 financing for the lease costs related to Part III.

22 Nothing in this section shall preclude a school
23 corporation from using or upgrading existing
24 facilities for use in the corporation's own district
25 or region for Part III of the system which meet the
26 specifications of the state communications network and
27 provide interactive audio and interactive video and
28 such data and voice capacity as is necessary.

29 A certified local exchange telephone company with
30 fewer than fifteen thousand access lines shall have
31 the right to provide through a lease with a school
32 corporation or a public library located within the
33 company's service territory any required individual

34 facility from a point of presence to an end point to
35 be used for providing any component of Part III. The
36 lease rate for a school corporation or a public
37 library for each component of Part III of the system
38 is limited to a fixed periodic fee to cover a ten-year
39 amortization of the capital cost of new facilities,
40 including the placement and construction of such
41 facilities, to serve the school corporation or public
42 library and the actual ongoing costs of providing
43 service, including costs for maintenance, repairs,
44 taxes, and other costs directly related to leasing a
45 component of Part III of the system to the school
46 corporation or public library. Such amortization
47 shall be based upon the actual cost of the financing
48 for such facilities. The certified local exchange
49 telephone company shall not assess a school
50 corporation or public library any toll charge for

Page 8

1 communications transmitted entirely on the state
2 communications network.
3 A certified local exchange telephone company with
4 fewer than fifteen thousand access lines shall have
5 the right to provide through a lease with a public or
6 private agency which is an authorized user, other than
7 a school corporation or public library located within
8 the company's service territory, any required
9 individual facility from a point of presence to an end
10 point to be used for providing any component of Part
11 III. The lease rate for such authorized user for each
12 component of Part III of the system is limited to a
13 fixed periodic fee to cover a ten-year amortization of
14 the capital cost of new facilities to serve such
15 authorized user; and the actual ongoing costs of
16 providing service, including costs for maintenance,
17 repairs, taxes, and other costs directly related to
18 leasing a component of Part III of the system to such
19 authorized user; and may include a reasonable return
20 on the unamortized balance of the capital costs.
21 A certified local exchange telephone company with
22 fewer than fifteen thousand access lines shall have
23 ninety days, from the date an authorized user has
24 requested that the local exchange telephone company
25 provide through a lease the required facilities
26 related to Part III of the network, to notify such
27 user as to whether the local exchange telephone
28 company elects to provide the required facilities. If
29 a certified local exchange telephone company with
30 fewer than fifteen thousand access lines elects not to

31 provide required facilities pursuant to a lease with
32 an authorized user as provided by this subsection, the
33 Iowa communications network board shall develop a
34 request for proposals for lease of the required
35 facilities. The board shall determine the form and
36 content of the request for proposals and shall
37 determine which proposal will be accepted for
38 providing the required facilities. Proposals may be
39 submitted by any qualified person including other
40 certified local exchange telephone companies.
41 However, a proposal shall not be submitted by the
42 certified local exchange telephone company electing
43 not to provide such facilities pursuant to this
44 subsection.

45 For all private agencies and public agencies
46 located in an area served by a certified local
47 exchange telephone company with fifteen thousand or
48 more access lines, proposals for providing the
49 components of Part III of the system may be submitted
50 by any qualified person. Notwithstanding the terms of

Page 9

1 any lease agreement entered into between a qualified
2 person and a school corporation located in an area
3 served by a certified local exchange telephone company
4 with fifteen thousand or more access lines, the school
5 district shall not be assessed any toll charge for
6 communications transmitted entirely on the state
7 communications network.

8 The periodic lease rate for each component shall be
9 reviewed by the Iowa communications network board for
10 compliance with reasonable norms established by rule.
11 The Iowa communications network board may reject a
12 lease rate proposal made by a certified local exchange
13 telephone company with fewer than fifteen thousand
14 access lines related to providing a component part for
15 Part III of the system if the board determines that
16 the rate is unreasonable. The board shall notify the
17 company of such rejection and the company may resubmit
18 an alternative lease rate proposal in the same manner
19 as the original proposal within forty-five days of
20 receipt of the notice of the rejection.

21 For purposes of this section, "new facilities" for
22 purposes of determining the capital cost to be
23 amortized in establishing the lease rate are those
24 facilities which are procured, installed, or
25 constructed to provide Part III of the system to a
26 user on or after the date such user certifies to the
27 board, in a manner as determined by the board, that

28 the user is ready to be connected to the network.
29 8. The Iowa public broadcasting board retains sole
30 authority over the educational telecommunications
31 applications of Part I of the system, and its
32 applications shall include management and operational
33 control; programming; budget; personnel; scheduling;
34 and program switching of educational material carried
35 by Part I of the system educational telecommunications
36 council shall coordinate the educational
37 telecommunication applications of the system pursuant
38 to the rules adopted by the Iowa communications
39 network board, including scheduling and program
40 switching of educational material carried by the
41 system. The Iowa public broadcasting board, through
42 its narrowcast system advisory committee, retains
43 coordination authority over the educational
44 telecommunications applications of Part II and Part
45 III of the system. Community colleges are responsible
46 for scheduling and switching of educational materials
47 carried by Part II and Part III of the system within
48 their respective areas. Such responsibility may be
49 accomplished by a chapter 28E agreement with the
50 department of general services. Scheduling of

Page 10

1 educational applications on the system shall be
2 administered by Iowa public television pursuant to
3 rules adopted by the board.
4 The narrowcast system advisory committee council
5 shall review all requests for grants for facilities
6 made by public agencies for educational
7 telecommunications applications, if they are a part of
8 the state the proposed activities involve the use of
9 or a connection to the state communications network,
10 to ensure that the educational telecommunications
11 application is objectives of the grants are consistent
12 with the telecommunications plan. If the narrowcast
13 system advisory committee council recommends to the
14 Iowa communications network board, and the Iowa
15 communications network board finds that a grant
16 request is inconsistent with the telecommunications
17 plan, the grant request shall not be allowed.
18 11. The fees charged for use of the network by an
19 authorized user for educational telecommunications
20 shall be based on the ongoing operational and
21 maintenance costs of the network only.
22 12. The Iowa public broadcasting communications
23 network board, in consultation with its narrowcast
24 system advisory committee, shall determine the fee

25 fees to be charged per course or credit hour by the
26 state for Parts I, II, and III of the system to the
27 originating institution, and the public and private
28 agencies authorized to use the system. The fees shall
29 be substantially the same for comparable courses uses
30 and authorized users. An authorized user of the
31 system may request a hearing pursuant to section 476.3
32 on a fee approved by the Iowa communications network
33 board.

34 14. Notwithstanding chapter 476, the provisions of
35 chapter 476 shall not apply to a public utility in
36 furnishing a telecommunications service or facility to
37 the department of general services for any part of the
38 state communications network.

39 Sec. 9. Section 18.136, Code 1993, is amended by
40 adding the following new subsections:

41 **NEW SUBSECTION. 13A. a.** Access to the network
42 shall be offered to agencies of the federal
43 government, not including the United States postal
44 service or any United States post office. An agency
45 of the federal government shall contribute, at a
46 minimum, an amount consistent with its share of use
47 for the part of the system in which the entity
48 participates, as determined by the Iowa communications
49 network board. Access to the network shall be
50 provided pursuant to a lease unless such lease would

Page 11

1 be prohibited by any of the following:

- 2 (1) Federal law.
- 3 (2) Rule or regulation of the federal agency.
- 4 (3) Policy of the federal agency.
- 5 (4) Lack of funding which prevents an ongoing
- 6 lease arrangement from being entered into.

7 If the Iowa communications network board determines
8 that a lease is prohibited as provided in this
9 paragraph, the board may still permit an agency of the
10 federal government access to the network upon a
11 showing by the federal agency to the board that
12 sufficient federal funding is available to pay for the
13 costs of connection to the network.

14 b. Access shall be offered to hospitals licensed
15 pursuant to chapter 135B. A hospital shall
16 contribute, at a minimum, an amount consistent with
17 its share of use for the part of the system in which
18 the hospital participates as determined by the Iowa
19 communications network board. Access to Parts I and
20 II of the network shall be offered to hospitals
21 licensed pursuant to chapter 135B for education and

22 distance learning applications; continuing medical
23 education applications; diagnostic, clinical, and
24 consultative services which require the use of
25 interactive video, the transmission of high quality
26 images, or the combination of text, video, visual, or
27 graphic information; the transmission of payments and
28 claims information to and from the medicaid program
29 established under Title XVIII of the federal Social
30 Security Act and the medical assistance (medicare)
31 program established pursuant to chapter 249A, the
32 health data commission or its successor agency, the
33 Iowa department of public health, and the community
34 health management information system, where such
35 information transmission assists in satisfying an
36 information-gathering duty assigned by statute; and
37 the transmission of government payments and claims
38 information to hospitals. This paragraph is repealed
39 effective June 30, 2003.

40 NEW SUBSECTION. 13B. Access shall not be provided
41 to any other entity pursuant to a chapter 28E or other
42 agreement except as expressly provided for by this
43 section.

44 NEW SUBSECTION. 13C. Notwithstanding the
45 provisions of subsection 4 regarding the lease of all
46 component parts for Part III of the system, an
47 authorized user may purchase a wireless system
48 utilizing a portion of the electromagnetic spectrum
49 allocated by the federal communications commission.
50 An authorized user eligible to receive state funding

Page 12

1 for the provision of the component parts for Part III
2 of the system, as provided in subsection 3, may also
3 utilize such wireless system. If such authorized user
4 determines to use such wireless system, the user shall
5 inform the board of the decision to utilize such
6 wireless system and the board shall develop a request
7 for proposals for providing such system. The wireless
8 system may be provided under a lease, lease-purchase
9 agreement, or a purchase of the wireless
10 communications system.

11 NEW SUBSECTION. 13D. Notwithstanding subsection
12 13B, access to and use of Part III of the network
13 shall not be limited so long as the transmission
14 facilities are owned and operated by a nongovernmental
15 entity.

16 Sec. 10. NEW SECTION. 18.137A DISPOSITION OF
17 INVESTMENT INTEREST EARNED.

18 Interest income earned on investment of funds

19 contained in the state communications network fund
 20 shall be credited by the treasurer of state to the
 21 state communications network fund to be used only for
 22 making additional payments above and beyond those
 23 scheduled to be made for the repayment of debt related
 24 to Parts I and II of the system when permissible under
 25 any financing agreement.

26 Sec. 11. Section 256.7, subsection 9, unnumbered
 27 paragraph 1, Code 1993, is amended to read as follows:

28 Adopt rules under chapter 17A for the use of
 29 telecommunications as an instructional tool for
 30 students enrolled in kindergarten through grade twelve
 31 and served by local school districts, accredited or
 32 approved nonpublic schools, area education agencies,
 33 community colleges, institutions of higher education
 34 under the state board of regents, and independent
 35 colleges and universities in elementary and secondary
 36 school classes and courses. The rules shall include
 37 but need not be limited to rules relating to programs,
 38 educational policy, instructional practices, staff
 39 development, use of pilot projects, curriculum
 40 monitoring, and the accessibility of licensed
 41 teachers. The rules shall encourage innovative use of
 42 educational telecommunications to meet student needs.
 43 The rules shall not abridge or modify agreements
 44 between an educator and an educational institution
 45 related to any copyright, patent, invention, software,
 46 instruction, instructional programming, or other
 47 intellectual property interest.

48 Sec. 12. Section 256.9, Code 1993, is amended by
 49 adding the following new subsection:

50 NEW SUBSECTION. 52. Provide technical assistance

Page 13

1 to users of the educational telecommunications system,
 2 coordinate staff development activities for
 3 educational users, and provide assistance in policy
 4 development to local and area education agencies for
 5 the use of educational telecommunications.

6 Sec. 13. NEW SECTION. 256.29 LOAN FOR
 7 TELECOMMUNICATIONS EQUIPMENT.

8 1. Notwithstanding sections 257B.1 and 257B.1A,
 9 for the fiscal year beginning July 1, 1993, from
 10 moneys designated as the permanent school fund of the
 11 state in section 257B.1, a merged area may obtain a
 12 loan to be used to pay for equipment to be located at
 13 the merged areas to enable the merged area to
 14 participate in a system which serves the educational
 15 needs of children of the state through

16 telecommunications. The department of revenue and
17 finance shall transfer funds from the permanent school
18 fund to the Iowa communications network training and
19 operations fund upon receipt of a written request from
20 the board of directors of a merged area up to the
21 following amounts:

22	a. Merged Area I	..... \$	153,535
23	b. Merged Area II	..... \$	134,343
24	c. Merged Area III	..... \$	95,960
25	d. Merged Area IV	..... \$	76,768
26	e. Merged Area V	..... \$	172,727
27	f. Merged Area VI	..... \$	76,768
28	g. Merged Area VII	..... \$	95,960
29	h. Merged Area IX	..... \$	76,768
30	i. Merged Area X	..... \$	134,343
31	j. Merged Area XI	..... \$	211,111
32	k. Merged Area XII	..... \$	115,152
33	l. Merged Area XIII	..... \$	134,343
34	m. Merged Area XIV	..... \$	153,535
35	n. Merged Area XV	..... \$	191,919
36	o. Merged Area XVI	..... \$	76,768

37 2. Loan moneys received under this section that
38 are not expended during the fiscal year beginning July
39 1, 1993, are available for expenditure during the
40 fiscal year beginning July 1, 1994.

41 Sec. 14. NEW SECTION. 256.36A MEDIA AND
42 EDUCATIONAL SERVICES FUND.

43 A media and educational services fund is
44 established in the treasurer's office under the
45 control of the department of education. Moneys
46 deposited in the fund shall be used for the
47 development of staff development programs for use on
48 the state communications network, and for the
49 development of programs to assist teachers in the use
50 of, and teaching on, the state communications network.

Page 14

1 Sec. 15. If the actual taxable valuation of real
2 property in the state is at least one-half of one
3 percent more than the estimated taxable valuation used
4 for determining property tax payments in the fiscal
5 year beginning July 1, 1993, resulting in a decrease
6 in the amount of general fund expenditures for
7 foundation aid payments pursuant to chapter 257, there
8 is appropriated from the general fund of the state to
9 the department of education for the fiscal year
10 beginning July 1, 1993, and ending June 30, 1994, the
11 following amount, or so much thereof as may be
12 necessary, to be used for the purpose designated:

13 1. Notwithstanding chapter 260D, to merged areas
 14 as defined in section 260C.2, for educational training
 15 and for ongoing operational expenses related to
 16 participation in the state communications network,
 17 including but not limited to maintenance costs, repair
 18 costs, cost of necessary equipment, and other
 19 necessary expenditures:
 20 \$ 2,000,000
 21 The funds appropriated in this subsection shall be
 22 allocated as follows:
 23 a. Merged Area I \$ 161,616
 24 b. Merged Area II \$ 141,414
 25 c. Merged Area III \$ 101,010
 26 d. Merged Area IV \$ 80,808
 27 e. Merged Area V \$ 181,818
 28 f. Merged Area VI \$ 80,808
 29 g. Merged Area VII \$ 101,010
 30 h. Merged Area IX \$ 80,808
 31 i. Merged Area X \$ 141,414
 32 j. Merged Area XI \$ 222,222
 33 k. Merged Area XII \$ 121,212
 34 l. Merged Area XIII \$ 141,414
 35 m. Merged Area XIV \$ 161,616
 36 n. Merged Area XV \$ 202,020
 37 o. Merged Area XVI \$ 80,810

38 2. If the increase in taxable valuation is less
 39 than one-half of one percent as provided in subsection
 40 1, then the actual amount appropriated pursuant to
 41 this section shall be reduced proportionally by the
 42 percentage represented by the actual percent increase
 43 in taxable valuation divided by one-half of one
 44 percent.

45 Sec. 16. NEW SECTION. 260C.80 IOWA
 46 **COMMUNICATIONS NETWORK TRAINING AND OPERATIONS FUND.**

47 1. An Iowa communications network training and
 48 operations fund is established in the office of the
 49 treasurer of state under the control of the department
 50 of education. Moneys deposited in the fund from

1 sources other than the permanent school fund of the
 2 state shall be used to reimburse the permanent school
 3 fund of the state, as provided in subsection 3, for
 4 amounts transferred to the merged areas pursuant to
 5 section 256.29, costs of educational training, costs
 6 associated with the state communications network, and
 7 for other necessary expenditures related to the
 8 network. All moneys deposited in the fund are subject
 9 to appropriation by the general assembly.

10 2. It is the intent of the general assembly that
11 the amounts deposited into this fund be appropriated
12 for educational training related to use of the state
13 communications network and for ongoing operational
14 expenses related to participation in the state
15 communications network, including maintenance costs,
16 repair costs, costs of necessary equipment, and other
17 necessary expenditures. It is the intent of the
18 general assembly that amounts in the fund be
19 appropriated for the merged areas' participation in
20 the state communications network.

21 3. Notwithstanding any other provision of chapter
22 260E to the contrary, for a period of ten years beyond
23 the scheduled maturity of certificates issued under
24 chapter 260E prior to July 1, 1993, an amount equal to
25 the new jobs credit from withholding for each employer
26 which has entered into a new jobs training agreement
27 shall be deposited in the Iowa communications network
28 training and operations fund from amounts paid to the
29 treasurer of state by employers who have entered into
30 new jobs training agreements. Amounts in the Iowa
31 communications network training and operations fund
32 shall be used by the department for the payment of
33 principal and interest, pursuant to a schedule as
34 determined by the department of management, on amounts
35 transferred from the permanent school fund of the
36 state to a merged area pursuant to section 256.29.
37 Any unencumbered funds may be appropriated for the
38 purposes identified in subsection 2.

39 Sec. 17. Section 273.3, Code 1993, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 20. Be authorized to purchase
42 equipment as provided in section 279.48.

43 Sec. 18. NEW SECTION. 279.48 EQUIPMENT PURCHASE.

44 The board of directors of a school corporation may
45 purchase equipment, and may enter into a contract and
46 issue a note to pay for the equipment. The note must
47 mature within five years and bear interest at a rate
48 to be determined by the board of directors in the
49 manner provided in section 74A.3, subsection 1. The
50 board of directors, by resolution, shall provide for

Page 16

1 the form of the contract and note. Principal and
2 interest on the note must be payable from budgeted
3 receipts in the current budget for each year of a
4 period of up to five years.

5 Sec. 19. Section 298.3, subsection 3, Code 1993,
6 is amended to read as follows:

7 3. The purchase of buildings and the purchase of a
8 ~~single unit~~ of equipment or a technology system
9 exceeding five thousand dollars in value.

10 Sec. 20. Section 303.77, subsection 3, Code 1993,
11 is amended to read as follows:

12 3. The board shall appoint at least ~~two~~ one
13 ~~advisory committees~~ committee, each of which has no
14 more than a simple majority of members shall be of the
15 same gender, as follows:

16 a. ~~Advisory committee on the operation of the~~
17 ~~narrowcast system. The advisory committee shall be~~
18 ~~composed of members from among the users of the~~
19 ~~narrowcast system including representatives of~~
20 ~~institutions under the state board of regents,~~
21 ~~community colleges, area education agencies, classroom~~
22 ~~teachers, school district administrators, school~~
23 ~~district boards of directors, the department of~~
24 ~~economic development, the department of education, and~~
25 ~~private colleges and universities.~~

26 b. ~~Advisory~~ the advisory committee on journalistic
27 and editorial integrity. The division shall be
28 governed by the national principles of editorial
29 integrity developed by the editorial integrity
30 project.

31 Duties of the advisory ~~committees~~ committee, and of
32 additional advisory committees the board may from time
33 to time appoint, shall be specified in rules of
34 internal management adopted by the board.

35 Members of advisory committees shall receive actual
36 expenses incurred in performing their official duties.

37 Sec. 21. NEW SECTION. 476.30 FINDINGS --
38 STATEMENT OF POLICY.

39 The general assembly finds, in addition to other
40 standards for the provision of communications services
41 established in this chapter, all of the following:

42 1. Communications services should be available to
43 all citizens of this state at just, reasonable, and
44 affordable rates.

45 2. Competition should be permitted to function as
46 a substitute for certain aspects of regulation in
47 determining the variety, quality, and pricing of
48 communications services, when it is consistent with
49 the protection of consumers of communications services
50 and the furtherance of other relevant public interests

Page 17

1 and goals.

2 3. The utilities board should be authorized to
3 respond with sufficient flexibility to the rapidly

4 changing nature of the communications industry.
5 4. Development of, and prudent investment in,
6 advanced communications networks which foster economic
7 development in this state should be encouraged.

8 Sec. 22. NEW SECTION. 476.30A ALTERNATIVE FORMS
9 OF REGULATION.

10 1. Notwithstanding contrary provisions of this
11 chapter relating to rate-of-return regulation, the
12 board may adopt rules for utilities furnishing
13 communications services which authorize and establish
14 alternative forms of regulation other than rate-of-
15 return regulation. Alternative forms of regulation,
16 if approved by the board, may include provisions for
17 earnings sharing, revenue sharing, rate moratoria,
18 network modernization, incentive plans, or a
19 combination of these. Participation in an alternative
20 form of regulation is optional and at the election of
21 the utility.

22 2. A rate-regulated public utility furnishing
23 communications services may submit and the board may,
24 after notice and opportunity for hearing, approve or
25 modify a plan for an alternative form of regulation
26 specific to that utility. The plan may be applied to
27 any pending proceeding involving the utility. The
28 hearing on the plan may be conducted separately or as
29 part of any pending proceeding involving the utility.
30 If the board modifies the proposed plan, participation
31 in the modified plan for alternative regulation shall
32 be optional and at the election of the utility.

33 3. Before a rate-regulated public utility
34 furnishing communications services can operate under a
35 plan for alternative regulation, the consumer advocate
36 may file a petition under section 476.3, subsection 2.
37 The consumer advocate shall indicate whether a
38 complaint will be filed no later than sixty days after
39 the utility requests permission to operate under a
40 plan for alternative regulation under subsection 2.
41 If the consumer advocate indicates an intent to file a
42 petition, the consumer advocate shall have an
43 additional ninety days to file such petition. A
44 refund or rate adjustment to the customers of such
45 utility which results from a petition filed by the
46 consumer advocate, shall not be affected as a result
47 of the implementation or existence of a plan for
48 alternative regulation.

49 4. A utility participating in an alternative form
50 of regulation must participate for at least two years.

Page 18

- 1 5. The board, in considering a plan for an
2 alternative form of regulation for a utility, shall
3 evaluate the effect of the proposed plan in
4 relationship to all of the following:
- 5 a. Effecting just, nondiscriminatory, and
6 reasonable rates.
- 7 b. Provision of high quality, universally
8 available communications services.
- 9 c. Encouragement of investment in the
10 communications infrastructure, efficiency
11 improvements, and technological innovation.
- 12 d. The introduction of new communications products
13 and services.
- 14 e. Regulatory efficiency including reduction of
15 regulatory costs and delays.
- 16 6. Any utility plan for alternative regulation
17 shall, at a minimum, include all of the following:
- 18 a. A provision that at least fifty percent of the
19 dollar amounts identified for sharing between the
20 utility and its customers shall be returned to the
21 utility's customers.
- 22 b. The terms upon which changes in prices for
23 essential communications services may be approved by
24 the board.
- 25 c. Flexibility in establishing and changing
26 prices, terms, and conditions for nonessential
27 communications services.
- 28 d. Applicability of the board's service quality
29 standards.
- 30 e. Reporting of service offerings, prices, and
31 price changes to the board.
- 32 f. The term of the plan, not to exceed five years;
33 a provision for full board review during the last year
34 of the utility's operation under the plan, with notice
35 and an opportunity for hearing; and an opportunity,
36 not earlier than one year before the end of the plan,
37 for the consumer advocate or the utility to petition
38 for a rate case pursuant to section 476.3, subsection
39 2, or section 476.6.
- 40 g. The manner in which changes in revenues,
41 expenses, and investment due to exogenous factors
42 beyond the control of the utility may be reflected in
43 rates.
- 44 7. Notwithstanding the provisions of a plan for
45 alternative regulation, the board shall have authority
46 over both of the following:
- 47 a. The level, extent, scope, and timing of the
48 unbundling of services by the local exchange utility.

49 b. Appropriate methods for ensuring against cross-
50 subsidization of nonessential services through charges

Page 19

1 made for essential services.

2 8. Nothing in this section shall interfere with
3 the right of any person or body politic to file a
4 complaint pursuant to section 476.3, subsection 1,
5 regarding a utility's operation under a plan of
6 alternative regulation.

7 9. The utilities board shall study the effective-
8 ness of any plans for alternative regulation which are
9 approved. A study shall include a description of the
10 plan, identification of the local exchange utility or
11 utilities participating under the plan, and an
12 analysis of the effects of the plan, including but not
13 limited to, the extent to which the plan has generated
14 savings as a result of inducing additional
15 efficiencies by the utility. The results of a study
16 conducted pursuant to this subsection shall be
17 reported to the general assembly by January 15 after
18 the first full year that the plan is in effect.

19 Sec. 23. NEW SECTION. 476.30B PROHIBITED ACTS.

20 A utility electing to participate and submitting an
21 alternative regulation plan pursuant to section
22 476.30A shall not do any of the following:

23 1. Discriminate against another provider of
24 communications services in the pricing of, or by
25 refusing or delaying access to, essential network
26 services of the participating utility's local exchange
27 network.

28 2. Degrade the quality of access or service
29 provided to another provider of communications
30 services.

31 3. Fail to disclose in a timely manner, upon
32 request and pursuant to a protective agreement
33 concerning proprietary information, all information
34 reasonably necessary for the design of network
35 interface equipment or network interface services that
36 will meet the specifications of the participating
37 utility's local exchange network.

38 Sec. 24. NEW SECTION. 476.30C DEFINITIONS.

39 As used in sections 476.30 through 476.30B, unless
40 the context otherwise requires:

41 1. "Essential communications service" means that
42 communications service or equipment necessary for a
43 residential or business end-user to pursue, at a
44 minimum, voice communications on the public network in
45 a manner consistent with community expectations and

46 the public interest as determined by the board.
 47 Essential communications services include, at a
 48 minimum, basic local telephone service, switched
 49 access, 911 and E-911 services, and relay service for
 50 communications-impaired persons. The board is

Page 20

1 authorized to classify by rule other communications
 2 services as essential communications services
 3 consistent with this definition.

4 2. "Nonessential communications services" means
 5 all communications services subject to the board's
 6 jurisdiction not deemed either by statute or by rule
 7 as essential communications services.

8 Sec. 25. Section 476.3, subsection 2, Code 1993,
 9 is amended by adding the following new unnumbered
 10 paragraph:

11 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
 12 provisions of this subsection authorizing the consumer
 13 advocate to file a petition with the board alleging
 14 that a utility's rates are excessive, the consumer
 15 advocate shall not file a petition under this
 16 subsection which alleges that a local exchange
 17 utility's rates are excessive while the local exchange
 18 utility is participating in an approved plan of
 19 alternative regulation approved by the board pursuant
 20 to section 476.30A, except as provided in section
 21 476.30A, subsection 6, paragraph "f".

22 Sec. 26. Section 477.1, Code 1993, is amended to
 23 read as follows:

24 477.1 RIGHT-OF-WAY.

25 Any person, firm, and corporation, within or
 26 without the state, may construct a telegraph or
 27 telephone line or cable system along the public roads
 28 of the state, or across or under the rivers or over,
 29 under, or through any lands belonging to the state or
 30 any private individual, and may erect or install
 31 necessary fixtures. The state may construct Parts I
 32 and II and a certified local exchange telephone
 33 company may construct Part III of the state
 34 communications network established in division V of
 35 chapter 18 along the public roads of the state, and
 36 private ways, or across or under the rivers or over,
 37 under, or through any lands belonging to a private
 38 person or individual, and may erect or install
 39 necessary equipment and fixtures on such property
 40 including installing and maintaining equipment in
 41 structures at an endpoint, and at other points along
 42 the network. However, construction of a telegraph or

43 telephone line or cable system along a primary road is
44 subject to rules adopted by the state department of
45 transportation.
46 Sec. 27. INITIAL BOARD CHAIRPERSON.
47 Notwithstanding the provision of section 18.133A,
48 subsection 3, the initial chairperson of the board
49 shall be appointed by the governor from the membership
50 of the board for a two-year term.”

MICHAEL E. GRONSTAL

S-3763

1 Amend Senate File 417 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. Section 18.133, subsection 1, Code
5 1993, is amended by striking the subsection and
6 inserting in lieu thereof the following:
7 1. “Board” means the Iowa communications network
8 board.
9 Sec. 2. Section 18.133, subsections 2 and 3, Code
10 1993, are amended to read as follows:
11 2. “Private agency” means accredited nonpublic
12 schools, ~~and~~ nonprofit institutions of higher
13 education eligible for tuition grants, and hospitals
14 licensed pursuant to chapter 135B.
15 3. “Public agency” means a state agency, a school
16 corporation, a city library, a regional library as
17 provided in chapter 303B, ~~and~~ a county library as
18 provided in chapter 336, and agencies of the federal
19 government not including the United States postal
20 service or any United States post office.
21 Sec. 3. NEW SECTION. 18.133A IOWA COMMUNICATIONS
22 NETWORK BOARD.
23 1. An Iowa communications network board is
24 established within the department of commerce with the
25 sole authority to supervise the management and
26 operation of the network. The board shall ensure that
27 the network operates in an efficient and responsible
28 manner consistent with the provisions of this chapter
29 for the purpose of providing the best economic service
30 attainable to the users consistent with the state’s
31 financial capacity. The use of the Iowa
32 communications network is subject to the review and
33 approval of the board. Such review and approval by
34 the board shall provide for the centralized,
35 coordinated use and control of the network. The board
36 may contract with appropriate vendors for the
37 maintenance, operation, management, and development of

38 the technical aspects and uses of Part I and Part II
39 of the network in a manner consistent with this
40 chapter for the purpose of providing the best services
41 attainable to the users consistent with the state's
42 financial capacity.

43 2. The communications division of the department
44 of general services shall provide sufficient resources
45 and staff to the board and to the department of
46 commerce to carry out all board responsibilities.

47 3. The board consists of nine members appointed by
48 the governor, subject to senate confirmation. The
49 members shall be citizens of the state who have
50 substantial knowledge of the subjects related to the

Page 2

1 state communications network. Members of the board
2 shall not have any interest, financially or otherwise,
3 in any entity related to or associated with any
4 activity concerning the planning, development,
5 operation, or maintenance of Part I or Part II of the
6 network as provided in chapter 68B. Members of the
7 board also shall not serve in any manner or be
8 employed by an interest or institution the interests
9 of which are represented by a member of the
10 educational telecommunications council established in
11 subsection 4. The appointments shall be based upon
12 the training, experience, and capacity of the
13 appointees in areas including, but not limited to,
14 public utility regulation, telecommunications, and
15 education issues related to the network. Members of
16 the board shall serve four-year staggered terms as
17 designated by the governor and appointments to the
18 board are subject to sections 69.16, 69.16A, and
19 69.19. Members shall receive actual and necessary
20 expenses and a per diem as provided in section 7E.6.
21 However, a member who is also a state employee shall
22 only receive the member's actual and necessary
23 expenses.

24 4. An educational telecommunications council is
25 established to advise the Iowa communications network
26 board concerning the educational telecommunication
27 applications of the system and other matters as
28 assigned by the board. The council consists of seven
29 members to be appointed by the board. The seven
30 members shall include one person representing the
31 state board of regents; one person representing the
32 department of education; one person representing the
33 community colleges; one person representing public
34 libraries; one person representing school districts;

35 one person representing the area education agencies;
36 and one person representing private colleges. The
37 council shall make long range plans for enhancements
38 needed for educational applications. Administrative
39 support and staffing for the council shall be provided
40 by the department of education.

41 The board shall establish a users' committee which
42 is broadly representative of users of the network to
43 advise the council and the board concerning
44 telecommunications applications. The council shall
45 also consult with any regional committees established
46 for educational telecommunications.

47 Sec. 4. NEW SECTION. 18.133B ANNUAL REPORT TO
48 LEGISLATURE.

49 The Iowa utilities board, the consumer advocate,
50 and the Iowa communications network board shall

Page 3

1 cooperate to produce a report to be delivered to the
2 governor and the general assembly no later than
3 December 31 of each year. The report shall include a
4 review of the effect of the state communications
5 network on the citizens of this state in relation to
6 the rates paid for intrastate telecommunications
7 service and the financial impact of the state
8 communications network on the state's public
9 telecommunications utilities. Additionally, the
10 report shall include information related to the number
11 of users on the network, the hours of use, a listing
12 of new users added to the network during the previous
13 year, a detailed accounting of how any amounts
14 appropriated for the Iowa communications network are
15 expended, other relevant financial information, and
16 other information deemed appropriate by the Iowa
17 utilities board, the consumer advocate, or the state
18 communications network board.

19 Sec. 5. Section 18.134, Code 1993, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 3. The use of any switching
22 equipment used for routing traffic on the network
23 shall be governed by the policies adopted by the Iowa
24 communications network board.

25 Sec. 6. NEW SECTION. 18.134A DISPOSITION OF
26 NETWORK -- LEGISLATIVE APPROVAL.

27 Notwithstanding any provision to the contrary, the
28 Iowa communications network board or the department of
29 general services shall not sell, lease, or otherwise
30 dispose of any component part of Part I or II of the
31 system without prior authorization by a constitutional

32 majority of each house of the general assembly and
33 approval by the governor.

34 Sec. 7. Section 18.135, Code 1993, is amended to
35 read as follows:

36 18.135 RULES.

37 The director board shall adopt rules relating to
38 the state communications network and its use in
39 accordance with this chapter, respecting the rights of
40 a public or private educational agency to determine
41 the contents of its educational program and its rights
42 to control its classrooms and teleconferencing
43 facility. Rules adopted by the board shall not
44 abridge the academic freedom of institutions offering
45 programs through the network. Rules adopted by the
46 board shall also not abridge or modify agreements
47 between an educator and an educational institution
48 related to any copyright, patent, invention, software,
49 instruction, instructional programming, or other
50 intellectual property interest. However, a public or

Page 4

1 private agency which is connected to the
2 communications network, as a condition to such
3 connection, shall establish procedures, terms, and
4 conditions governing the use of its teleconferencing
5 classroom or center by others in a manner which
6 provides reasonable access to educational
7 telecommunications applications available through the
8 network. The board shall adopt rules relating to this
9 provision, but shall not interfere with the prior
10 right of the public or private agency to use, manage,
11 or control such teleconferencing classroom or center.
12 The director board shall also adopt and provide for
13 standard communications procedures and policies to be
14 used by state agencies. However, rules adopted by the
15 board relating to state communications which are not
16 part of the network shall not apply to public
17 universities governed by the state board of regents.

18 Sec. 8. Section 18.136, subsections 1, 2, 3, 4, 8,
19 11, 12, and 14, Code 1993, are amended to read as
20 follows:

21 1. Moneys in the state communications network fund
22 are appropriated to the Iowa public broadcasting board
23 for purposes of providing financing for the
24 procurement, operation, and maintenance of a state
25 communications network with sufficient capacity to
26 serve the video, data, and voice requirements of state
27 agencies and the educational telecommunications
28 system. The treasurer of state, the department of

29 general services, the Iowa public broadcasting board,
30 the Iowa communications network board, and other
31 parties to any financing agreement for the network may
32 enter into a state communications network fund
33 agreement as to the application of proceeds of the
34 fund and procedures for the payment of amounts due
35 under the financing agreement from the state
36 communications network fund. The state communications
37 network consists of Part I, Part II, and Part III of
38 the system.

39 2. For purposes of this section, unless the
40 context otherwise requires:

41 a. "Part I of the system" means the communications
42 connections between and including the central
43 switching and the regional switching centers centers'
44 equipment for the remainder of the network as
45 designated by the board.

46 b. "Part II of the system" means the
47 communications connections between and including the
48 regional switching centers centers' equipment and the
49 secondary switching centers points of presence as
50 designated by the board including the network

Page 5

1 equipment at these points of presence. There shall be
2 a minimum of one point of presence in each county.

3 c. "Part III of the system" means the
4 communications connection between the secondary
5 switching centers point of presence and the end points
6 at the agencies defined in section 18.133, subsections
7 2 and 3 and 4.

8 d. "State communications network" or "network"
9 means Part I, Part II, and Part III of the system.

10 3. The financing for the procurement costs for the
11 entirety of Part I of the system, and the video, data,
12 and voice capacity for state agencies for Part II and
13 Part III of the system, shall be provided by the
14 state. The financing for the procurement costs for
15 Part II of the system shall also be provided eighty
16 percent from by the state and twenty percent from the
17 community colleges for the areas in which Part II of
18 the system is located. The basis for the state match
19 is eighty percent of a single interactive video and
20 interactive audio for Parts I and II of the system,
21 and such data and voice capacity as is necessary. The
22 financing for the procurement and maintenance lease
23 costs for Part III of the system shall be provided
24 eighty percent from by the state and twenty percent
25 from the local school boards of the areas which

26 receive transmissions from the system. The local
27 school boards may meet all or part of the match
28 requirements of Part III of the system through a
29 cooperative arrangement with community colleges. The
30 basis for the amount of state match financing is
31 eighty one hundred percent of a single interactive
32 audio and one-way interactive video connection for
33 Part III of the system, and such data and voice
34 capacity as is necessary. The local school boards and
35 community colleges may meet the match requirements for
36 Part II and Part III of the system from funds they
37 have already spent for their systems; from funds
38 available in the school budget; or from funds received
39 from other nonstate sources. In the case of existing
40 systems; in order to upgrade facilities to the
41 specifications of the state communications network;
42 the local school boards and community colleges; in
43 lieu of a cash match, may meet the match requirements
44 from funds they have already spent for their systems
45 provided that the state match does not exceed the
46 lesser of eighty percent of the total cost of the
47 upgraded system or eighty percent of the replacement
48 cost of the system. The communications equipment
49 funds used as a match by a community college shall be
50 calculated based on verified expenditures for capital;

Page 6

1 equipment, hardware, and software for long-distance
2 learning technologies, including both audio and visual
3 transmission. The communications equipment used as a
4 match shall not subsequently be used as a match by
5 another educational entity or for another part of the
6 system. A local school board may request the school
7 budget review committee to adjust the allowable growth
8 for the school district so that the resulting increase
9 in budget could be used for the match. A local school
10 board shall determine the type of classroom facility
11 to be provided and the type of facility or equipment
12 to be used in providing the connection to the school
13 or the classroom. If a local school board elects to
14 provide one hundred percent of the financing for the
15 lease costs for Part III, the school district may
16 become part of the system as soon as the network can
17 reasonably connect it. A local school board may also
18 elect that the school district not to become part of
19 the system. Such election shall be made on an annual
20 basis. State matching funds shall not be provided for
21 Part III of the system until Part I and Part II of the
22 system have been completed. Leasing of Part III of

23 the system may proceed before Part I and Part II of
24 the system have been completed as determined by the
25 board.
26 4. The department of general services Iowa
27 communications network board shall develop the
28 requests for proposals that are needed for a state
29 communications network with sufficient capacity to
30 serve the video, data, and voice requirements of state
31 agencies and the educational telecommunications
32 applications required by the Iowa public broadcasting
33 communications network board. The department shall
34 develop a request for proposals for each of the
35 systems that will make up the network The utilities
36 board shall provide technical assistance to the Iowa
37 communications network board in the development of the
38 request for proposals. The department may Iowa
39 communications network board shall develop a request
40 for proposals for each definitive component of Part I,
41 Part II, and Part III of the system as provided in
42 this section, or the department board may provide in
43 the request for proposals for each such system that
44 separate contracts may shall be entered into for each
45 definitive component covered by the request for
46 proposals. The requests for proposals for components
47 of Parts I and II of the system may be for the
48 purchase, lease-purchase, or lease of the component
49 parts of the system, may require maintenance costs to
50 be identified, and the resulting contract may provide

Page 7

1 for maintenance for parts of the system. The master
2 contract may provide for electronic classrooms,
3 satellite equipment, receiving equipment, studio and
4 production equipment, and other associated equipment
5 as required.
6 The state shall lease all component parts for Part
7 III of the system from qualified providers. A
8 component of Part III shall not be owned by the state.
9 The board shall develop a statewide plan for leasing
10 of the components of Part III. The board must approve
11 a Part III statewide leasing plan before Part III of
12 the system may proceed. The board is authorized to
13 review the terms of any lease entered into related to
14 Part III of the system. However, a local school
15 district is not required to be included in the
16 statewide Part III leasing plan if the local school
17 board elects to provide one hundred percent of the
18 financing for the lease costs related to Part III.
19 Nothing in this section shall preclude a school

20 corporation from using or upgrading existing
21 facilities for use in the corporation's own district
22 or region for Part III of the system which meet the
23 specifications of the state communications network and
24 provide interactive audio and interactive video and
25 such data and voice capacity as is necessary.
26 A certified local exchange telephone company with
27 fewer than fifteen thousand access lines shall have
28 the right to provide through a lease with a school
29 corporation or a public library located within the
30 company's service territory any required individual
31 facility from a point of presence to an end point to
32 be used for providing any component of Part III. The
33 lease rate for a school corporation or a public
34 library for each component of Part III of the system
35 is limited to a fixed periodic fee to cover a ten-year
36 amortization of the capital cost of new facilities,
37 including the placement and construction of such
38 facilities, to serve the school corporation or public
39 library and the actual ongoing costs of providing
40 service, including costs for maintenance, repairs,
41 taxes, and other costs directly related to leasing a
42 component of Part III of the system to the school
43 corporation or public library. Such amortization
44 shall be based upon the actual cost of the financing
45 for such facilities. The certified local exchange
46 telephone company shall not assess a school
47 corporation or public library any toll charge for
48 communications transmitted entirely on the state
49 communications network.
50 A certified local exchange telephone company with

Page 8

1 fewer than fifteen thousand access lines shall have
2 the right to provide through a lease with a public or
3 private agency which is an authorized user, other than
4 a school corporation or public library located within
5 the company's service territory, any required
6 individual facility from a point of presence to an end
7 point to be used for providing any component of Part
8 III. The lease rate for such authorized user for each
9 component of Part III of the system is limited to a
10 fixed periodic fee to cover a ten-year amortization of
11 the capital cost of new facilities to serve such
12 authorized user; and the actual ongoing costs of
13 providing service, including costs for maintenance,
14 repairs, taxes, and other costs directly related to
15 leasing a component of Part III of the system to such
16 authorized user; and may include a reasonable return

17 on the unamortized balance of the capital costs.

18 A certified local exchange telephone company with
19 fewer than fifteen thousand access lines shall have
20 ninety days, from the date an authorized user has
21 requested that the local exchange telephone company
22 provide through a lease the required facilities
23 related to Part III of the network, to notify such
24 user as to whether the local exchange telephone
25 company elects to provide the required facilities. If
26 a certified local exchange telephone company with
27 fewer than fifteen thousand access lines elects not to
28 provide required facilities pursuant to a lease with
29 an authorized user as provided by this subsection, the
30 Iowa communications network board shall develop a
31 request for proposals for lease of the required
32 facilities. The board shall determine the form and
33 content of the request for proposals and shall
34 determine which proposal will be accepted for
35 providing the required facilities. Proposals may be
36 submitted by any qualified person including other
37 certified local exchange telephone companies.
38 However, a proposal shall not be submitted by the
39 certified local exchange telephone company electing
40 not to provide such facilities pursuant to this
41 subsection.

42 For all private agencies and public agencies
43 located in an area served by a certified local
44 exchange telephone company with fifteen thousand or
45 more access lines, proposals for providing the
46 components of Part III of the system may be submitted
47 by any qualified person. Notwithstanding the terms of
48 any lease agreement entered into between a qualified
49 person and a school corporation located in an area
50 served by a certified local exchange telephone company

Page 9

1 with fifteen thousand or more access lines, the school
2 district shall not be assessed any toll charge for
3 communications transmitted entirely on the state
4 communications network.

5 The periodic lease rate for each component shall be
6 reviewed by the Iowa communications network board for
7 compliance with reasonable norms established by rule.
8 The Iowa communications network board may reject a
9 lease rate proposal made by a certified local exchange
10 telephone company with fewer than fifteen thousand
11 access lines related to providing a component part for
12 Part III of the system if the board determines that
13 the rate is unreasonable. The board shall notify the

14 company of such rejection and the company may resubmit
15 an alternative lease rate proposal in the same manner
16 as the original proposal within forty-five days of
17 receipt of the notice of the rejection.

18 For purposes of this section, "new facilities" for
19 purposes of determining the capital cost to be
20 amortized in establishing the lease rate are those
21 facilities which are procured, installed, or
22 constructed to provide Part III of the system to a
23 user on or after the date such user certifies to the
24 board, in a manner as determined by the board, that
25 the user is ready to be connected to the network.

26 8. The Iowa public broadcasting board retains sole
27 authority over the educational telecommunications
28 applications of Part I of the system; and its
29 authority shall include management and operational
30 control; programming; budget; personnel; scheduling;
31 and program switching of educational material carried
32 by Part I of the system educational telecommunications
33 council shall coordinate the educational
34 telecommunication applications of the system pursuant
35 to the rules adopted by the Iowa communications
36 network board, including scheduling and program
37 switching of educational material carried by the
38 system. The Iowa public broadcasting board; through
39 its narrowcast system advisory committee; retains
40 coordination authority over the educational
41 telecommunications applications of Part II and Part
42 III of the system. Community colleges are responsible
43 for scheduling and switching of educational materials
44 carried by Part II and Part III of the system within
45 their respective areas. Such responsibility may be
46 accomplished by a chapter 28E agreement with the
47 department of general services. Scheduling of
48 educational applications on the system shall be
49 administered by Iowa public television pursuant to
50 rules adopted by the board.

Page 10

1 The narrowcast system advisory committee council
2 shall review all requests for grants for facilities
3 made by public agencies for educational
4 telecommunications applications, if they are a part of
5 the state the proposed activities involve the use of
6 or a connection to the state communications network,
7 to ensure that the educational telecommunications
8 application is objectives of the grants are consistent
9 with the telecommunications plan. If the narrowcast
10 system advisory committee council recommends to the

11 Iowa communications network board, and the Iowa
12 communications network board finds that a grant
13 request is inconsistent with the telecommunications
14 plan, the grant request shall not be allowed.

15 11. The fees charged for use of the network by an
16 authorized user for educational telecommunications
17 shall be based on the ongoing operational and
18 maintenance costs of the network only.

19 12. The Iowa public broadcasting communications
20 network board; in consultation with its narrowcast
21 system advisory committee, shall determine the fee
22 fees to be charged per course or credit hour by the
23 state for Parts I, II, and III of the system to the
24 originating institution; and the public and private
25 agencies authorized to use the system. The fees shall
26 be substantially the same for comparable courses uses
27 and authorized users. An authorized user of the
28 system may request a hearing pursuant to section 476.3
29 on a fee approved by the Iowa communications network
30 board.

31 14. Notwithstanding chapter 476, the provisions of
32 chapter 476 shall not apply to a public utility in
33 furnishing a telecommunications service or facility to
34 the department of general services for any part of the
35 state communications network.

36 Sec. 9. Section 18.136, Code 1993, is amended by
37 adding the following new subsections:

38 NEW SUBSECTION. 13A. a. Access to the network
39 shall be offered to agencies of the federal
40 government, not including the United States postal
41 service or any United States post office. An agency
42 of the federal government shall contribute, at a
43 minimum, an amount consistent with its share of use
44 for the part of the system in which the entity
45 participates, as determined by the Iowa communications
46 network board. Access to the network shall be
47 provided pursuant to a lease unless such lease would
48 be prohibited by any of the following:

49 (1) Federal law.
50 (2) Rule or regulation of the federal agency.

Page 11

- 1 (3) Policy of the federal agency.
- 2 (4) Lack of funding which prevents an ongoing
- 3 lease arrangement from being entered into.
- 4 If the Iowa communications network board determines
- 5 that a lease is prohibited as provided in this
- 6 paragraph, the board may still permit an agency of the
- 7 federal government access to the network upon a

8 showing by the federal agency to the board that
9 sufficient federal funding is available to pay for the
10 costs of connection to the network.

11 b. Access shall be offered to hospitals licensed
12 pursuant to chapter 135B. A hospital shall
13 contribute, at a minimum, an amount consistent with
14 its share of use for the part of the system in which
15 the hospital participates as determined by the Iowa
16 communications network board. Access to Parts I and
17 II of the network shall be offered to hospitals
18 licensed pursuant to chapter 135B for education and
19 distance learning applications; continuing medical
20 education applications; diagnostic, clinical, and
21 consultative services which require the use of
22 interactive video, the transmission of high quality
23 images, or the combination of text, video, visual, or
24 graphic information; the transmission of payments and
25 claims information to and from the medicaid program
26 established under Title XVIII of the federal Social
27 Security Act and the medical assistance (medicare)
28 program established pursuant to chapter 249A, the
29 health data commission or its successor agency, the
30 Iowa department of public health, and the community
31 health management information system, where such
32 information transmission assists in satisfying an
33 information-gathering duty assigned by statute; and
34 the transmission of government payments and claims
35 information to hospitals. This paragraph is repealed
36 effective June 30, 2003.

37 NEW SUBSECTION. 13B. Access shall not be provided
38 to any other entity pursuant to a chapter 28E or other
39 agreement except as expressly provided for by this
40 section.

41 NEW SUBSECTION. 13C. Notwithstanding the
42 provisions of subsection 4 regarding the lease of all
43 component parts for Part III of the system, an
44 authorized user may purchase a wireless system
45 utilizing a portion of the electromagnetic spectrum
46 allocated by the federal communications commission.
47 An authorized user eligible to receive state funding
48 for the provision of the component parts for Part III
49 of the system, as provided in subsection 3, may also
50 utilize such wireless system. If such authorized user

Page 12

1 determines to use such wireless system, the user shall
2 inform the board of the decision to utilize such
3 wireless system and the board shall develop a request
4 for proposals for providing such system. The wireless

5 system may be provided under a lease, lease-purchase
6 agreement, or a purchase of the wireless
7 communications system.

8 **NEW SUBSECTION. 13D.** Notwithstanding subsection
9 13B, access to and use of Part III of the network
10 shall not be limited so long as the transmission
11 facilities are owned and operated by a nongovernmental
12 entity.

13 **Sec. 10. NEW SECTION. 18.137A DISPOSITION OF**
14 **INVESTMENT INTEREST EARNED.**

15 Interest income earned on investment of funds
16 contained in the state communications network fund
17 shall be credited by the treasurer of state to the
18 state communications network fund to be used only for
19 making additional payments above and beyond those
20 scheduled to be made for the repayment of debt related
21 to Parts I and II of the system when permissible under
22 any financing agreement.

23 **Sec. 11. Section 256.7, subsection 9, unnumbered**
24 **paragraph 1, Code 1993, is amended to read as follows:**

25 Adopt rules under chapter 17A for the use of
26 telecommunications as an instructional tool for
27 students enrolled in kindergarten through grade twelve
28 and served by local school districts, accredited or
29 approved nonpublic schools, area education agencies,
30 community colleges, institutions of higher education
31 under the state board of regents, and independent
32 colleges and universities in elementary and secondary
33 school classes and courses. The rules shall include
34 but need not be limited to rules relating to programs,
35 educational policy, instructional practices, staff
36 development, use of pilot projects, curriculum
37 monitoring, and the accessibility of licensed
38 teachers. The rules shall encourage innovative use of
39 educational telecommunications to meet student needs.
40 The rules shall not abridge or modify agreements
41 between an educator and an educational institution
42 related to any copyright, patent, invention, software,
43 instruction, instructional programming, or other
44 intellectual property interest.

45 **Sec. 12. Section 256.9, Code 1993, is amended by**
46 **adding the following new subsection:**

47 **NEW SUBSECTION. 52.** Provide technical assistance
48 to users of the educational telecommunications system,
49 coordinate staff development activities for
50 educational users, and provide assistance in policy

Page 13

1 development to local and area education agencies for
 2 the use of educational telecommunications.
 3 Sec. 13. NEW SECTION. 256.29 LOAN FOR
 4 TELECOMMUNICATIONS EQUIPMENT.
 5 1. Notwithstanding sections 257B.1 and 257B.1A,
 6 for the fiscal year beginning July 1, 1993, from
 7 moneys designated as the permanent school fund of the
 8 state in section 257B.1, a merged area may obtain a
 9 loan to be used to pay for equipment to be located at
 10 the merged areas to enable the merged area to
 11 participate in a system which serves the educational
 12 needs of children of the state through
 13 telecommunications. The department of revenue and
 14 finance shall transfer funds from the permanent school
 15 fund to the Iowa communications network training and
 16 operations fund upon receipt of a written request from
 17 the board of directors of a merged area up to the
 18 following amounts:

19	a. Merged Area I	..... \$	153,535
20	b. Merged Area II	..... \$	134,343
21	c. Merged Area III	..... \$	95,960
22	d. Merged Area IV	..... \$	76,768
23	e. Merged Area V	..... \$	172,727
24	f. Merged Area VI	..... \$	76,768
25	g. Merged Area VII	..... \$	95,960
26	h. Merged Area IX	..... \$	76,768
27	i. Merged Area X	..... \$	134,343
28	j. Merged Area XI	..... \$	211,111
29	k. Merged Area XII	..... \$	115,152
30	l. Merged Area XIII	..... \$	134,343
31	m. Merged Area XIV	..... \$	153,535
32	n. Merged Area XV	..... \$	191,919
33	o. Merged Area XVI	..... \$	76,768

34 2. Loan moneys received under this section that
 35 are not expended during the fiscal year beginning July
 36 1, 1993, are available for expenditure during the
 37 fiscal year beginning July 1, 1994.

38 Sec. 14. NEW SECTION. 256.36A MEDIA AND
 39 EDUCATIONAL SERVICES FUND.

40 A media and educational services fund is
 41 established in the treasurer's office under the
 42 control of the department of education. Moneys
 43 deposited in the fund shall be used for the
 44 development of staff development programs for use on
 45 the state communications network, and for the
 46 development of programs to assist teachers in the use
 47 of, and teaching on, the state communications network.

48 Sec. 15. If the actual taxable valuation of real

49 property in the state is at least one-half of one
50 percent more than the estimated taxable valuation used

Page 14

1 for determining property tax payments in the fiscal
2 year beginning July 1, 1993, resulting in a decrease
3 in the amount of general fund expenditures for
4 foundation aid payments pursuant to chapter 257, there
5 is appropriated from the general fund of the state to
6 the department of education for the fiscal year
7 beginning July 1, 1993, and ending June 30, 1994, the
8 following amount, or so much thereof as may be
9 necessary, to be used for the purpose designated:

10 1. Notwithstanding chapter 260D, to merged areas
11 as defined in section 260C.2, for educational training
12 and for ongoing operational expenses related to
13 participation in the state communications network,
14 including but not limited to maintenance costs, repair
15 costs, cost of necessary equipment, and other
16 necessary expenditures:

17 \$ 2,000,000

18 The funds appropriated in this subsection shall be
19 allocated as follows:

20	a. Merged Area I	\$	161,616
21	b. Merged Area II	\$	141,414
22	c. Merged Area III	\$	101,010
23	d. Merged Area IV	\$	80,808
24	e. Merged Area V	\$	181,818
25	f. Merged Area VI	\$	80,808
26	g. Merged Area VII	\$	101,010
27	h. Merged Area IX	\$	80,808
28	i. Merged Area X	\$	141,414
29	j. Merged Area XI	\$	222,222
30	k. Merged Area XII	\$	121,212
31	l. Merged Area XIII	\$	141,414
32	m. Merged Area XIV	\$	161,616
33	n. Merged Area XV	\$	202,020
34	o. Merged Area XVI	\$	80,810

35 2. If the increase in taxable valuation is less
36 than one-half of one percent as provided in subsection
37 1, then the actual amount appropriated pursuant to
38 this section shall be reduced proportionally by the
39 percentage represented by the actual percent increase
40 in taxable valuation divided by one-half of one
41 percent.

42 Sec. 16. NEW SECTION. 260C.80 IOWA.
43 COMMUNICATIONS NETWORK TRAINING AND OPERATIONS FUND.

44 1. An Iowa communications network training and
45 operations fund is established in the office of the

46 treasurer of state under the control of the department
47 of education. Moneys deposited in the fund from
48 sources other than the permanent school fund of the
49 state shall be used to reimburse the permanent school
50 fund of the state, as provided in subsection 3, for

Page 15

1 amounts transferred to the merged areas pursuant to
2 section 256.29, costs of educational training, costs
3 associated with the state communications network, and
4 for other necessary expenditures related to the
5 network. All moneys deposited in the fund are subject
6 to appropriation by the general assembly.

7 2. It is the intent of the general assembly that
8 the amounts deposited into this fund be appropriated
9 for educational training related to use of the state
10 communications network and for ongoing operational
11 expenses related to participation in the state
12 communications network, including maintenance costs,
13 repair costs, costs of necessary equipment, and other
14 necessary expenditures. It is the intent of the
15 general assembly that amounts in the fund be
16 appropriated for the merged areas' participation in
17 the state communications network.

18 3. Notwithstanding any other provision of chapter
19 260E to the contrary, for a period of ten years beyond
20 the scheduled maturity of certificates issued under
21 chapter 260E prior to July 1, 1993, an amount equal to
22 the new jobs credit from withholding for each employer
23 which has entered into a new jobs training agreement
24 shall be deposited in the Iowa communications network
25 training and operations fund from amounts paid to the
26 treasurer of state by employers who have entered into
27 new jobs training agreements. Amounts in the Iowa
28 communications network training and operations fund
29 shall be used by the department for the payment of
30 principal and interest, pursuant to a schedule as
31 determined by the department of management, on amounts
32 transferred from the permanent school fund of the
33 state to a merged area pursuant to section 256.29.
34 Any unencumbered funds may be appropriated for the
35 purposes identified in subsection 2.

36 Sec. 17. Section 273.3, Code 1993, is amended by
37 adding the following new subsection:

38 **NEW SUBSECTION. 20.** Be authorized to purchase
39 equipment as provided in section 279.48.

40 Sec. 18. **NEW SECTION. 279.48 EQUIPMENT PURCHASE.**

41 The board of directors of a school corporation may
42 purchase equipment, and may enter into a contract and

43 issue a note to pay for the equipment. The note must
 44 mature within five years and bear interest at a rate
 45 to be determined by the board of directors in the
 46 manner provided in section 74A.3, subsection 1. The
 47 board of directors, by resolution, shall provide for
 48 the form of the contract and note. Principal and
 49 interest on the note must be payable from budgeted
 50 receipts in the current budget for each year of a

Page 16

1 period of up to five years.
 2 Sec. 19. Section 298.3, subsection 3, Code 1993,
 3 is amended to read as follows:
 4 3. The purchase of buildings and the purchase of a
 5 ~~single unit of equipment or a technology system~~
 6 exceeding five thousand dollars in value.
 7 Sec. 20. Section 303.77, subsection 3, Code 1993,
 8 is amended to read as follows:
 9 3. The board shall appoint at least ~~two~~ one
 10 advisory ~~committees~~ committee, each of which has no
 11 more than a simple majority of members shall be of the
 12 same gender, as follows:
 13 a. ~~Advisory committee on the operation of the~~
 14 ~~narrowcast system. The advisory committee shall be~~
 15 ~~composed of members from among the users of the~~
 16 ~~narrowcast system including representatives of~~
 17 ~~institutions under the state board of regents;~~
 18 ~~community colleges, area education agencies, classroom~~
 19 ~~teachers, school district administrators, school~~
 20 ~~district boards of directors, the department of~~
 21 ~~economic development, the department of education, and~~
 22 ~~private colleges and universities.~~
 23 b. ~~Advisory~~ the advisory committee on journalistic
 24 and editorial integrity. The division shall be
 25 governed by the national principles of editorial
 26 integrity developed by the editorial integrity
 27 project.
 28 Duties of the advisory ~~committees~~ committee, and of
 29 additional advisory committees the board may from time
 30 to time appoint, shall be specified in rules of
 31 internal management adopted by the board.
 32 Members of advisory committees shall receive actual
 33 expenses incurred in performing their official duties.
 34 Sec. 21. NEW SECTION. 476.30 FINDINGS --
 35 STATEMENT OF POLICY.
 36 The general assembly finds, in addition to other
 37 standards for the provision of communications services
 38 established in this chapter, all of the following:
 39 1. Communications services should be available to

40 all citizens of this state at just, reasonable, and
41 affordable rates.
42 2. Competition should be permitted to function as
43 a substitute for certain aspects of regulation in
44 determining the variety, quality, and pricing of
45 communications services, when it is consistent with
46 the protection of consumers of communications services
47 and the furtherance of other relevant public interests
48 and goals.
49 3. The utilities board should be authorized to
50 respond with sufficient flexibility to the rapidly

Page 17

1 changing nature of the communications industry.
2 4. Development of, and prudent investment in,
3 advanced communications networks which foster economic
4 development in this state should be encouraged.
5 Sec. 22. NEW SECTION. 476.30A ALTERNATIVE FORMS
6 OF REGULATION.
7 1. Notwithstanding contrary provisions of this
8 chapter relating to rate-of-return regulation, the
9 board may adopt rules for utilities furnishing
10 communications services which authorize and establish
11 alternative forms of regulation other than rate-of-
12 return regulation. Alternative forms of regulation,
13 if approved by the board, may include provisions for
14 earnings sharing, revenue sharing, rate moratoria,
15 network modernization, incentive plans, or a
16 combination of these. Participation in an alternative
17 form of regulation is optional and at the election of
18 the utility.
19 2. A rate-regulated public utility furnishing
20 communications services may submit and the board may,
21 after notice and opportunity for hearing, approve or
22 modify a plan for an alternative form of regulation
23 specific to that utility. The plan may be applied to
24 any pending proceeding involving the utility. The
25 hearing on the plan may be conducted separately or as
26 part of any pending proceeding involving the utility.
27 If the board modifies the proposed plan, participation
28 in the modified plan for alternative regulation shall
29 be optional and at the election of the utility.
30 3. Before a rate-regulated public utility
31 furnishing communications services can operate under a
32 plan for alternative regulation, the consumer advocate
33 may file a petition under section 476.3, subsection 2.
34 The consumer advocate shall indicate whether a
35 complaint will be filed no later than sixty days after
36 the utility requests permission to operate under a

37 plan for alternative regulation under subsection 2.
38 If the consumer advocate indicates an intent to file a
39 petition, the consumer advocate shall have an
40 additional ninety days to file such petition. A
41 refund or rate adjustment to the customers of such
42 utility which results from a petition filed by the
43 consumer advocate, shall not be affected as a result
44 of the implementation or existence of a plan for
45 alternative regulation.
46 4. A utility participating in an alternative form
47 of regulation must participate for at least two years.
48 5. The board, in considering a plan for an
49 alternative form of regulation for a utility, shall
50 evaluate the effect of the proposed plan in

Page 18

1 relationship to all of the following:
2 a. Effecting just, nondiscriminatory, and
3 reasonable rates.
4 b. Provision of high quality, universally
5 available communications services.
6 c. Encouragement of investment in the
7 communications infrastructure, efficiency
8 improvements, and technological innovation.
9 d. The introduction of new communications products
10 and services.
11 e. Regulatory efficiency including reduction of
12 regulatory costs and delays.
13 6. Any utility plan for alternative regulation
14 shall, at a minimum, include all of the following:
15 a. A provision that at least fifty percent of the
16 dollar amounts identified for sharing between the
17 utility and its customers shall be returned to the
18 utility's customers.
19 b. The terms upon which changes in prices for
20 essential communications services may be approved by
21 the board.
22 c. Flexibility in establishing and changing
23 prices, terms, and conditions for nonessential
24 communications services.
25 d. Applicability of the board's service quality
26 standards.
27 e. Reporting of service offerings, prices, and
28 price changes to the board.
29 f. The term of the plan, not to exceed five years;
30 a provision for full board review during the last year
31 of the utility's operation under the plan, with notice
32 and an opportunity for hearing; and an opportunity,
33 not earlier than one year before the end of the plan,

34 for the consumer advocate or the utility to petition
35 for a rate case pursuant to section 476.3, subsection
36 2, or section 476.6.

37 g. The manner in which changes in revenues,
38 expenses, and investment due to exogenous factors
39 beyond the control of the utility may be reflected in
40 rates.

41 7. Notwithstanding the provisions of a plan for
42 alternative regulation, the board shall have authority
43 over both of the following:

44 a. The level, extent, scope, and timing of the
45 unbundling of services by the local exchange utility.

46 b. Appropriate methods for ensuring against cross-
47 subsidization of nonessential services through charges
48 made for essential services.

49 8. Nothing in this section shall interfere with
50 the right of any person or body politic to file a

Page 19

1 complaint pursuant to section 476.3, subsection 1,
2 regarding a utility's operation under a plan of
3 alternative regulation.

4 9. The utilities board shall study the effective-
5 ness of any plans for alternative regulation which are
6 approved. A study shall include a description of the
7 plan, identification of the local exchange utility or
8 utilities participating under the plan, and an
9 analysis of the effects of the plan, including but not
10 limited to, the extent to which the plan has generated
11 savings as a result of inducing additional
12 efficiencies by the utility. The results of a study
13 conducted pursuant to this subsection shall be
14 reported to the general assembly by January 15 after
15 the first full year that the plan is in effect.

16 Sec. 23. NEW SECTION. 476.30B PROHIBITED ACTS.

17 A utility electing to participate and submitting an
18 alternative regulation plan pursuant to section
19 476.30A shall not do any of the following:

20 1. Discriminate against another provider of
21 communications services in the pricing of, or by
22 refusing or delaying access to, essential network
23 services of the participating utility's local exchange
24 network.

25 2. Degrade the quality of access or service
26 provided to another provider of communications
27 services.

28 3. Fail to disclose in a timely manner, upon
29 request and pursuant to a protective agreement
30 concerning proprietary information, all information

31 reasonably necessary for the design of network
32 interface equipment or network interface services that
33 will meet the specifications of the participating
34 utility's local exchange network.

35 Sec. 24. NEW SECTION. 476.30C DEFINITIONS.

36 As used in sections 476.30 through 476.30B, unless
37 the context otherwise requires:

38 1. "Essential communications service" means that
39 communications service or equipment necessary for a
40 residential or business end-user to pursue, at a
41 minimum, voice communications on the public network in
42 a manner consistent with community expectations and
43 the public interest as determined by the board.
44 Essential communications services include, at a
45 minimum, basic local telephone service, switched
46 access, 911 and E-911 services, and relay service for
47 communications-impaired persons. The board is
48 authorized to classify by rule other communications
49 services as essential communications services
50 consistent with this definition.

Page 20

1 2. "Nonessential communications services" means
2 all communications services subject to the board's
3 jurisdiction not deemed either by statute or by rule
4 as essential communications services.

5 Sec. 25. Section 476.3, subsection 2, Code 1993,
6 is amended by adding the following new unnumbered
7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
9 provisions of this subsection authorizing the consumer
10 advocate to file a petition with the board alleging
11 that a utility's rates are excessive, the consumer
12 advocate shall not file a petition under this
13 subsection which alleges that a local exchange
14 utility's rates are excessive while the local exchange
15 utility is participating in an approved plan of
16 alternative regulation approved by the board pursuant
17 to section 476.30A, except as provided in section
18 476.30A, subsection 6, paragraph "f".

19 Sec. 26. Section 477.1, Code 1993, is amended to
20 read as follows:

21 477.1 RIGHT-OF-WAY.

22 Any person, firm, and corporation, within or
23 without the state, may construct a telegraph or
24 telephone line or cable system along the public roads
25 of the state, or across or under the rivers or over,
26 under, or through any lands belonging to the state or
27 any private individual, and may erect or install

28 necessary fixtures. The state may construct Parts I
29 and II and a certified local exchange telephone
30 company may construct Part III of the state
31 communications network established in division V of
32 chapter 18 along the public roads of the state, and
33 private ways, or across or under the rivers or over,
34 under, or through any lands belonging to a private
35 person or individual, and may erect or install
36 necessary equipment and fixtures on such property
37 including installing and maintaining equipment in
38 structures at an endpoint, and at other points along
39 the network. However, construction of a telegraph or
40 telephone line or cable system along a primary road is
41 subject to rules adopted by the state department of
42 transportation.

43 Sec. 27. INITIAL BOARD CHAIRPERSON.
44 Notwithstanding the provision of section 18.133A,
45 subsection 3, the initial chairperson of the board
46 shall be appointed by the governor from the membership
47 of the board for a two-year term."

MICHAEL E. GRONSTAL

S-3764

1 Amend Senate File 417 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 476.30 FINDINGS --
5 STATEMENT OF POLICY.

6 The general assembly finds, in addition to other
7 standards for the provision of communications services
8 established in this chapter, all of the following:

9 1. Communications services should be available to
10 all citizens of this state at just, reasonable, and
11 affordable rates.

12 2. Competition should be permitted to function as
13 a substitute for certain aspects of regulation in
14 determining the variety, quality, and pricing of
15 communications services, when it is consistent with
16 the protection of consumers of communications services
17 and the furtherance of other relevant public interests
18 and goals.

19 3. The utilities board should be authorized to
20 respond with sufficient flexibility to the rapidly
21 changing nature of the communications industry.

22 4. Development of, and prudent investment in,
23 advanced communications networks which foster economic
24 development in this state should be encouraged.

25 Sec. 2. NEW SECTION. 476.30A ALTERNATIVE FORMS

26 OF REGULATION.

27 1. Notwithstanding contrary provisions of this
28 chapter relating to rate-of-return regulation, the
29 board may adopt rules for utilities furnishing
30 communications services which authorize and establish
31 alternative forms of regulation other than rate-of-
32 return regulation. Alternative forms of regulation,
33 if approved by the board, may include provisions for
34 earnings sharing, revenue sharing, rate moratoria,
35 network modernization, incentive plans, or a
36 combination of these. Participation in an alternative
37 form of regulation is optional and at the election of
38 the utility.

39 2. A rate-regulated public utility furnishing
40 communications services may submit and the board may,
41 after notice and opportunity for hearing, approve or
42 modify a plan for an alternative form of regulation
43 specific to that utility. The plan may be applied to
44 any pending proceeding involving the utility. The
45 hearing on the plan may be conducted separately or as
46 part of any pending proceeding involving the utility.
47 If the board modifies the proposed plan, participation
48 in the modified plan for alternative regulation shall
49 be optional and at the election of the utility.
50 3. Before a rate-regulated public utility

Page 2

1 furnishing communications services can operate under a
2 plan for alternative regulation, the consumer advocate
3 may file a petition under section 476.3, subsection 2.

4 The consumer advocate shall indicate whether a
5 complaint will be filed no later than sixty days after
6 the utility requests permission to operate under a
7 plan for alternative regulation under subsection 2.
8 If the consumer advocate indicates an intent to file a
9 petition, the consumer advocate shall have an
10 additional ninety days to file such petition. A
11 refund or rate adjustment to the customers of such
12 utility which results from a petition filed by the
13 consumer advocate, shall not be affected as a result
14 of the implementation or existence of a plan for
15 alternative regulation.

16 4. A utility participating in an alternative form
17 of regulation must participate for at least two years.

18 5. The board, in considering a plan for an
19 alternative form of regulation for a utility, shall
20 evaluate the effect of the proposed plan in
21 relationship to all of the following:

22 a. Effecting just, nondiscriminatory, and

- 23 reasonable rates.
- 24 b. Provision of high quality, universally
25 available communications services.
- 26 c. Encouragement of investment in the
27 communications infrastructure, efficiency
28 improvements, and technological innovation.
- 29 d. The introduction of new communications products
30 and services.
- 31 e. Regulatory efficiency including reduction of
32 regulatory costs and delays.
- 33 6. Any utility plan for alternative regulation
34 shall, at a minimum, include all of the following:
- 35 a. A provision that at least fifty percent of the
36 dollar amounts identified for sharing between the
37 utility and its customers shall be returned to the
38 utility's customers.
- 39 b. The terms upon which changes in prices for
40 essential communications services may be approved by
41 the board.
- 42 c. Flexibility in establishing and changing
43 prices, terms, and conditions for nonessential
44 communications services.
- 45 d. Applicability of the board's service quality
46 standards.
- 47 e. Reporting of service offerings, prices, and
48 price changes to the board.
- 49 f. The term of the plan, not to exceed five years;
50 a provision for full board review during the last year

Page 3

- 1 of the utility's operation under the plan, with notice
2 and an opportunity for hearing; and an opportunity,
3 not earlier than one year before the end of the plan,
4 for the consumer advocate or the utility to petition
5 for a rate case pursuant to section 476.3, subsection
6 2, or section 476.6.
- 7 g. The manner in which changes in revenues,
8 expenses, and investment due to exogenous factors
9 beyond the control of the utility may be reflected in
10 rates.
- 11 7. Notwithstanding the provisions of a plan for
12 alternative regulation, the board shall have authority
13 over both of the following:
- 14 a. The level, extent, scope, and timing of the
15 unbundling of services by the local exchange utility.
- 16 b. Appropriate methods for ensuring against cross-
17 subsidization of nonessential services through charges
18 made for essential services.
- 19 8. Nothing in this section shall interfere with

20 the right of any person or body politic to file a
21 complaint pursuant to section 476.3, subsection 1,
22 regarding a utility's operation under a plan of
23 alternative regulation.

24 9. The utilities board shall study the effective-
25 ness of any plans for alternative regulation which are
26 approved. A study shall include a description of the
27 plan, identification of the local exchange utility or
28 utilities participating under the plan, and an
29 analysis of the effects of the plan, including but not
30 limited to, the extent to which the plan has generated
31 savings as a result of inducing additional
32 efficiencies by the utility. The results of a study
33 conducted pursuant to this subsection shall be
34 reported to the general assembly by January 15 after
35 the first full year that the plan is in effect.

36 Sec. 3. **NEW SECTION. 476.30B PROHIBITED ACTS.**

37 A utility electing to participate and submitting an
38 alternative regulation plan pursuant to section
39 476.30A shall not do any of the following:

40 1. Discriminate against another provider of
41 communications services in the pricing of, or by
42 refusing or delaying access to, essential network
43 services of the participating utility's local exchange
44 network.

45 2. Degrade the quality of access or service
46 provided to another provider of communications
47 services.

48 3. Fail to disclose in a timely manner, upon
49 request and pursuant to a protective agreement
50 concerning proprietary information, all information

Page 4

1 reasonably necessary for the design of network
2 interface equipment or network interface services that
3 will meet the specifications of the participating
4 utility's local exchange network.

5 Sec. 4. **NEW SECTION. 476.30C DEFINITIONS.**
6 As used in sections 476.30 through 476.30B, unless
7 the context otherwise requires:

8 1. "Essential communications service" means that
9 communications service or equipment necessary for a
10 residential or business end-user to pursue, at a
11 minimum, voice communications on the public network in
12 a manner consistent with community expectations and
13 the public interest as determined by the board.
14 Essential communications services include, at a
15 minimum, basic local telephone service, switched
16 access, 911 and E-911 services, and relay service for

17 communications-impaired persons. The board is
18 authorized to classify by rule other communications
19 services as essential communications services
20 consistent with this definition.

21 2. "Nonessential communications services" means
22 all communications services subject to the board's
23 jurisdiction not deemed either by statute or by rule
24 as essential communications services.

25 Sec. 5. Section 476.3, subsection 2, Code 1993, is
26 amended by adding the following new unnumbered
27 paragraph:

28 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
29 provisions of this subsection authorizing the consumer
30 advocate to file a petition with the board alleging
31 that a utility's rates are excessive, the consumer
32 advocate shall not file a petition under this
33 subsection which alleges that a local exchange
34 utility's rates are excessive while the local exchange
35 utility is participating in an approved plan of
36 alternative regulation approved by the board pursuant
37 to section 476.30A, except as provided in section
38 476.30A, subsection 6, paragraph "f".

39 2. Title page, by striking lines 1 through 11,
40 and inserting the following: "An Act relating to
41 authorization of alternative forms of regulation for
42 utilities providing communications services and
43 providing an effective date."

MICHAEL GRONSTAL

S-3765

1 Amend Senate File 427 as follows:

2 1. By striking page 1, line 21, through page 5,
3 line 18.

4 2. By renumbering as necessary.

LARRY MURPHY

HOUSE AMENDMENT TO
SENATE FILE 425

S-3766

1 Amend Senate File 425, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, line 22, by striking the words and
4 figures "subsection 2, Code 1993, is" and inserting
5 the following: "subsections 2 and 7, Code 1993, are".

6 2. Page 4, line 5, by striking the word

7 "eighteen" and inserting the following: "twenty-
8 three".

9 3. Page 4, line 6, by inserting after the word
10 "year" the following: "or was a head of household on
11 December 31 of the base year, as defined in the
12 Internal Revenue Code.".

13 4. Page 4, by inserting after line 24 the follow-
14 ing:

15 "7. "Income" means the sum of Iowa net income as
16 defined in section 422.7, plus all of the following to
17 the extent not already included in Iowa net income:
18 Capital gains, alimony, child support money, cash
19 public assistance and relief, except property tax
20 relief granted under this division, amount of in-kind
21 assistance for housing expenses, the gross amount of
22 any pension or annuity, including but not limited to
23 railroad retirement benefits, all payments received
24 under the federal social security Act, and all
25 military retirement and veterans' disability pensions,
26 interest received from the state or federal government
27 or any of its instrumentalities, workers' compensation
28 and the gross amount of disability income or "loss of
29 time" insurance. "Income" does not include gifts from
30 nongovernmental sources, or surplus foods or other
31 relief in kind supplied by a governmental agency. In
32 determining income net operating losses and net
33 capital losses shall not be considered."

34 5. Page 7, by inserting before line 16 the
35 following:

36 "Sec. ____ . Section 423.24, Code 1993, is amended
37 by adding the following new subsection:
38 NEW SUBSECTION. 1A. Twenty percent of all revenue
39 derived from the use tax on motor vehicles, trailers,
40 and motor vehicle accessories and equipment as
41 collected pursuant to section 423.7 shall be deposited
42 in the GAAP deficit reduction account established in
43 the department of management pursuant to section 8.57,
44 subsection 2, and shall be used in accordance with the
45 provisions of that section."

46 6. Page 12, by inserting after line 21 the
47 following:

48 "Sec. ____ . LOTTERY TRANSFER. Notwithstanding the
49 requirement in section 99E.10, subsection 1, to
50 transfer lottery revenue remaining after expenses are

Page 2

1 deducted, notwithstanding the requirement under
2 section 99E.20, subsection 2, for the commissioner to
3 certify and transfer a portion of the lottery fund to

4 the CLEAN fund, and notwithstanding the appropriations
 5 and allocations in section 99E.34, all lottery
 6 revenues received during the fiscal year beginning
 7 July 1, 1993, and ending June 30, 1994, after
 8 deductions for expenses as provided in section 99E.10,
 9 subsection 1, and as appropriated under any Act of the
 10 75th General Assembly, 1993 Session, shall not be
 11 transferred to and deposited into the CLEAN fund but
 12 shall be transferred and credited to the general fund
 13 of the state."

14 7. Page 12, line 31, by striking the figure
 15 "58,750" and inserting the following: "25,000".

16 8. By striking page 14, line 33 through page 15,
 17 line 11.

18 9. Page 15, by inserting after line 11 the
 19 following:

20 "___ . Of the moneys appropriated in this section
 21 \$50,000 shall be used for purposes of repairing the
 22 gates of the dam located in or near the city of
 23 Mitchell. Each four dollars provided pursuant to this
 24 subsection shall be matched by one dollar contributed
 25 by a source other than the state."

26 10. Page 16, by inserting after line 3 the
 27 following:

28 "___ . To the treasurer of state for purposes of
 29 allocating moneys to assist each of the 103 county
 30 fairs which are members of the association of Iowa
 31 fairs, for purposes of supporting annual county fairs
 32 and improvements to the county fairgrounds:

33 \$ 206,000

34 The treasurer of state shall allocate an equal
 35 amount to each fair qualified to receive assistance.
 36 However, moneys must be expended by a county fair on a
 37 dollar-for-dollar matching basis with moneys received
 38 from donations contributed to the county fair from
 39 private sources or moneys contributed by a county to
 40 aid the county fair pursuant to section 174.14.

41 Notwithstanding section 8.33, moneys transferred
 42 pursuant to this subsection which remain unobligated
 43 or unexpended on June 30, 1993, shall not revert to
 44 the general fund of the state but shall remain
 45 available in the succeeding fiscal year for use as
 46 provided in this subsection."

47 11. Page 16, by striking lines 4 through 11.

48 12. Page 16, by inserting after line 26 the
 49 following:

50 "As provided in section 8.33, the moneys

Page 3

1 transferred pursuant to this subsection shall not
2 revert to the general fund of the state at the end of
3 any fiscal year but shall continue to be available
4 until the projects are completed."

5 13. By striking page 16, line 27, through page
6 18, line 9.

7 14. Page 18, by striking lines 10 through 25.

8 15. Page 18, by striking lines 26 through 31.

9 16. Page 19, line 16, by inserting after the word
10 "festivals" the following: "as established by
11 department rule".

12 17. Page 23, by inserting before line 29 the
13 following:

14 "DIVISION —
15 TOOLS OF THE TRADE

16 Sec. ____ . AID TO DEPENDENT CHILDREN -- TOOLS OF
17 THE TRADE DISREGARD. There is appropriated from the
18 general fund of the state to the department of human
19 services for the fiscal year beginning July 1, 1993,
20 and ending June 30, 1994, the following amount, or so
21 much thereof as is necessary, to be used for the
22 purpose designated:

23 For costs associated with disregard of a self-
24 employed individual's tools of the trade or capital
25 assets under the aid to dependent children program in
26 accordance with the provisions of 1993 Iowa Acts,
27 Senate File 268, as approved for implementation by the
28 federal government:

29 \$ 427,000".

30 18. Page 27, line 9, by striking the words
31 "RAILROAD SANITATION AND".

32 19. Page 27, lines 21 and 22, by striking the
33 words and figure "~~and section 327F.37~~" and inserting
34 the following: ", and section 327F.37".

35 20. Page 27, by striking lines 24 through 35.

36 21. Page 29, line 7, by inserting after the figure
37 "7," the following: "and chapter 17A,".

38 22. Page 29, by striking lines 11 through 14 and
39 inserting the following: "by section 88.17."

40 23. Page 30, line 20, by striking the words and
41 figure "~~and in section 327F.37,~~" and inserting the
42 following: "and in section 327F.37,".

43 24. Page 30, by striking lines 23 through 24.

44 25. Page 30, by inserting after line 26 the fol-
45 lowing:

46 "Sec. ____ . There is appropriated from the general
47 fund of the state to the department of management for
48 the fiscal year beginning July 1, 1993, and ending

49 June 30, 1994, the following amounts, or so much
50 thereof as is necessary, to be used for the purposes

Page 4

1 designated:
2 1. CASH RESERVE FUND
3 For deposit in the cash reserve fund created in
4 section 8.56:
5 \$ 2,700,000

6 2. GAAP FUND
7 For deposit in the GAAP deficit reduction account
8 established in section 8.57, subsection 2, which shall
9 be spent during the fiscal year beginning July 1,
10 1993, and ending June 30, 1994, for the items on the
11 schedule submitted to the general assembly by the
12 governor in accordance with the provisions of sections
13 8.53 and 8.57:
14 \$ 8,500,000

15 Sec. ____ . COUNCIL ON HUMAN INVESTMENT -- AD-
16 MINISTRATIVE COSTS. There is appropriated from the
17 general fund of the state to the department of human
18 services for the fiscal year beginning July 1, 1993,
19 and ending June 30, 1994, the following amount, or so
20 much thereof as is necessary, to be used for the
21 purpose designated:
22 For administrative costs relating to the council on
23 human investment in fiscal year 1993-1994, in
24 accordance with the provisions of 1993 Iowa Acts,
25 Senate File 268:

26 \$ 123,000".

27 26. By striking page 30, line 27 through page 31,
28 line 12.

29 27. Page 31, line 21, by striking the words
30 "special olympics, incorporated" and inserting the
31 following: "Special Olympics, Incorporated."

32 28. By striking page 31, line 25 through page 32,
33 line 1.

34 29. Page 32, line 19, by striking the word
35 "northeast".

36 30. Page 32, line 21, by inserting after the word
37 "project." the following: "The department shall
38 disburse only those funds which are matched by an
39 equivalent amount of funds from local communities,
40 businesses, or other nonstate funds."

41 31. Page 32, by striking lines 27 through 35.

42 32. Page 34, by striking lines 21 through 26.

43 33. Page 35, line 7, by inserting after the word
44 "claim" the following: "and the costs of
45 investigating a claim".

46 34. Page 35, line 8, by inserting after the word
47 "fee" the following: "and a fee to reimburse the
48 office of the attorney general for the costs of the
49 claim investigation".
50 35. By striking page 35, line 34, through page

Page 5

1 36, line 9.
2 36. Page 36, by inserting after line 9 the
3 following:
4 "Sec. ____ . Section 235.1, subsection 3, unnumbered
5 paragraph 2, Code 1993, is amended to read as follows:
6 However, a parent or guardian shall not receive
7 reimbursement for furnishing transportation for more
8 than ~~three~~ one family ~~members~~ member who ~~attend~~
9 attends elementary school and one family member who
10 attends high school."
11 37. Page 36, by inserting after line 9, the
12 following:
13 "Sec. ____ . Section 312.2, subsection 19, paragraph
14 a, Code 1993, is amended to read as follows:
15 a. The treasurer of state, before making the
16 allotments provided for in this section, for the
17 fiscal year beginning July 1, 1990, and each
18 succeeding fiscal year, credit from the road use tax
19 fund two million dollars to the county bridge
20 construction fund, which is hereby created. Moneys
21 credited to the county bridge construction fund shall
22 be allocated to counties by the department for bridge
23 construction, ~~and reconstruction,~~ replacement, or
24 realignment based on needs in accordance with rules
25 adopted by the department."
26 38. Page 36, by striking lines 10 through 16.
27 39. Page 37, line 33, by inserting after the word
28 "enrollment." the following: "Fifty percent of the
29 costs of the contract shall be provided by a source
30 other than the legislative council."
31 40. Page 37, by inserting after line 33 the
32 following:
33 "Sec. ____ . STATE AUDIT. The auditor of state
34 shall conduct a comprehensive audit, as described in
35 section 11.4, of the expenditures made from the state
36 communications network fund and the actions taken by
37 the Iowa public broadcasting board and the department
38 of general services in relation to the state
39 communications network. The auditor shall have access
40 and authority to examine any and all records necessary
41 to complete the comprehensive audit. Any moneys
42 necessary to conduct the audit shall be paid from the

43 state communications network fund. The auditor shall
44 complete the audit and present a copy of the findings
45 to the general assembly and the governor by January 1,
46 1994."

47 41. Page 37, by inserting before line 34 the
48 following:

49 Sec. 100. Notwithstanding section 291.13, if the
50 moneys credited to the schoolhouse fund of a school

Page 6

1 district from tax revenues collected under the
2 physical plant and equipment levy during the fiscal
3 year beginning July 1, 1992, are insufficient to pay
4 the costs specified in a contract for renovating a
5 high school building located in the district for use
6 by grade school students pursuant to a school reor-
7 ganization contract, and the board has not received
8 authorization from the school budget review committee
9 under section 257.31, subsection 7, the board of the
10 school district may expend an amount not to exceed one
11 hundred thousand dollars of moneys in the district's
12 general fund for purposes of the school building
13 renovation.

14 Sec. ____ . EFFECTIVE DATE AND APPLICABILITY.

15 Section 100 of this division, being deemed of
16 immediate importance, takes effect upon enactment and
17 is applicable to the school budget year beginning July
18 1, 1992."

19 42. Page 38, by inserting after line 2 the
20 following:

21 "Sec. ____ . The legislative council shall authorize
22 a study committee on privatization of state functions.
23 The committee would consider the recommendations of
24 the Fisher commission, the senate appropriations
25 subcommittee on privatization, receive information and
26 testimony from other sources, and make
27 recommendations.

28 The committee membership would be as follows:

29 1. Three senators, two appointed by the majority
30 leader, one appointed by the minority leader.

31 2. Three representatives, two appointed by the
32 speaker of the house of representatives, one appointed
33 by the minority leader.

34 The legislative council shall designate temporary
35 co-chairpersons from among the legislative members.

36 3. One ex officio, nonvoting member who shall be
37 the director of the department of management or the
38 director's designee.

39 4. One member each representing private business

40 and a state employee labor organization appointed by
 41 the legislative council. Members appointed under this
 42 subsection will be entitled to receive their actual
 43 expenses for attending meetings of the committee.
 44 The committee shall present its recommendations by
 45 November 15, 1993.
 46 Sec. ____ . PRIVATIZATION – STATE EMPLOYEE
 47 CONSULTATION. A state agency or department shall
 48 consult with and consider alternatives proposed by
 49 employees of the department or organizations
 50 representing state employees prior to privatizing

Page 7

1 functions provided by the agency or department.”
 2 43. Page 40, by inserting after line 32 the
 3 following:
 4 “DIVISION ____
 5 REORGANIZE SCHOOL DISTRICTS
 6 Sec. ____ . Section 257.3, subsection 1, Code 1993,
 7 is amended to read as follows:
 8 1. AMOUNT OF TAX. Except as provided in
 9 ~~subsection subsections 2 and 2A~~, a school district
 10 shall cause to be levied each year, for the school
 11 general fund, a foundation property tax equal to five
 12 dollars and forty cents per thousand dollars of
 13 assessed valuation on all taxable property in the
 14 district. The county auditor shall spread the
 15 foundation levy over all taxable property in the
 16 district.
 17 Sec. ____ . Section 257.3, subsection 2, Code 1993,
 18 is amended by adding the following new unnumbered
 19 paragraph after unnumbered paragraph 2:
 20 NEW UNNUMBERED PARAGRAPH. A reorganized school
 21 district which meets the requirements of this section
 22 for reduced property tax rates, but failed to vote on
 23 reorganization or dissolution prior to November 30,
 24 1990, and failed to certify such action to the
 25 department of education by September 1, 1991, shall
 26 cause to be levied a foundation property tax of four
 27 dollars and sixty cents per thousand dollars of
 28 assessed valuation on all eligible taxable property
 29 pursuant to this section. In succeeding school years,
 30 the foundation property tax levy on that portion shall
 31 be increased twenty cents per year until it reaches
 32 the rate of five dollars and forty cents per thousand
 33 dollars of assessed valuation.
 34 Sec. ____ . Section 257.3, Code 1993, is amended by
 35 adding the following new subsection:
 36 NEW SUBSECTION. 2A. If a reorganized school

37 district, whose foundation property tax is reduced
 38 under subsection 2, reorganizes within five school
 39 years from the time of its original reorganization to
 40 which subsection 2 applies, the resulting reorganized
 41 school district shall cause to be levied a foundation
 42 property tax on the taxable property in that portion
 43 of the new reorganized district which, in the year
 44 preceding the latest reorganization, was within the
 45 original reorganized school district to which
 46 subsection 2 applies equal to one dollar per thousand
 47 dollars of assessed value less than the rate the
 48 original reorganized district would have levied under
 49 subsection 2 for the same school year if there had
 50 been no new reorganization. In succeeding school

Page 8

1 years, the foundation property tax on that portion of
 2 the new reorganized school district shall be increased
 3 by forty cents for the first succeeding year and by
 4 twenty cents per year thereafter until it reaches the
 5 rate of five dollars and forty cents per thousand
 6 dollars of assessed valuation.

7 Sec. — . Section 257.3, subsection 3, Code 1993,
 8 is amended to read as follows:

9 **3. RAILWAY CORPORATIONS.** For purposes of section
 10 257.1, the "amount per pupil of foundation property
 11 tax" does not include the tax levied under subsection
 12 1, or 2, or 2A on the property of a railway
 13 corporation, or on its trustee if the corporation has
 14 been declared bankrupt or is in bankruptcy
 15 proceedings.

16 Sec. — . Section 257.11, subsection 2, Code 1993,
 17 is amended by adding the following new unnumbered
 18 paragraph:

19 **NEW UNNUMBERED PARAGRAPH.** School districts that
 20 have executed whole grade sharing agreements under
 21 section 282.10 through 282.12 beginning with the
 22 budget year beginning on July 1, 1993, and that
 23 received supplementary weighting for shared teachers
 24 or classes under this subsection for the school year
 25 ending prior to the effective date of the whole grade
 26 sharing agreement shall include in its supplementary
 27 weighting amount additional pupils added by the
 28 application of the supplementary weighting plan, equal
 29 to the pupils added by the application of the
 30 supplementary weighting plan pursuant to this
 31 subsection in the budget year beginning July 1, 1992.
 32 If at any time after July 1, 1993, a district ends a
 33 whole grade sharing agreement with the original

34 district, the agreement was entered and does not enter
35 into a whole grade sharing agreement with an
36 alternative district, the school district shall reduce
37 its supplementary weighting amount by the number of
38 pupils added by the application of the supplementary
39 weighting in this subsection in the budget year
40 beginning July 1, 1992, in the budget year that the
41 whole grade sharing agreement is terminated.
42 Sec. ____ . EFFECTIVE DATE. If the total taxable
43 valuation of real property in the state increases by
44 at least one-half of one percent over last year then,
45 this division, being deemed of immediate importance,
46 takes effect upon its enactment for the purpose of
47 computations required for payment of state aid and
48 levying of property taxes by school districts for the
49 budget year beginning July 1, 1993.
50 DIVISION ____

Page 9

1 RECYCLING -- PACKAGING
2 "Sec. ____ . Section 455D.16, Code 1993, is amended
3 to read as follows:
4 455D.16 PACKAGING PRODUCTS -- RECYCLING -- PRO-
5 HIBITION OF POLYSTYRENE PRODUCTS.
6 The department, in cooperation with businesses
7 involved in the manufacturing and use of packaging
8 products or food service items, shall establish a
9 recycling program to increase the recycling of
10 packaging products or food service items by twenty-
11 five percent by July 1, 1993, and by fifty percent by
12 July 1, 1994. If the recycling goals are not reached,
13 beginning January 1, ~~1995~~ 1996, a person shall not
14 manufacture, offer for sale, sell, or use any
15 polystyrene packaging products or food service items
16 in this state."
17 44. By renumbering, relettering, or redesignating
18 and correcting internal references as necessary.

S-3767

1 Amend Senate File 426 as follows:
2 1. Page 1, line 8, by inserting after the word
3 "new" the following: "raw materials".
4 2. Page 2, lines 19 and 20, by striking the words
5 "any additional" and inserting the following: "the".
6 3. Page 2, line 27, by striking the words "any
7 additional" and inserting the following: "the".

SHELDON RITTMER

HOUSE AMENDMENT TO
SENATE FILE 342

S-3768

1 Amend Senate File 342, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 14, by striking the words "two
4 years" and inserting the following: "year".

5 2. Page 1, by striking lines 16 through 22.

6 3. Page 1, by striking lines 23 through 27.

7 4. Page 1, by inserting before line 28, the
8 following:

9 "Sec. ____ . NEW SECTION. 236.3B ASSISTANCE BY
10 COUNTY ATTORNEY.

11 A county attorney's office may provide assistance
12 to a person wishing to initiate proceedings pursuant
13 to this chapter or to a plaintiff at any stage of a
14 proceeding under this chapter, if the individual does
15 not have sufficient funds to pay for legal assistance
16 and if the assistance does not create a conflict of
17 interest for the county attorney's office. The
18 assistance provided may include, but is not limited
19 to, assistance in obtaining or completing forms,
20 filing a petition or other necessary pleading,
21 presenting evidence to the court, and enforcing the
22 orders of the court entered pursuant to this chapter.
23 Providing assistance pursuant to this section shall
24 not be considered the private practice of law for the
25 purposes of section 331.752."

26 5. Page 1, line 30, by striking the words "Within
27 ~~ten~~" and inserting the following: "Within ten ~~Not~~
28 less than five and not more than".

29 6. By striking page 1, line 34, through page 2,
30 line 2.

31 7. Page 2, by inserting before line 3, the
32 following:

33 "Sec. ____ . Section 236.5, subsection 4, Code 1993,
34 is amended to read as follows:

35 4. A certified copy of any order or approved
36 consent agreement shall be issued to the plaintiff,
37 the defendant and the county sheriff having
38 jurisdiction to enforce the order or consent
39 agreement, and the twenty-four hour dispatcher for the
40 county sheriff. Any subsequent amendment or
41 revocation of an order or consent agreement shall be
42 forwarded by the clerk to all individuals and the
43 county sheriff previously notified. The clerk shall
44 notify the county sheriff and the twenty-four hour
45 dispatcher for the county sheriff in writing so that

46 the county sheriff and the county sheriff's dispatcher
47 receive written notice within six hours of filing the
48 order, approved consent agreement, amendment, or
49 revocation. The clerk may fulfill this requirement by
50 sending the notice by facsimile or other electronic

Page 2

1 transmission which reproduces the notice in writing
2 within six hours of filing the order. The county
3 sheriff's dispatcher shall notify all law enforcement
4 agencies having jurisdiction over the matter and the
5 twenty-four hour dispatcher for the law enforcement
6 agencies upon notification by the clerk. The clerk
7 shall send or deliver a written copy of any such
8 document to the law enforcement agencies and the
9 twenty-four hour dispatcher within twenty-four hours
10 of filing the document."

11 8. Page 2, by striking lines 3 through 16.

12 9. Page 2, by inserting before line 17, the
13 following:

14 "Sec. ____ . Section 236.8, Code 1993, is amended to
15 read as follows:

16 236.8 CONTEMPT.

17 The court may hold a party in contempt for a
18 violation of an order or court-approved consent
19 agreement entered under this chapter, for violation of
20 a temporary or permanent protective order or order to
21 vacate the homestead under chapter 598, or for
22 violation of any order that establishes conditions of
23 release or is a protective order or sentencing order
24 in a criminal prosecution arising from a domestic
25 abuse assault. If held in contempt, the defendant
26 shall serve a jail sentence. Any jail sentence of
27 more than one day imposed under this section shall be
28 served on consecutive days.

29 A hearing in a contempt proceeding brought pursuant
30 to this section shall be held not less than five and
31 not more than fifteen days after the issuance of a
32 rule to show cause, as set by the court."

33 10. Page 2, line 23, by striking the word "three"
34 and inserting the following: "three five".

35 11. Page 2, line 30, by inserting after the word
36 "proceedings." the following: "A hearing in a
37 contempt proceeding brought pursuant to this section
38 shall be held not less than five and not more than
39 fifteen days after the issuance of a rule to show
40 cause, as set by the court."

41 12. Page 3, line 1, by inserting after the word
42 "judgment" the following: "deferred sentence, or

43 suspended sentence".

44 13. Page 3, by inserting after line 4, the

45 following:

46 "Sec. ____ . Section 236.14, Code 1993, is amended
47 by adding the following new subsection:

48 NEW SUBSECTION. 3. This section shall not be

49 construed to limit a pretrial release order issued

50 pursuant to chapter 811."

Page 3

1 14. Page 3, by striking lines 5 through 26.

2 15. Page 4, by inserting after line 13, the

3 following:

4 "Sec. ____ . Section 811.2, subsection 1, paragraph
5 e, Code 1993, is amended to read as follows:

6 e. Impose any other condition deemed reasonably
7 necessary to assure appearance as required, or the

8 safety of another person or persons including a

9 condition requiring that the defendant return to

10 custody after specified hours, or a condition that the

11 defendant have no contact with the victim or other

12 persons specified by the court."

13 16. Page 4, by striking line 17 and inserting the
14 following: "pursuant to section 236.8 or".

15 17. Page 4, by striking lines 32 through 34, and

16 inserting the following: "addition, the court shall

17 not defer a sentence if it is imposed for contempt

18 pursuant to section 236.8 or 236.14. Upon a showing

19 that the defendant is not".

20 18. Page 5, by striking lines 16 and 17 and

21 inserting the following: "not suspend a sentence

22 imposed pursuant to section 236.8 or 236.14 for

23 contempt."

24 19. Title page, line 2, by inserting after the

25 word "abuse," the following: "adding no-contact

26 provisions to pretrial release conditions,".

27 20. By renumbering as necessary.

S-3769

1 Amend the amendment, S-3753, to Senate File 426, as
2 follows:

3 1. Page 1, by striking lines 2 through 8, and

4 inserting the following:

5 "____ . Page 1, line 8, by inserting after the word

6 "new" the following: "component materials"."

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 644

S-3770

- 1 Amend the Senate amendment, H-4258, to House File
2 644, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 4 the
4 following:
- 5 "Sec. ____ . Section 455G.4, subsection 3, Code
6 1993, is amended by adding the following new
7 paragraph:
- 8 NEW PARAGRAPH. g. The board shall adopt rules
9 relating to appeal procedures which shall require the
10 administrator to deliver notice of appeal to the
11 affected parties within fifteen days of receipt of
12 notice, require that the hearing be held within one
13 hundred eighty days of the filing of the petition
14 unless good cause is shown for the delay, and require
15 that a final decision be issued no later than one
16 hundred twenty days following the close of the
17 hearing. The time restrictions in this paragraph may
18 be waived by mutual agreement of the parties.
- 19 Sec. ____ . Section 455G.9, subsection 1, paragraph
20 a, subparagraph (3), unnumbered paragraph 1, Code
21 1993, is amended to read as follows:
- 22 Corrective action for an eligible release reported
23 to the department of natural resources on or after
24 January 1, ~~1985~~ 1984, but prior to July 1, 1987.
25 Third-party liability is specifically excluded from
26 remedial account coverage. For a claim for a release
27 for a small business under this subparagraph, the
28 remedial program shall pay in accordance with
29 subsection 4. For all other claims under this
30 subparagraph, the remedial program shall pay the
31 lesser of fifty thousand dollars of the total costs of
32 corrective action for that release or total corrective
33 action costs for that release as determined under
34 subsection 4. For a release to be eligible for
35 coverage under this subparagraph the following
36 conditions must be satisfied:
- 37 Sec. ____ . Section 455G.9, subsection 1, paragraph
38 g, Code 1993, is amended to read as follows:
- 39 g. Corrective action for the costs of a release
40 under all of the following conditions:
- 41 (1) The property upon which the tank causing the
42 release was situated was transferred by inheritance,
43 devise, or bequest.
- 44 (2) The property upon which the tank causing the

45 release was situated has not been used to store or
 46 dispense petroleum since ~~January 1, 1974~~ December 31,
 47 1975.

48 (3) The person who received the property by
 49 inheritance, devise, or bequest was not the owner of
 50 the property during the period of time when the

Page 2

1 release which is the subject of the corrective action
 2 occurred.

3 (4) The release was reported to the board by ~~July~~
 4 ~~1, 1991~~ October 26, 1991.

5 Corrective action costs and copayment amounts under
 6 this paragraph shall be paid in accordance with
 7 subsection 4.

8 A person requesting benefits under this paragraph
 9 may establish that the conditions of subparagraphs
 10 (1), (2), and (3) are met through the use of
 11 supporting documents, including a personal affidavit.”

12 2. Page 1, line 8, by striking the word
 13 “Corrective” and inserting the following:
 14 “Notwithstanding section 455G.1, subsection 2,
 15 corrective”.

16 3. Page 1, line 19, by inserting after the word
 17 “property” the following: “and the applicant must not
 18 be a financial institution”.

19 4. Page 1, by inserting after line 33 the
 20 following:

21 “___ . Page 4, by inserting after line 8 the
 22 following:

23 “Sec. ___ . Section 455G.18, subsection 1, Code
 24 1993, is amended to read as follows:

25 1. The department of natural resources shall adopt
 26 rules pursuant to chapter 17A requiring that
 27 groundwater professionals register with the department
 28 of natural resources. The rules shall include
 29 provisions for suspension or revocation of
 30 registration for good cause.”

31 5. Page 1, by striking lines 34 through 39 and
 32 inserting the following:

33 “___ . Title page, by striking lines 1 through 3
 34 and inserting the following: “An Act relating to
 35 underground storage tanks and providing penalties.””

36 6. By renumbering as necessary.

S-3771

1 Amend the House amendment, S-3766, to Senate File
 2 425, as amended, passed, and reprinted by the Senate,

3 as follows:

4 1. Page 4, by inserting after line 42 the

5 following:

6 "____. Page 34, by inserting before line 27 the

7 following:

8 "Sec. ____ . Section 18.136, Code 1993, is amended

9 by adding the following new subsection:

10 NEW SUBSECTION. 13A. Access to the network shall

11 be offered to agencies of the federal government, not

12 including the United States postal service or any

13 United States post office. An agency of the federal

14 government shall contribute, at a minimum, an amount

15 consistent with its share of use for the part of the

16 system in which the entity participates, as determined

17 by the Iowa communications network board. Access to

18 the network shall be provided pursuant to a lease

19 unless such lease would be prohibited by any of the

20 following:

21 a. Federal law.

22 b. Rule or regulation of the federal agency.

23 c. Policy of the federal agency.

24 d. Lack of funding which prevents an ongoing lease

25 arrangement from being entered into.

26 If the Iowa communications network board determines

27 that a lease is prohibited as provided in this

28 subsection, the board may still permit an agency of

29 the federal government access to the network upon a

30 showing by the federal agency to the board that

31 sufficient federal funding is available to pay for the

32 costs of connection to the network.""

JOE WELSH

S-3772

1 Amend the House amendment, S-3766, to Senate File

2 425, as amended, passed, and reprinted by the Senate,

3 as follows:

4 1. Page 5, by striking line 26 and inserting the

5 following:

6 "____. Page 36, line 16, by inserting after the

7 word "auditorium" the following: "provided, that debt

8 service funds shall not be derived from the division

9 of taxes under section 403.19".

ELAINE SZYMONIAK

MARY E. KRAMER

O. GENE MADDOX

JAMES R. RIORDAN

DERRYL McLAREN
FLORENCE D. BUHR

S-3773

- 1 Amend House File 418, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, line 18, by inserting after the word
4 "exposure" the following: "or the parent, guardian,
5 or custodian of a victim if the victim is a minor,".
- 6 2. Page 1, by inserting after line 34 the
7 following:
8 "___ . "Victim counselor" means a person who is
9 engaged in a crime victim center as defined in section
10 236A.1, who is certified as a counselor by the crime
11 victim center, and who has completed at least twenty
12 hours of training provided by the Iowa coalition
13 against sexual assault or a similar agency."
- 14 3. Page 2, by striking lines 3 and 4, and
15 inserting the following: "attorney, if requested by
16 the petitioner, shall petition the court for".
- 17 4. Page 2, by striking lines 11 and 12, by
18 inserting the following: "section 709B.1."
- 19 5. Page 2, line 20, by inserting after the word
20 "counseling" the following: "by a victim counselor or
21 a person requested by the victim who is authorized to
22 provide the counseling required pursuant to section
23 141.22,".
- 24 6. Page 2, line 23, by striking the word
25 "practicable" and inserting the following:
26 "practicable."
- 27 7. Page 2, by striking lines 24 and 25.
- 28 8. Page 2, by striking lines 30 through 32 and
29 inserting the following: "by legal counsel, provide
30 written notice to the convicted offender and the
31 convicted offender's legal counsel."
- 32 9. Page 3, line 2, by striking the word "victim"
33 and inserting the following: "petitioner".
- 34 10. Page 3, line 3, by striking the word "victim"
35 and inserting the following: "victim's interest".
- 36 11. Page 3, lines 3 and 4, by striking the words
37 "a proceeding" and inserting the following: "all
38 proceedings".
- 39 12. Page 3, by striking lines 15 and 16, and
40 inserting the following: "on the testimony presented
41 during the proceedings on the sexual assault charge,
42 the minutes of the testimony or other evidence
43 included in the court record, or if a plea of guilty
44 was entered, based upon the complaint or upon
45 testimony provided during the hearing."

- 46 13. Page 3, line 23, by striking the word
47 "victim" and inserting the following: "petitioner".
48 14. By striking page 3, line 35 through page 4,
49 line 1, and inserting the following:
50 "a. The sexual assault constituted a significant

Page 2

- 1 exposure."
2 15. Page 4, line 13, by striking the word "tests"
3 and inserting the following: "orders the test of".
4 16. Page 4, by striking lines 15 through 18, and
5 inserting the following: "the results of the test to
6 the convicted offender and to the victim counselor or
7 a person requested by the victim who is authorized to
8 provide the counseling required pursuant to section
9 141.22, who shall disclose the results to the
10 petitioner."
11 17. Page 4, line 27, by striking the word
12 "conducts" and inserting the following: "orders".
13 18. Page 4, line 28, by inserting after the word
14 "victim," the following: "the victim counselor or
15 person requested by the victim who is authorized to
16 provide the counseling required pursuant to section
17 141.22,".
18 19. Page 5, line 8, by inserting after the word
19 "parole" the following: "if the physician or other
20 practitioner who ordered the initial test of the
21 convicted offender certifies that, based upon
22 prevailing scientific opinion regarding the maximum
23 period during which the results of an HIV-related test
24 may be negative for a person after being HIV-infected,
25 additional testing is necessary to determine whether
26 the convicted offender was HIV-infected at the time
27 the sexual assault was perpetrated".
28 20. Page 5, line 11, by striking the word
29 "conducts" and inserting the following: "orders".
30 21. Page 5, by striking lines 12 through 18, and
31 inserting the following: "offender, the victim
32 counselor or person requested by the victim who is
33 authorized to provide the counseling required pursuant
34 to section 141.22, who shall disclose the results to
35 the petitioner, and the physician of the victim, if
36 requested by the victim."
37 22. Page 6, by striking lines 4 and 5, and
38 inserting the following:
39 " . . . HIV-related testing required under this
40 chapter shall be conducted by the state hygienic
41 laboratory."
42 23. Page 6, by inserting after line 16 the

43 following:

44 "13A. In addition to persons to whom disclosure of
45 the results of a convicted offender's HIV-related test
46 results is authorized under this chapter, the victim
47 may also disclose the results to the victim's spouse,
48 persons with whom the victim has engaged in vaginal,
49 anal, or oral intercourse subsequent to the sexual
50 assault, or members of the victim's family within the

Page 3

1 third degree of consanguinity."

2 24. Page 6, line 17, by inserting before the word
3 "A" the following: "A person to whom disclosure of a
4 convicted offender's HIV-related test results is
5 authorized under this chapter shall not disclose the
6 results to any other person for whom disclosure is not
7 authorized under this chapter."

8 25. Page 6, by striking lines 30 through 32 and
9 inserting the following: "for the".

10 26. Page 7, line 3, by striking the word
11 "conducts" and inserting the following: "orders".

12 27. Page 7, by striking lines 6 through 10 and
13 inserting the following: "victim, the victim
14 counselor or person requested by the victim who is
15 authorized to provide the counseling required pursuant
16 to section 141.22, and the victim's spouse, persons
17 with whom the victim has engaged in vaginal, anal, or
18 oral intercourse subsequent to the sexual assault, or
19 members of the victim's family within the fourth
20 degree of consanguinity."

21 28. Page 7, by striking lines 11 through 18.

22 29. By renumbering and relettering as necessary.

RALPH ROSENBERG

S-3774

1 Amend Senate File 426 as follows:

2 1. Page 1, line 8, by inserting after the word
3 "new" the following: "component materials".

TOM VILSACK

S-3775

1 Amend the House amendment, S-3766, to Senate File
2 425, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by striking lines 14 and 15.

- 5 2. Page 2, by striking lines 18 through 25.
6 3. Page 3, by striking lines 5 and 6.
7 4. Page 3, by striking line 7 and inserting the
8 following:
9 " ____ . Page 18, line 19, by striking the figure
10 "1998" and inserting the following: "1996"."
11 5. Page 3, by striking line 8.
12 6. Page 3, by striking lines 16 through 29 and
13 inserting the following:
14 "Sec. ____ . AID TO DEPENDENT CHILDREN -- TOOLS OF
15 THE TRADE DISREGARD. Of the funds appropriated for
16 medical assistance in 1993 Iowa Acts, House File 518,
17 section 3, \$427,000 is allocated for costs associated
18 with disregard of a self-employed individual's tools
19 of the trade or capital assets under the aid to
20 dependent children program in accordance with the
21 provisions of 1993 Iowa Acts, Senate File 268, as
22 approved for implementation by the federal
23 government.""
24 7. Page 3, by striking lines 30 through 35.
25 8. Page 3, by striking lines 40 through 43.
26 9. By striking page 3, line 46 through page 4,
27 line 14.
28 10. Page 4, by striking lines 27 and 28 and
29 inserting the following:
30 " ____ . Page 31, line 2, by striking the figure
31 "250,000" and inserting the following: "125,000"."
32 11. Page 4, by striking lines 32 and 33 and
33 inserting the following:
34 " ____ . Page 31, by striking lines 25 through 28
35 and inserting the following:
36 "Sec. ____ . IOWA COMPUTER INITIATIVE.
37 Notwithstanding the requirement in section 99E.10,
38 subsection 1, to transfer lottery revenue remaining
39 after expenses are deducted, following the transfer of
40 revenues in the amount of \$33,000,000, the next
41 \$250,000 is appropriated from the lottery fund to the
42 department of education for the fiscal year beginning
43 July 1, 1993, and ending June 30, 1994, to be used for
44 the"."
45 12. Page 4, by striking line 42.
46 13. By striking page 4, line 50 through page 5,
47 line 10 and inserting the following:
48 " ____ . Page 36, line 3, by striking the word "Two"
49 and inserting the following: "One"."
50 14. Page 8, line 34, by striking the words " , the

Page 2

1 agreement was entered".
 2 15. Page 8, by striking lines 42 through 44 and
 3 inserting the following:
 4 "Sec. ____ . CONTINGENT EFFECTIVE DATE. If the
 5 actual taxable valuation of real property located in
 6 this state, based upon January 1, 1992, assessments,
 7 which is used in the computation of property taxes
 8 payable in the fiscal year beginning July 1, 1993,
 9 increases from the estimate of such taxable valuation
 10 then 1993 Iowa Acts, House File 496, if enacted, takes
 11 effect July 1, 1993, and then".

LARRY MURPHY

S-3776

1 Amend Senate File 424 as follows:
 2 1. By striking page 2, line 9 through page 3,
 3 line 6.
 4 2. Page 4, by striking line 31 and inserting the
 5 following: "shall more than two tests be conducted in
 6 the twelve-month period".
 7 3. Page 5, line 5, by striking the word "six" and
 8 inserting the following: "twelve".
 9 4. Page 5, lines 8 and 9, by striking the word
 10 "six-month" and inserting the following: "twelve-
 11 month".
 12 5. Page 5, by inserting after line 13 the
 13 following:
 14 "Sec. ____ . EMPLOYMENT DRUG TESTING STUDY. The
 15 legislative council is requested to establish a study
 16 committee on drug testing of employees and applicants
 17 for employment."
 18 6. Title page, line 2, by inserting after the
 19 word "functions" the following: "and a study of
 20 employment drug testing".
 21 7. By renumbering as necessary.

DON E. GETTINGS
AL STURGEON

S-3777

1 Amend Senate Concurrent Resolution 37 as follows:
 2 1. Page 1, by striking lines 5 through 8 and
 3 inserting the following:
 4 "BE IT RESOLVED BY THE SENATE, THE HOUSE
 5 CONCURRING, That when adjournment is had by the Senate

6 following passage of this concurrent resolution by the
 7 Senate, that adjournment constitutes the final
 8 adjournment of the Senate for the 1993 Regular Session
 9 of the Seventy-fifth General Assembly and when
 10 adjournment is had by the House of Representatives,
 11 following passage of this concurrent resolution by the
 12 House of Representatives that adjournment constitutes
 13 the final adjournment of the House of Representatives
 14 for the 1993 Regular Session of the Seventy-fifth
 15 General Assembly. The date of final adjournment of
 16 the 1993 Regular Session of the Seventy-fifth General
 17 Assembly is the date on which the second house
 18 adjourns."

WALLY E. HORN

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 660

S-3778

1 Amend the Senate amendment, H-4320, to House File
 2 660, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 3 and 4 and
 5 inserting the following:
 6 "___ . Page 3, by inserting after line 1 the
 7 following:
 8 "Sec. ___ . CONTINGENT EFFECTIVENESS. This Act is
 9 effective only if legislation providing an annual
 10 standing appropriation of \$15,000 or more to Iowa
 11 Special Olympics, Incorporated, for Special Olympic
 12 programs, is enacted by the Seventy-fifth General
 13 Assembly during the 1993 Regular Session.""
 14 2. Title page, line 4, by inserting after the
 15 word "applicability" the following: "and contingent
 16 effectiveness".
 17 3. By renumbering as necessary.

S-3779

1 Amend the House amendment, S-3766, to Senate File
 2 425, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 3, by inserting before line 7 the
 5 following:
 6 "___ . Page 18, by inserting before line 10 the
 7 following:
 8 "To the department of natural resources for the

9 fiscal year beginning July 1, 1993, and ending June
 10 30, 1994, to be used as provided in this subsection:
 11 \$ 200,000
 12 The moneys appropriated in this section shall be
 13 used to support natural lake preservation. The
 14 department shall award the amount appropriated in this
 15 subsection to a city as defined in section 362.2 on a
 16 matching basis with the department contributing one
 17 dollar for each one dollar dedicated by the city, or
 18 the city acting in conjunction with a county, for
 19 natural lake preservation, if the money is dedicated
 20 on or after March 1, 1991. However, the city, or the
 21 city and county, must have dedicated at least \$200,000
 22 of local funds in order to qualify for the award. The
 23 city must also be located in a county having a
 24 population of less than 12,000.”
 25 2. By renumbering as necessary.

LARRY MURPHY

S-3780

1 Amend the amendment, S-3456, to House File 361, as
 2 passed by the House, as follows:
 3 1. By striking page 1, line 3 through page 3,
 4 line 9 and inserting the following:
 5 “ . . . By striking everything after the enacting
 6 clause and inserting the following:
 7 “Section 1. NEW SECTION. 125.15A LICENSURE --
 8 EMERGENCIES.
 9 1. The department may place an employee or agent
 10 to serve as a monitor in a licensed substance abuse
 11 treatment program or may petition the court for
 12 appointment of a receiver for a program when any of
 13 the following conditions exist:
 14 a. The program is operating without a license.
 15 b. The commission has suspended, revoked, or
 16 refused to renew the existing license of the program.
 17 c. The program is closing or has informed the
 18 department that it intends to close and adequate
 19 arrangements for the location of clients have not been
 20 made at least thirty days before the closing.
 21 d. The department determines that an emergency
 22 exists, whether or not it has initiated revocation or
 23 nonrenewal procedures, and because of the
 24 unwillingness or inability of the licensee to remedy
 25 the emergency, the department determines that a
 26 monitor or receiver is necessary. As used in this
 27 paragraph, “emergency” means a threat to the health,
 28 safety, or welfare of a client that the program is

29 unwilling or unable to correct.

30 2. The monitor shall observe operation of the
31 program, assist the program with advice regarding
32 compliance with state regulations, and report
33 periodically to the department on the operation of the
34 program.

35 Sec. 2. Section 135.28, unnumbered paragraph 1,
36 Code 1993, is amended to read as follows:

37 A state substitute medical decision-making board is
38 established to formulate policy and guidelines for the
39 operations of local substitute medical decision-making
40 boards, and to act if a local substitute medical
41 decision-making board does not exist. The department,
42 with the approval of the state substitute medical
43 decision-making board, shall adopt rules pursuant to
44 chapter 17A for the appointment and operation of local
45 substitute medical decision-making boards.

46 Notwithstanding any other provision to the contrary
47 regarding confidentiality of medical records, the
48 state substitute medical decision-making board may
49 issue subpoenas relating to the production of medical
50 records of a patient under the board's review. A

Page 2

1 person participating in good faith in releasing
2 medical record information in response to a board
3 subpoena is immune from any liability, civil or
4 criminal, which might otherwise be incurred or
5 imposed.

6 Sec. 3. Section 135.29, subsection 2, Code 1993,
7 is amended to read as follows:

8 2. Pursuant to rules adopted by the department,
9 the local substitute medical decision-making board may
10 act as a substitute decision maker for patients
11 incapable of making their own medical care decisions
12 if no other substitute decision maker is available to
13 act. The local substitute medical decision-making
14 board may exercise decision-making authority in
15 situations where there is sufficient time to review
16 the patient's condition, and a reasonably prudent
17 person would consider a decision to be medically
18 necessary. Such medically necessary decisions shall
19 constitute good cause for subsequently filing a
20 petition in the district court for appointment of a
21 guardian pursuant to chapter 633, but the local
22 substitute medical decision-making board shall
23 continue to act in the patient's best interests until
24 a guardian is appointed. Notwithstanding any other
25 provision to the contrary regarding confidentiality of

26 medical records, the local substitute decision-making
27 board may issue subpoenas relating to the production
28 of medical records of a patient under the board's
29 review. A person participating in good faith in
30 releasing medical record information in response to a
31 board subpoena is immune from any liability, civil or
32 criminal, which might otherwise be incurred or
33 imposed.

34 Sec. 4. Section 136C.15, subsection 2, paragraph
35 d, Code 1993, is amended by striking the paragraph.

36 Sec. 5. NEW SECTION. 144.32 BURIAL TRANSIT
37 PERMIT.

38 If a person other than a funeral director assumes
39 custody of a dead body or fetus, the person shall
40 secure a burial-transit permit. To be valid, the
41 burial-transit permit must be issued by the county
42 medical examiner, a funeral director, or the county
43 registrar of the county where the certificate of death
44 or fetal death was filed. The permit shall be
45 obtained prior to the removal of the body or fetus
46 from the place of death and the permit shall accompany
47 the body or fetus to the place of final disposition.

48 To transfer a dead body or fetus outside of this
49 state, the funeral director who first assumes custody
50 of the dead body or fetus shall obtain a burial-

Page 3

1 transit permit prior to the transfer. The permit
2 shall accompany the dead body or fetus to the place of
3 final disposition.

4 A dead body or fetus brought into this state for
5 final disposition shall be accompanied by a burial-
6 transit permit under the law of the state in which the
7 death occurred.

8 A burial transit permit shall not be issued to a
9 person other than a funeral director when the cause of
10 death is or is suspected to be a communicable disease
11 as defined by rule of the department.

12 Sec. 6. Section 235C.2, Code 1993, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 4A. The director of the
15 department of corrections or the director's designee,
16 as a nonvoting ex officio member.

17 Sec. 7. Section 321.1, subsection 8, Code 1993, is
18 amended by adding the following new unnumbered
19 paragraph:

20 NEW UNNUMBERED PARAGRAPH. A person is not a
21 chauffeur when the operation is by a home care aide in
22 the course of the home care aide's duties.

- 23 Sec. 8. Section 321.176A, Code 1993, is amended by
 24 adding the following new subsection:
 25 NEW SUBSECTION. 7. A home care aide operating a
 26 motor vehicle in the course of the home care aide's
 27 duties."
 28 ____ . Title page, by striking line 2, and
 29 inserting the following: "of public health related to
 30 substitute medical decision-making boards, home care
 31 aide drivers' licensure, the use of".
 32 ____ . Title page, line 3, by inserting after the
 33 word "permits," the following: "substance abuse
 34 treatment programs,""
 35 2. By renumbering as necessary.

FLORENCE BUHR

S-3781

- 1 Amend the amendment, H-3314, to House File 430, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 5, line 26, by striking the figure
 5 "955,524" and inserting the following: "1,009,477".
 6 2. Page 5, by striking lines 28 through 33.
 7 3. Page 5, line 42, by striking the figure "1.50"
 8 and inserting the following: "2.50".
 9 4. Page 7, line 4, by striking the figure
 10 "1,493,320" and inserting the following: "1,636,029".
 11 5. Page 12, line 8, by striking the figure
 12 "446,902" and inserting the following: "455,840".
 13 6. Page 12, line 14, by striking the figure
 14 "1,473,435" and inserting the following: "1,502,904".
 15 7. Page 12, line 26, by striking the figure
 16 "2.83" and inserting the following: "3.00".
 17 8. Page 12, line 37, by striking the figure
 18 "772,133" and inserting the following: "787,576".
 19 9. Page 12, by inserting after line 41 the
 20 following:
 21 "Sec. ____ . SECOND INJURY FUND. The administrative
 22 costs and expenses incurred by the treasurer of state,
 23 the attorney general, the second injury fund, or the
 24 department of revenue and finance, in connection with
 25 the second injury fund, may be paid from the second
 26 injury fund. However, the payment of administrative
 27 costs and expenses incurred by the treasurer of state,
 28 the attorney general, the second injury fund, and the
 29 department of revenue and finance, as authorized in
 30 this section, shall only be permitted for
 31 administrative costs and expenses incurred in the
 32 fiscal year commencing July 1, 1993, shall not exceed

33 \$170,000, and shall be contingent upon the treasurer
 34 of state assessing the surcharge authorized in 1992
 35 Iowa Acts, chapter 1056, section 2, on or before June
 36 30, 1993.”

37 10. Page 13, line 6, by striking the figure
 38 “4,737” and inserting the following: “4,832”.

39 11. Page 14, by inserting after line 6 the
 40 following:

41 “Sec. ____ . NEW SECTION. 2.39 REPORTS TO THE
 42 GENERAL ASSEMBLY.

43 All reports required to be filed with the general
 44 assembly by a state department or agency shall be
 45 filed by delivering one printed copy and one copy in
 46 electronic format as prescribed by the secretary of
 47 the senate and the chief clerk of the house.

48 Sec. ____ . Section 8.6, Code 1993, is amended by
 49 adding the following new subsections:

50 NEW SUBSECTION. 16. WORKFLOW PROCESS REVIEW. To

Page 2

1 review the workflow processes of all departments for
 2 the following purposes:

3 a. To determine where information technology may
 4 be used to improve the efficiency of a department and
 5 how such technology may be used to the fullest extent
 6 possible for the maximum benefit.

7 b. To discourage the duplication of information
 8 collection efforts and encourage information sharing
 9 among departments.

10 c. To discourage manual duplication of certain
 11 acts including the rekeying of documents which may be
 12 otherwise transferred or delivered in a usable
 13 electronic format.

14 NEW SUBSECTION. 17. STATE AGENCY REPORTS. To
 15 develop a process for the inventory, production
 16 review, and process analysis of state agency reports
 17 including all of the following duties:

18 a. Directing each state agency to develop a list
 19 of reports published or made available by the agency
 20 and to provide the list to the department. The list
 21 provided shall indicate which reports are specifically
 22 required by state or federal law to be published or
 23 provided. Notwithstanding any provision requiring a
 24 report to be provided in writing, the department shall
 25 require that all reports required by state law be
 26 provided in electronic format as determined by the
 27 department, unless the state agency is granted a
 28 waiver by the department to publish or provide the
 29 report in writing. The department shall develop a

30 process for the granting of such waivers.

31 b. Making a request to all state agencies to
32 identify reports which can be provided to the federal
33 government in an electronic format in lieu of printed
34 copies. The department shall direct all state
35 agencies required by federal law to make a report to
36 the federal government to make a request to the
37 receiving agency to permit the report to be provided
38 in electronic format.

39 c. Developing data standards for reports to be
40 provided in electronic format. Such standards shall
41 be adopted by rule pursuant to chapter 17A after the
42 department has consulted with affected local, state,
43 and federal officials.

44 d. Developing procedures for state agencies
45 regarding public access to public documents and public
46 information.

47 e. Developing a process for the identification of
48 documents to be provided electronically.

49 Sec. — NEW SECTION. 8.60 INFORMATION
50 TECHNOLOGY ACQUISITION FUND ESTABLISHED.

Page 3

1 1. There is created in the office of the treasurer
2 of state a technology acquisition fund which is under
3 the control of the department of management. Moneys
4 deposited in the fund are not subject to reversion
5 pursuant to section 8.33.

6 2. In addition to funds appropriated to the
7 technology acquisition fund in subsection 1, fifty
8 percent of the savings identified as a result of a
9 reduction in publication and dissemination expenses
10 which are realized as a result of section 8.6,
11 subsection 17, shall be deposited in the information
12 technology acquisition fund. The remaining fifty
13 percent of such savings shall be deposited in the cash
14 reserve fund established in section 8.56. However,
15 any savings realized from the reduction in publication
16 and dissemination expenses which have been funded from
17 the road use tax fund or the primary road fund shall
18 be credited to a separate account of the information
19 technology acquisition fund and shall be used
20 exclusively for road use tax fund purposes. The
21 department of management shall adopt rules pursuant to
22 chapter 17A establishing a procedure for identifying
23 funds which are subject to this subsection.

24 3. The department shall adopt rules pursuant to
25 chapter 17A establishing standards which shall govern
26 the use of moneys in the fund. The standards shall

27 recognize the benefits which can be realized through
28 interagency collaboration and cooperation in the use
29 of such moneys. The standards shall also provide that
30 priority of the use of the moneys in the fund shall be
31 related to the highest demonstrated or reasonably
32 projected savings to be realized.

33 . 4. For purposes of the subsection:

34 a. "Information technology" includes, but is not
35 limited to, all forms of hardware or software used for
36 collecting, processing, transmitting, or storing data
37 or information, other forms of data, or information
38 manipulation.

39 b. "Procurement" includes purchase, lease-
40 purchase, lease, or other forms of financing deemed by
41 the department to be appropriate.

42 Sec. ____ . NEW SECTION. 18.12A INFORMATION
43 TECHNOLOGY PURCHASES.

44 The department is authorized, subject to the
45 approval of the department of management, to make
46 expenditures for the purchase of information
47 technology. The department shall use moneys deposited
48 in the technology acquisition fund created in section
49 8.60 for the purchase of such technology. The
50 department may also use funds as otherwise identified

Page 4

1 and authorized to be used for such acquisitions.

2 Sec. ____ . NEW SECTION. 303.95 ELECTRONIC ACCESS
3 TO DOCUMENTS.

4 The state library shall work to develop a system of
5 electronic access to documents maintained by the state
6 library with a goal of providing electronic access to
7 all such documents. The access shall be provided
8 initially through the use of compact disc technology.
9 This section shall not prohibit the state librarian
10 from considering other forms of electronic access if
11 the use of such other access is shown to exceed the
12 benefits of, and is more cost-effective than, the use
13 of compact disc technology."

PATTY JUDGE
LARRY MURPHY
RICHARD J. VARN

**REPORTS OF CONFERENCE COMMITTEES
(Senate Files)**

**Filed During The
SEVENTY-FIFTH GENERAL ASSEMBLY
1993 Regular Session**

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 11

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 11, a bill for an Act providing for the establishment of agricultural enterprise zones, restricting nuisance suits, and providing for tax exemptions on facilities within such zones, respectfully make the following report:

1. That the House recedes from its amendment, S-3529.
2. That Senate File 11, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:
"Section 1. Section 352.2, subsection 6, Code 1993, is amended to read as follows:

6. "Farm operation" means a condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the raising, harvesting, drying, or storage of crops; the care or feeding of livestock; the handling or transportation of crops or livestock; the treatment or disposal of wastes resulting from livestock; the marketing of products at roadside stands or farm markets; the creation of noise, odor, dust, or fumes; the operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Sec. 2. Section 352.2, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "Livestock" means the same as defined in section 267.1.

Sec. 3. Section 352.6, unnumbered paragraph 1, Code 1993, is amended to read as follows:

An owner of farmland may submit a proposal to the county board for the creation or expansion of an agricultural area within the county. An agricultural area, at its creation, shall include at least five three hundred acres of farmland, however, a smaller area may be created if the farmland is adjacent to farmland subject to an agricultural land preservation ordinance pursuant to section 335.27 or adjacent to land located within an existing agricultural area. The proposal shall include a description of the proposed area to be created or expanded, including its boundaries. The territory shall be as compact and as nearly adjacent as feasible. Land shall not be included in an agricultural area without the consent of the owner. Agricultural areas shall not exist within the corporate limits of the a city. The county board may consult with the department of natural resources when creating or expanding an agricultural area contiguous to a location which is under the direct supervision of the department, including a state park, state preserve, state recreation area, or sovereign lake. Agricultural areas may be created in a county which has adopted zoning ordinances. Except as provided in this section, the use of the land in agricultural areas is limited to farm operations.

Sec. 4. Section 352.7, subsection 1, Code 1993, is amended to read as follows:

1. Within thirty days of receipt of a proposal for to create or expand an agricultural area which meets the statutory requirements, the county board shall provide notice of the proposal by publishing notice in a newspaper of general

circulation in the county. Within forty-five days after receipt of the proposal, the county board shall hold a public hearing on the proposal.

Sec. 5. Section 352.8, Code 1993, is amended to read as follows:

352.8 REQUIREMENT THAT DESCRIPTION OF AGRICULTURAL AREAS BE FILED WITH THE COUNTY AUDITOR AND COUNTY RECORDER.

Upon the creation or expansion of an agricultural area, its description shall be filed by the county board with the county auditor and placed on record in with the office of the recording officer in the county recorder.

Sec. 6. Section 352.9, unnumbered paragraph 2, Code 1993, is amended to read as follows:

The board shall cause the description of that agricultural area filed with the county auditor and ~~recorded with recording officer in the county recorder~~ to be modified to reflect any withdrawal. Withdrawal shall be effective on the date of recording. The agricultural area from which the land is withdrawn shall continue in existence even if smaller than ~~five~~ three hundred acres after withdrawal.

Sec. 7. Section 352.11, subsection 1, Code 1993, is amended to read as follows:

1. NUISANCE RESTRICTION.

a. A farm or farm operation located in an agricultural area shall not be found to be a nuisance regardless of the established date of operation or expansion of the agricultural activities of the farm or farm operation. ~~The subsection This paragraph shall apply to a farm operation conducted within an agricultural area for six years following the exclusion of land within an agricultural area other than by withdrawal as provided in section 352.9.~~

b. Paragraph "a" does not apply to a nuisance which is the result of a farm operation determined to be in violation of a federal statute or regulation or state statute or rule. Paragraph "a" does not apply if the nuisance results from the negligent operation of the farm or farm operation. This subsection Paragraph "a" does not apply to actions or proceedings arising from injury or damage to a person or property caused by the farm or a farm operation before the creation of the agricultural area. This subsection Paragraph "a" does not affect or defeat the right of a person to recover damages for an injury or damage sustained by the person because of the pollution or change in condition of the waters of a stream, the overflowing of the person's land, or excessive soil erosion onto another person's land, unless the injury or damage is caused by an act of God.

c. A person shall not bring an action or proceeding based on a claim of nuisance arising from a farm operation unless the person proceeds with mediation as provided in chapter 654B.

d. If a defendant is a prevailing party in an action or proceeding based on a claim of nuisance and arising from a farm operation conducted on farmland within an agricultural area, the plaintiff shall pay court costs and reasonable attorney fees incurred by the defendant, if the court determines that the claim is frivolous."

2. Title page, by striking lines 1 through 3 and inserting the following: "An Act relating to agricultural areas."

On the Part of the Senate:

BERL E. PRIEBE, Chairperson
BRAD BANKS

On the Part of the House:

RUSSELL EDDIE, Chairperson
JOHN GREIG

MERLIN E. BARTZ
EMIL J. HUSAK
WILLIAM D. PALMER

DEO KOENIGS
RICHARD VANDE HOEF
KEITH WEIGEL

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 233

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 233, a bill for an Act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing an effective date, respectfully make the following report:

1. That the House recedes from its amendment, S-3515.

2. That Senate File 233, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, line 16, by inserting before the word "For" the following: "a."

2. Page 1, line 19, by striking the figure "5,329,911" and inserting the following: "4,729,911".

3. Page 1, by inserting after line 26 the following:

"It is the intent of the general assembly that school reform be planned, developed, and implemented through cooperative efforts of educators and parents at the local level. It is further the intent of the general assembly that the department of education provide support, resources, and organizational assistance to enable local districts and area education agencies to design and implement locally-based, unique plans for educational excellence that meet unique local needs as well as contribute to the state of Iowa's policy of being "First In the Nation in Education" through locally-controlled innovation.

b. For the purposes of preparing and making available to schools and the public suggestions for parental involvement activities:

..... \$ 5,000
The activities developed by the department of education under this lettered paragraph shall include, but are not limited to, the following:

- (1) Social involvement for parents and families.
- (2) Two-way communication between home and school.
- (3) Volunteer opportunities in the schools.
- (4) School and community advisory committees.
- (5) Joint school and home learning activities.
- (6) Classroom visits before problems arise.
- (7) Parent surveys.
- (8) Parent education and workshops.
- (9) Preschool preparation."

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

"It is the intent of the general assembly that the division of vocational rehabilitation services of the department of education shall seek, in addition to state appropriations, funds other than federal funds, which may include but are not limited to local funds, for purposes of matching federal vocational rehabilitation funds."

5. Page 2, line 17, by striking the figure "120,386" and inserting the following: "170,386".

6. Page 2, by inserting after line 18 the following:

"The moneys appropriated by this subsection shall be reduced by \$50,000 if an increase in the fees charged by the board of educational examiners does not result in an increase of at least \$50,000 in revenues to the board during the fiscal year beginning July 1, 1993."

7. Page 2, line 26, by striking the figure "13.00" and inserting the following: "16.00".

8. Page 3, line 18, by striking the figure "5,864,384" and inserting the following: "5,834,384".

9. Page 3, by inserting after line 19 the following:

___ . CENTER FOR ASSESSMENT

For the purpose of developing academic standards in the areas of math, history, science, English, language arts, and geography:

..... \$ 300,000

___ . TECHNOLOGY

For support for the department of education technology commission:

..... \$ 40,000

___ . ASSESSMENT

For participation by the department of education in a state and national project to determine the academic achievement of Iowa students in math, reading, science, United States history, or geography:

..... \$ 50,000".

10. Page 3, line 29, by striking the figure "95,756,241" and inserting the following: "95,070,486".

11. By striking page 3, line 32 through page 4, line 11, and inserting the following:

a. Merged Area I	\$ 4,460,571
b. Merged Area II	\$ 5,377,221
c. Merged Area III	\$ 5,128,220
d. Merged Area IV	\$ 2,411,165
e. Merged Area V	\$ 5,173,574
f. Merged Area VI	\$ 4,828,453
g. Merged Area VII	\$ 6,588,757
h. Merged Area IX	\$ 8,374,255
i. Merged Area X	\$12,991,658
j. Merged Area XI	\$13,975,919
k. Merged Area XII	\$ 5,458,240
l. Merged Area XIII	\$ 5,644,712
m. Merged Area XIV	\$ 2,493,332
n. Merged Area XV	\$ 7,788,056
o. Merged Area XVI	\$ 4,376,353".

12. Page 5, by inserting after line 7 the following:

"Sec. ___ . There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

To supplement the appropriation in section 294A.25 for phase II:

..... \$ 535,755".

13. Page 6, by striking lines 29 through 32 and inserting the following: "sciences

for an initiative in primary health care to direct primary care physicians to shortage areas in the state:"

14. Page 6, by inserting after line 33 the following:

"From the moneys appropriated in this lettered paragraph, at least \$122,500 for the fiscal year beginning July 1, 1993, shall be dedicated to reducing the student loan debt for resident Iowa students in return for a fixed period of medical service in the state of Iowa. The university of osteopathic medicine and health sciences shall report quarterly to the legislative fiscal bureau concerning the expenditure of funds appropriated in this lettered paragraph."

15. Page 7, by striking lines 31 through 34 and inserting the following:

"If the moneys provided in this lettered paragraph are augmented by reimbursements from the institutions under the control of the state board of regents for the funding of the office of the state board of regents, the office shall report quarterly such reimbursements to the chairpersons and ranking members of the joint subcommittee on education appropriations."

16. Page 8, line 8, by striking the figure "24,108,580" and inserting the following: "23,608,580".

17. Page 8, line 11, by striking the figure "34,300" and inserting the following: "67,300".

18. Page 8, by striking lines 19 through 21.

19. Page 8, line 27, by striking the figure "180,143,736" and inserting the following: "179,843,736".

20. Page 12, by striking lines 30 and 31 and inserting the following:

"It is the intent of the general assembly that the cooperative extension service in agriculture and home economics ensure that Iowa manufacturing centers have access to an outreach specialist and receive adequate service from the center for industrial research and service. The cooperative extension service and the center for industrial research and service shall make reasonable efforts to locate at least one outreach specialist in metropolitan areas or manufacturing centers in Iowa, including, but not limited to, the cities of Cedar Rapids, Council Bluffs, Davenport, Des Moines, Dubuque, Mason City, Sioux City, Spencer, Washington, and Waterloo. It is the intent of the general assembly that Iowa state university of science and technology consult with community colleges and other providers of service to manufacturers in determining where to locate outreach specialists."

21. Page 12, line 34, by striking the figure "1,000,000" and inserting the following: "700,000".

22. Page 12, by inserting after line 34 the following:

"It is the intent of the general assembly that the institute for physical research and technology's industrial incentive program, at Iowa state university of science and technology, focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations and that moneys for the institute for physical research and technology's industrial incentive program shall only be allocated for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses, as defined in section 15.102, subsection 4, for directed contract research or for nondirected research shall be \$1 for each \$3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be \$1 for each \$1 of state funds. The match required of industrial foundations or trade associations shall be \$1 for each \$1 of state funds.

Iowa state university shall report annually to the joint economic development subcommittee of the committees on appropriations of the senate and house of representatives, the total amounts of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors."

23. Page 13, line 6, by inserting after the word "disease" the following: "research".

24. Page 13, line 13, by striking the figure "64,514,506" and inserting the following: "64,364,506".

25. Page 14, line 18, by striking the words and figures "year beginning July 1, 1993," and inserting the following: "period beginning July 1, 1992,".

26. Page 15, line 16, by striking the words and figures "year beginning October 1, 1993," and inserting the following: "period beginning October 1, 1992,".

27. Page 15, line 27, by inserting after the word "fund" the following: "and allocated to the university for the college of medicine".

28. Page 15, line 28, by striking the word "appropriation" and inserting the following: "allocation for the college of medicine".

29. Page 16, line 6, by inserting after the word "Iowa" the following: "and allocated for the college of medicine".

30. Page 17, by striking lines 13 through 15.

31. Page 17, line 21, by striking the figure "61.00" and inserting the following: "60.00".

32. Page 17, line 25, by striking the word "positions." and inserting the following: "positions:".

33. Page 17, line 26, by striking the figure "345,866" and inserting the following: "225,866".

34. Page 17, line 27, by striking the figure "1.50" and inserting the following: "4.50".

35. Page 17, line 32, by striking the figure "253,543" and inserting the following: "203,543".

36. By striking page 17, line 34 through page 18, line 1.

37. Page 18, line 4, by inserting after the word "for" the following: "not".

38. Page 18, line 6, by striking the figure "651,600" and inserting the following: "701,600".

39. Page 22, by inserting after line 19 the following:

"Sec. — . **NEW SECTION. 262.33A FIRE AND ENVIRONMENTAL SAFETY — REPORT — EXPENDITURES.**

It is the intent of the general assembly that each institution of higher education under the control of the state board of regents shall, in consultation with the state fire marshal, identify and correct all critical fire and environmental safety deficiencies. The state fire marshal shall report annually to the joint subcommittee on education appropriations. The report shall include, but is not limited to, the identified deficiencies in fire and environmental safety at the institutions, and plans for correction of the deficiencies and for compliance with this section. Commencing July 1, 1993, each institution under the control of the state board of regents shall expend annually for fire safety and deferred maintenance at least the amount budgeted for these purposes for the fiscal year beginning July 1, 1992, in addition to any moneys appropriated from the general fund for these purposes in succeeding years."

40. Page 22, line 22, by striking the words "a fund".

41. Page 22, line 23, by inserting after the word "state" the words "a fund".

42. Page 23, line 34, by striking the words "one million" and inserting the following: "seven hundred fifty thousand".

43. Page 24, line 11, by inserting after the word "grant." the following: "If federal funding from the state systems initiative for improving mathematics and science education is not received, the amount of two hundred fifty thousand dollars shall be used, in addition to any other appropriations, for the operations of the new Iowa schools development corporation and for school transformation design and implementation projects administered by the corporation."

44. Page 25, line 16, by inserting after the word "Sections" the following: "10,".

45. By renumbering, redesignating, and correcting internal references as necessary.

On the Part of the Senate:

On the Part of the House:

LARRY MURPHY, Chairperson
JOHN P. KIBBIE
Joe J. Welsh

RON J. CORBETT, Chairperson
WILLIAM J. BRAND
HORACE DAGGETT
C. ARTHUR OLLIE

REPORT OF THE SECOND CONFERENCE COMMITTEE
ON SENATE FILE 266

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 266, a bill for an Act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of licensing and regulation, department of alcoholic beverages, department of banking, department of credit unions, department of insurance, department of utilities, and the racing and gaming commission and providing effective dates, respectfully make the following report:

1. That the House recedes from its amendment, S-3486.

2. That Senate File 266, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, line 28, by striking the word "For" and inserting the following: "1. For".

2. Page 1, line 33, by striking the word "section" and inserting the following: "subsection".

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

"2. For the costs associated with the addition of an additional member to the Iowa ethics campaign disclosure board established in House File 144, if enacted by the general assembly during the 1993 regular session:

..... \$ 2,000

3. For salary, support, maintenance, and for not more than one full-time equivalent position to be used to employ an attorney for the Iowa ethics campaign disclosure board established in House File 144, if enacted by the general assembly during the 1993 regular session:

..... \$ 42,400

4. For salary, support, maintenance, and for not more than one full-time equivalent position to be used to employ an administrative assistant II for the Iowa ethics campaign disclosure board established in House File 144, if enacted by the general assembly during the 1993 regular session:

..... \$ 38,400

5. For necessary equipment to be purchased by the Iowa ethics campaign disclosure board established in House File 144, if enacted by the general assembly during the 1993 regular session:

..... \$ 38,150".

4. Page 7, by inserting after line 11, the following:

" STATE FOSTER CARE REVIEW BOARD.

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 133,849

..... FTEs 4.00

It is the intent of the general assembly that the state citizen foster care review board, in conjunction with the department of human services and the judicial department, develop a proposal for the establishment of one statewide foster care review system which provides for citizen involvement. The proposal shall include procedural protocols and outcome measures for evaluation purposes. The proposal shall be submitted to the legislative council and the department of management on or before December 1, 1993. Pilot projects under the proposal may be implemented during the fiscal year beginning July 1, 1993, and ending June 30, 1994, if the pilot projects can be funded within budget limitations."

5. Page 8, lines 28 and 29, by striking the words "PROFESSIONAL LICENSING AND REGULATION" and inserting the following: "COMMERCE".

6. Page 8, lines 30 and 31, by striking the words "professional licensing and regulation" and inserting the following: "commerce".

7. Page 8, by inserting after line 33 the following:

"1. PROFESSIONAL LICENSING AND REGULATION DIVISION

a."

8. Page 9, line 2, by striking the figure "864,687" and inserting the following: "889,687".

9. Page 9, line 3, by striking the figure "13.00" and inserting the following: "14.00".

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

"b. There is appropriated from the title guaranty fund created in section 16.91 to the professional licensing and regulation division, an amount up to \$25,000, to be used to pay half the cost of employing an auditor for real estate broker trust accounts. In addition to the amount appropriated in this paragraph, the commission may increase the license fees provided for in section 543B.27 in an amount suffic

ient to pay half the cost of employing an auditor for real estate broker trust accounts."

11. Page 9, by striking lines 4 through 9 and inserting the following:

"2. ADMINISTRATIVE SERVICES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	105,080
.....	FTEs	2.00

It is the intent of the general assembly that the two positions authorized in this subsection for the division shall coordinate the administrative services to be provided to the divisions in the department. These two positions are under the direct supervision of, and shall report to, the director of the department.

3. ALCOHOLIC BEVERAGES DIVISION".

12. Page 9, by striking lines 15 through 19 and inserting the following:

"4. BANKING DIVISION".

13. Page 9, line 25, by striking the words "department of banking" and inserting the following: "banking division".

14. Page 9, line 32, by striking the word "department" and inserting the following: "division".

15. Page 10, line 3, by striking the word "department's" and inserting the following: "division's".

16. Page 10, line 4, by striking the words "department must" and inserting the following: "division must".

17. Page 10, by striking lines 8 through 12 and inserting the following:

"5. CREDIT UNION DIVISION".

18. Page 10, line 18, by striking the words "department of credit unions" and inserting the following: "credit union division".

19. Page 10, line 26, by striking the word "department" and inserting the following: "division".

20. Page 10, line 31, by striking the word "department's" and inserting the following: "division's".

21. Page 10, line 32, by striking the word "department" and inserting the following: "division".

22. Page 11, by striking lines 2 through 6 and inserting the following:

"6. INSURANCE DIVISION".

23. Page 11, line 10, by striking the figure "4,667,435" and inserting the following: "2,707,415".

24. Page 11, line 11, by striking the figure "86.00" and inserting the following: "85.00".

25. Page 11, line 12, by striking the words "department of insurance" and inserting the following: "insurance division".

26. Page 11, lines 14 and 15, by striking the words "department of insurance" and inserting the following: "insurance division".

27. Page 11, line 19, by striking the word "department" and inserting the following: "division".

28. Page 11, by striking lines 27 through 31 and inserting the following:

"7. UTILITIES DIVISION".

29. Page 11, line 35, by striking the figure "4,875,945" and inserting the following: "4,830,885".

30. Page 12, line 1, by striking the figure "78.00" and inserting the following: "77.00".

31. Page 12, line 2, by striking the words "department of utilities" and inserting the following: "utilities division".

32. Page 12, line 5, by striking the word "department" and inserting the following: "division".

33. Page 12, line 11, by striking the word "department" and inserting the following: "division".

34. Page 12, line 12, by striking the word "department" and inserting the following: "division".

35. Page 12, line 14, by striking the words "the department" and inserting the following: "the division".

36. By striking page 13, line 18 through page 17, line 32 and inserting the following:

"Sec. 101. Section 13B.4, subsection 7, Code 1993, is amended to read as follows:

7. The state public defender shall adopt rules pursuant to chapter 17A, as necessary, to administer this chapter and section 815.9.

Sec. 102. Section 13B.10, subsection 2, Code 1993, is amended to read as follows:

2. A determination of indigence shall not be made except upon the basis of information contained in a detailed financial statement submitted by the person or by the person's parent, guardian, or custodian. The financial statement shall be in the form prescribed by the department state public defender. If a person is determined to be indigent and given legal assistance, the financial statement shall be filed in the person's court file and with the department state public defender. A defendant who is employed shall execute a wage assignment for indigent defense costs to be paid as a precondition for appointment of counsel.

Sec. ____ . Section 237.23, Code 1993, is amended to read as follows:

237.23 AUTOMATIC REPEAL.

Sections 237.15 through 237.22, and this section, are repealed July 1, ~~1996~~ 1994.

Sec. ____ . Section 534.102, subsection 28, Code 1993, is amended to read as follows:

28. "Superintendent" means the superintendent of savings and loan associations who is the ~~director of the department of commerce~~ auditor of state.

Sec. ____ . Section 543B.46, subsections 6 and 7, Code 1993, are amended to read as follows:

6. The commission will verify on a test basis, a random sampling of the brokers, corporations, and partnerships for their trust account compliance ~~as a condition of licensure renewal. Each broker, corporation, and partnership shall submit a special report or audit of their trust account to the commission when required.~~

~~The special report or audit shall be submitted with the filed renewal application or at such other time as the commission may direct. In addition, the~~ The commission may upon reasonable cause, or as a part of or after an investigation, request or order an audit or special report. All audits and special reports addressed in this section shall be conducted at the expense of the broker by a certified public accountant.

7. The examination of a trust account shall ~~have been~~ be conducted within the twelve months immediately preceding expiration of the license or at such other times as directed by the commission or the commission's authorized representative. The report shall be in the approved form and shall include, but is not limited to, a list of all trust account numbers examined and their location and statement indicating if the broker's trust accounts are maintained in accordance with this chapter and the rules adopted for this chapter.

Sec. ____ . Section 546.2, subsection 2, Code 1993, is amended to read as follows:

2. The chief administrative officer of the department is the director. The director shall be appointed annually by the governor, subject to the confirmation of the senate, and shall serve at the pleasure of the governor from among those individuals who serve as heads of the divisions within the department. The appointment shall rotate among the division heads such that the division head of any one division shall not be appointed to be the director for a second year until such time as each division head has served as the director. A division head appointed to be the director shall fulfill the responsibilities and duties of the director in addition to the individual's responsibilities and duties as the head of a division. The director is subject to reconfirmation after four years in office. The director shall be appointed on the basis of executive and administrative abilities but shall not have been an officer or employee of any bank, credit union, savings and loan association, or insurance company. The salary shall be fixed by the governor within a range established by the general assembly. However, the administrator of the alcoholic beverages division shall serve as director until June 30, 1995.

37. Page 18, line 21, by inserting after the word "below" the following: "one hundred fifty percent of".

38. Page 18, by striking lines 24 through 26 and inserting the following:

"b. A person is not indigent if the person has an income level greater than one hundred fifty percent of the United States poverty".

39. Page 18, by inserting after line 29 the following:

"c. A person with an income level greater than one hundred fifty percent of the most recently revised poverty income guidelines published by the United States department of health and human services may be deemed partially indigent by the court pursuant to a written finding that, given the person's circumstances, not appointing counsel at public expense would cause the person substantial hardship. However, the court shall require a person deemed partially indigent to contribute to the cost of representation in accordance with rules adopted by the state public defender."

40. Page 19, by striking line 3 and inserting the following: "The state public defender shall adopt rules".

41. Page 19, line 4, by inserting after the word "statement" the following: "and the criteria by".

42. Page 19, line 5, by striking the word "upon".

43. Page 19, by striking lines 10 through 18.

44. Page 19, by striking lines 29 and 30 and inserting the following: "guidelines, at least one hundred dollars of the indigent defense costs to be recovered in accordance with rules adopted by the state public defender."

45. Page 19, by striking lines 33 through 35 and inserting the following: "percent of the poverty guidelines, at least two hundred dollars of the indigent defense costs shall be recovered in accordance with rules adopted by the state public defender."

46. By striking page 20, line 1 through page 21, line 10.

47. Page 22, by striking line 8.

48. Page 22, by striking line 11 and inserting the following: "upon enactment. Sections 101 and 102, and sections 31 and 32, of this Act take".

49. Title page, by striking lines 7 through 10 and inserting the following: "department of commerce, and the racing and gaming commission, and providing".

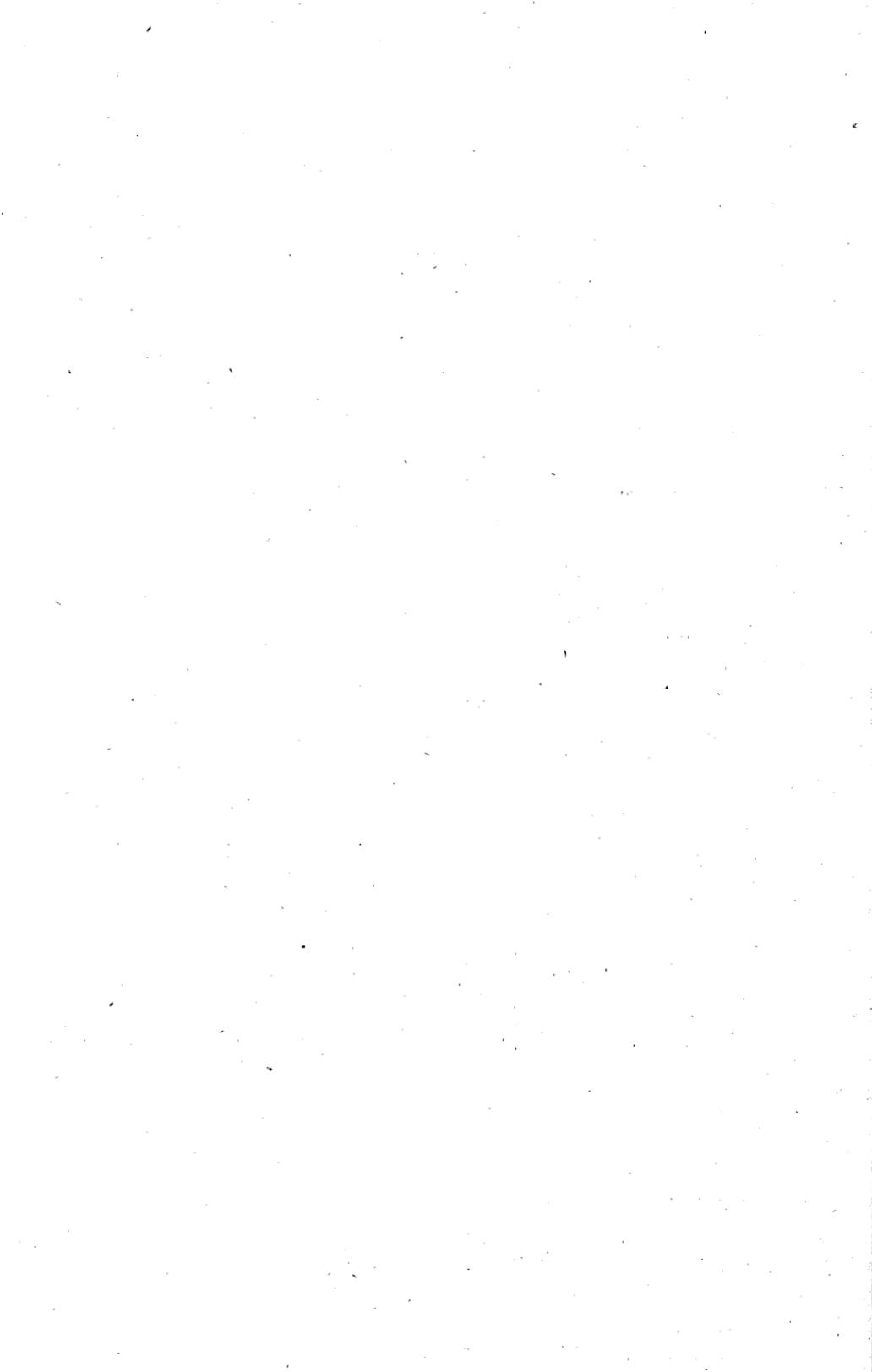
50. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

TOM VILSACK, Chairperson
TONY BISIGNANO
JACK RIFE
HARRY SLIFE
JOE WELSH

On the Part of the House:

DONALD HANSON, Chairperson
DAN BODDICKER
CLARK McNEAL



**SENATE RESOLUTIONS AND
CONCURRENT RESOLUTIONS**

**Adopted by the Senate and not
Previously Printed During the**

SEVENTY-FIFTH GENERAL ASSEMBLY

1993 Regular Session

1 SENATE RESOLUTION 1

2 By: Committee on Rules and Administration

3 A Senate Resolution relating to permanent rules of the
4 senate for the seventy-fifth general assembly.5 BE IT RESOLVED BY THE SENATE, That the permanent
6 rules of the senate for the ~~seventy-fourth~~ seventy-
7 fifth general assembly be as follows:

8 RULES OF THE SENATE

9 Rule 1

10 Quorum

11 A constitutional majority shall constitute a quorum
12 of the senate. Any senator may insist a quorum be
13 present.

14 Rule 2

15 Adoption and Amendment of Rules

16 Whenever the senate is operating under temporary
17 rules, the rules may be amended or repealed, or
18 permanent rules may be adopted, by a constitutional
19 majority of the senators. After adoption of permanent
20 rules of the senate during any general assembly, the
21 rules may be amended or repealed by a constitutional
22 majority of the senators voting on a simple
23 resolution.

24 Rule 3

25 Rules of Parliamentary Procedure

26 In cases not covered by senate rules or joint
27 rules, Mason's Manual of Legislative Procedure shall
28 govern.

29 Rule 4

30 Sessions of the General Assembly

Page 2

1 The election of officers, organization, hiring and
2 compensation of employees, and committees of the
3 senate shall carry over from the first to the second
4 regular sessions and to any extraordinary sessions of
5 the same general assembly.6 All bills and resolutions introduced in the first
7 regular session of a general assembly which are not
8 withdrawn, lost, or indefinitely postponed shall carry
9 over into the second regular session and to any
10 extraordinary session of the same general assembly.11 Appointments received from the governor for senate
12 confirmation during any session of a general assembly
13 shall be acted upon prior to adjournment of that
14 session as provided by section 2.32 of the Code.15 Except as provided by this rule, upon the adjournment
16 of the first regular session and any extraordinary
17 session, each bill or resolution shall be

18 automatically referred back to the committee to which
19 it was originally assigned. The secretary of the
20 senate shall publish in the Journal a list of the
21 bills returned to committee under this rule. Within
22 seven days after the first committee meeting after the
23 convening of the second regular session, committees
24 shall either authorize the chair to refer such bills
25 and resolutions to a subcommittee for consideration,
26 indefinitely postpone further consideration of such
27 bills, or report them out to the floor and place them
28 on the calendar. The committee chair shall report to
29 the senate the bill or resolution number and the names
30 of the subcommittee members.

Page 3

1 Bills and resolutions which have been voted upon on
2 final passage by either house in any session shall
3 remain on the calendar in the same status as at the
4 end of the session at any subsequent regular or
5 extraordinary session.

6 Rule 5

7 Regular Order of Daily Business

8 The following order shall govern, subject to any
9 special order:

- 10 1. Correction of the journal.
- 11 2. Senators to be excused.
- 12 3. Communications to the Senate.
- 13 4. Introduction of bills and resolutions.
- 14 5. Points of personal privilege.
- 15 6. Consideration of senate calendar.

16 Rule 6

17 Senate Calendar

- 18 1. Each legislative day the secretary of the
19 senate shall prepare a listing of bills to be known as
20 the "Senate Calendar".
- 21 2. The senate calendar may contain a listing under
22 the category "Special Order" which shall be placed at
23 the head of the calendar. Bills in such category
24 shall be those which are specifically set for debate
25 by the majority leader with the consent of the senate
26 on a certain date and time. Bills shall be listed by
27 the secretary in the order they are set for debate.
- 28 3. The senate calendar shall include separate
29 listings for any bills and resolutions in the
30 following categories:

Page 4

- 1 a. Conference Committee Report
- 2 b. Bills in Conference Committee
- 3 c. House Amendment to Senate Amendment to House
- 4 File
- 5 d. House Refuses to Concur in Senate Amendment to
- 6 House File
- 7 e. Senate Files Amended by the House
- 8 f. Unfinished Business
- 9 g. Motions to Reconsider
- 10 h. Administrative Rules Nullification Resolutions
- 11 i. Veto Messages from the Governor
- 12 4. The secretary shall list bills and resolutions
- 13 in the above categories in the order they are
- 14 received. Upon their first publication in the
- 15 calendar, bills and resolutions in the above
- 16 categories may be called up for debate at any time by
- 17 the majority leader. Motions to reconsider shall be
- 18 called up as provided by Rule 24.
- 19 5. The senate calendar shall include a listing of
- 20 senate appropriations committee bills and bills
- 21 reported out by the senate appropriations committee.
- 22 The list shall be known as the "Appropriations
- 23 Calendar". The secretary shall list the bills in the
- 24 order they are received. Upon their first publication
- 25 in the calendar, bills on the appropriations calendar
- 26 may be called up for debate at any time by the
- 27 majority leader provided they are eligible under Rule
- 28 8.
- 29 6. The senate calendar shall include a listing of
- 30 bills which pertain to the levy, assessment or

Page 5

- 1 collection of taxes sponsored by or initially assigned
- 2 to and reported out by the senate ways and means
- 3 committee. The list shall be known as the "Ways and
- 4 Means Calendar". The secretary shall list the bills
- 5 in the order they are received. Upon their first
- 6 publication in the calendar, bills on the ways and
- 7 means calendar may be called up for debate at any time
- 8 by the majority leader provided they are eligible
- 9 under Rule 8.
- 10 7. The senate calendar shall include a list of
- 11 bills and resolutions, known as the "Regular
- 12 Calendar", which shall consist of bills and
- 13 resolutions reported out by a senate committee. The
- 14 bills and resolutions reported out each day shall be
- 15 placed in the order of their file numbers and

- 16 following those reported out on previous days.
17 Priority shall be given to senate over house bills and
18 resolutions and to joint resolutions over bills. Upon
19 their first publication in the calendar, bills on the
20 regular calendar may be called up for debate at any
21 time by the majority leader, provided they are
22 eligible under Rule 8.
- 23 A bill reported out of committee which is
24 subsequently referred to the ways and means or
25 appropriations committee and then reported out of that
26 committee, shall be returned to the regular calendar
27 and retain its original place thereon.
- 28 8. The senate calendar shall include a listing of
29 the governor's appointees to state boards,
30 commissions, and other offices requiring senate

Page 6

- 1 confirmation. This listing shall be known as the
2 "Confirmation Calendar". Names on the confirmation
3 calendar may be called up for confirmation at any time
4 by the majority leader provided they are eligible
5 under rule 59.
- 6 9. The majority leader, or in the absence of the
7 majority leader the assistant majority leaders, may
8 select from among the bills on the previous
9 legislative day's Senate calendar and from the bills
10 selected create a new listing which shall be known as
11 the "Debate Calendar". The debate calendar shall list
12 bills as the majority leader expects to take them up
13 during the following week. A bill or resolution on
14 the debate calendar may be debated only when eligible
15 under Rule 8.
- 16 10. The majority leader, or in the absence of the
17 majority leader the assistant majority leaders, may
18 create a list of bills or resolutions about which no
19 controversy is believed to exist which shall be known
20 as the "Proposed Noncontroversial Calendar". Bills or
21 resolutions included on this listing may be debated at
22 any time upon being called up for debate by the
23 majority leader. Any bill or resolution which
24 appeared on the previous day's Senate calendar may be
25 placed by any senator on the proposed noncontroversial
26 calendar, which shall be published. Any bill or
27 resolution on the proposed noncontroversial calendar
28 shall be stricken from the list if any senator files a
29 written objection with the secretary of the senate on
30 the first or second legislative day after it appears

Page 7

1 on the proposed noncontroversial calendar. Any bill
2 stricken from the proposed noncontroversial calendar
3 shall be returned to its former place on the Senate
4 calendar. The secretary shall prepare the
5 noncontroversial calendar which shall consist of all
6 bills or resolutions on the proposed noncontroversial
7 calendar to which no objection was received.

8 11. If the senate shall not be in session on a day
9 assigned in paragraphs nine and ten for action upon a
10 calendar, such assigned action shall occur on the next
11 succeeding legislative day.

12 12. On any bill called up for debate from any
13 calendar, debate may continue from day to day until it
14 is adopted, fails, or is postponed or deferred. If
15 further debate is postponed or deferred without a time
16 to continue being set, except for bills on the debate
17 calendar, the bill shall be listed as unfinished
18 business. Bills which are returned to the committee
19 of first referral or to a different committee after
20 being considered by the senate and classified as
21 unfinished business shall be returned to the
22 unfinished business calendar by that committee when
23 the bill is reported out of committee. The unfinished
24 business date on the calendar shall be the date on
25 which the bill was returned to committee. Bills on
26 the debate calendar upon which further debate is
27 postponed or deferred without a time to continue being
28 set shall return to the regular calendar.

29 Rule 7
30 Steering Committee

Page 8

1 The senate may authorize the appointment of a
2 steering committee. The majority leader shall appoint
3 the majority party members to the steering committee.
4 The minority leader shall appoint the minority party
5 members to the steering committee. The function of
6 the steering committee shall be to create its own
7 calendar from the bills and resolutions on the regular
8 calendar. Bills and resolutions on the steering
9 committee calendar shall have priority over bills and
10 resolutions on all other calendars, except the
11 appropriations calendar.

12 Rule 8
13 When Eligible for Consideration
14 Bills, resolutions, and appointments shall be
15 eligible for consideration by the senate as follows:

16 1. An appointment by the governor which requires
17 senate confirmation shall be eligible on the
18 legislative day after it is first printed in the
19 senate calendar as provided by Rule 59.

20 2. A house or individually sponsored bill or
21 resolution reported out by a committee shall be
22 eligible on the legislative day after it is first
23 printed in the senate calendar.

24 3. A committee bill or resolution sponsored by the
25 appropriations committee shall be eligible on the
26 legislative day after it is first printed in the
27 senate calendar.

28 4. Any committee bill or resolution, other than a
29 bill or resolution sponsored by the appropriations
30 committee, shall be eligible on the third legislative

Page 9

1 day it is printed in the senate calendar.

2 5. A bill that has been reported out to the senate
3 calendar, referred to a different committee and
4 reported out by that committee is eligible for
5 consideration by the senate on the day it would have
6 been eligible under subsection 2, 3, or 4, whichever
7 is applicable, as if the bill had been printed in the
8 calendar after having been reported out by the first
9 committee.

10 6. Any bill or resolution placed on the steering
11 committee calendar is eligible for consideration on
12 the day of its placement on that calendar.

13 When a bill or resolution on the calendar is not
14 yet eligible, the date when it will become eligible
15 shall be printed in the calendar.

16

Rule 9

17

Debate and Decorum

18 Before addressing the senate, the senator shall
19 request recognition by depressing the "speak" device
20 and, when recognized, rise and respectfully address
21 the chair.

22 The senator shall confine all remarks to the
23 question under debate and shall avoid discussing
24 personalities or implication of improper motives. No
25 questions except by the senator recognized shall be
26 entertained after a senator is recognized to give
27 final remarks.

28

Rule 10

29

Point of Personal Privilege

30 A point of personal privilege shall only be

Page 10

1 recognized when there is no motion pending or other
2 business being considered by the senate. Senators
3 speaking on a point of personal privilege shall be
4 limited to ten minutes.

5 Rule 11

6 Introduction and Presentation of Guests

7 Only former members of the senate and former and
8 present members of Congress shall be presented to the
9 senate, except that the president of the senate may
10 present a visitor whose presence is of special
11 significance to the senate. ~~No presentation shall be~~
12 ~~made during debate or discussion of legislation.~~ The
13 presence of school groups accompanied by school
14 officials shall be announced by the president of the
15 senate and shall be recorded in the journal upon
16 written request of a member of the senate.

17 Rule 12

18 Form and Withdrawal of Motions, Amendments and Signatures

19 Motions need not be in writing unless required by
20 the president or by the senate. No motion requires a
21 second. Any amendment, motion (including a motion to
22 reconsider), or resolution may be withdrawn by the
23 mover if it has not been amended by the senate and if
24 no amendment is pending. All amendments to bills,
25 resolutions, and reports shall be in writing and filed
26 before being acted upon by the senate.

27 No amendment, resolution, bill, or conference
28 committee report shall be considered by the senate
29 without a copy of the amendment, resolution, bill, or
30 conference committee report being on the desks of the

Page 11

1 entire membership of the senate prior to
2 consideration.

3 All amendments, reports, petitions or other
4 documents requiring a signature shall have the name
5 typed under the place for the signature. Once a
6 signature is affixed and the document containing the
7 signature filed with the recording clerk in the well,
8 that signature shall not be removed.

9 When an amendment to a main amendment is filed that
10 would negate the effect of the main amendment and
11 thereby leave the bill unchanged, the presiding
12 officer shall have the authority to declare the
13 amendment to the main amendment out of order, subject
14 to an appeal to the full senate.

15 When a house amendment to a senate file is before

16 the senate, an amendment to the house amendment shall
17 be considered an amendment in the first degree.
18 When a ruling on germaneness is issued by the
19 presiding officer, it shall be accompanied by an
20 explanation of the ruling.

21 Rule 13

22 Order and Precedence of Motions and Amendments

23 When a question is under debate, no motion shall be
24 received but to adjourn, to recess, questions of
25 privilege, to lay on the table, for the previous
26 question, to postpone to a day certain, to refer, to
27 amend, to postpone indefinitely, to defer, or
28 incidental motions. A substitute is not in order
29 unless it is in the form of a motion to substitute.
30 Such motions shall have precedence in the order in

Page 12

1 which they are named. No motion to postpone to a day
2 certain, to refer, or postpone indefinitely, being
3 decided, shall be again allowed on the same day with
4 regard to the same question. A motion to strike out
5 the enacting clause of a bill shall have precedence
6 over all amendments and, if carried, shall be
7 considered equivalent to the rejection of the bill.

8 A motion to strike everything after the enacting
9 clause has precedence over a committee amendment and
10 all other amendments except one to strike the enacting
11 clause. A committee amendment has precedence over all
12 other amendments except as provided in this rule.

13 A motion to rerefer a bill to committee may specify
14 when the committee shall report the bill to the
15 senate. If the motion is adopted in such form, the
16 committee must report the bill by the date specified
17 with or without recommendation or the bill shall
18 automatically be returned to the calendar. When the
19 bill is returned to the calendar, it shall occupy the
20 same position it occupied at the time the bill was
21 rereferred to the committee. If the committee to
22 which the bill is rereferred submits an amendment in
23 its report, that committee amendment shall take
24 precedence over other amendments except if that
25 committee amendment is in conflict with amendments
26 previously adopted, the committee amendment shall not
27 be considered until consideration of motions to
28 reconsider the previously adopted amendments result in
29 removing the conflict. A committee may not file an
30 amendment to a bill after the bill has been voted out

Page 13

1 of that committee.

2 Rule 14

3 MOTIONS BEFORE THE SENATE

4 Motions before the senate shall be displayed on the
5 electronic voting system display boards.

6 Rule 15

7 Nondebatable Motions

8 The following motions are not debatable:

9 Adjourn

10 Recess

11 Call of the Senate

12 Lay on Table or Take from Table

13 Previous Question

14 Reconsider vote by which bill was placed on last reading.

15 A Motion to Reconsider and Lay the Motion to Reconsider
16 on the Table (Double-barreled Motion).

17 Rule 16

18 Division of the Question

19 Any senator may call for a division of a question,
20 which shall be divided if it includes propositions so
21 distinct that if one is taken away, a substantive
22 proposition shall remain in a technically proper form
23 for the decision of the senate. A motion to strike
24 out and insert is indivisible; but a motion to strike
25 out, if lost, shall not preclude amendments to the
26 matter attempted to be stricken or a motion to strike
27 out and insert.

28 Rule 17

29 The Previous Question

30 The previous question shall be in this form:

Page 14

1 "Shall debate be closed on the pending question?" A
2 motion for the previous question may be adopted by a
3 majority of the senators present and voting. Its
4 effect shall be to put an end to debate and bring the
5 senate to a direct vote upon the pending question.
6 However, any senator who has not previously spoken on
7 the pending question and who, after the main question
8 is taken up and before the motion for the previous
9 question has been made, requested recognition by
10 depressing the "speak" device may speak no longer than
11 five minutes on the pending question. If action on
12 the pending question continues into another
13 legislative day or is deferred, the previous question
14 shall apply and the requests to be recognized shall be
15 honored.

16 When the motion applies to an amendment, the
17 senator proposing the amendment shall have five
18 minutes to close debate on the amendment.
19 The senator handling the measure under
20 consideration shall have ten minutes to close debate
21 on the main question.

22 Rule 18

23 Call of the Senate

24 Ten senators may file in writing a call of the
25 senate on any single item of legislative business. A
26 call of the senate requires the presence of every
27 senator and is in order at any time prior to the vote
28 being announced by the president. The sergeant-at-
29 arms shall return promptly all absent senators.
30 Debate on the item may continue while absent senators

Page 15

1 are returning, but no vote on the item is in order on
2 it until all have returned. Adoption of a motion to
3 recess or adjourn to a specific time will not lift the
4 call. The call may be lifted, or a senator may be
5 excused from the call without lifting the call, by a
6 vote of a constitutional majority of the senators.
7 Those senators excused prior to the filing of the call
8 are excused from the call.

9 Rule 19

10 Committee of the Whole

11 The senate may resolve itself into a committee of
12 the whole senate when it wishes to permit more free
13 and informal discussion. Persons other than senators
14 may appear and present information.
15 Any senator may move "that the senate now resolve
16 itself into a committee of the whole to consider" a
17 stated subject.
18 The president of the senate shall be chair of the
19 committee of the whole unless otherwise ordered by the
20 senate.
21 The procedure in committee of the whole is subject
22 to the rules of the senate. The previous question and
23 the motion to reconsider shall be in order.
24 The committee of the whole cannot take any final
25 action and its power is limited to recommendation to
26 the senate. The proceedings of the committee of the
27 whole, including any roll call vote, shall be printed
28 in the journal.
29 Any senator may at any time, except while voting or
30 while a senator has the floor, move that "the

Page 16

1 committee rise" which is equivalent to a motion to
2 adjourn.

3 After adoption of the motion to rise, the chair may
4 report to the senate in the same manner as other
5 committee reports are given.

6 Rule 20

7 Last Reading and Passage of Bills

8 When a motion to place a bill on its last reading
9 is lost, the same motion shall be in order at any
10 later time. After the last reading of a bill, no
11 amendment shall be received. The vote on final
12 passage shall be taken immediately without debate.

13 Rule 21

14 Engrossment of Bills

15 An engrossment is a proofreading and verification
16 in order to be certain that a bill before the senate
17 is identical with the original bill as introduced with
18 all amendments which have been adopted correctly
19 inserted. A bill shall be considered engrossed when
20 ordered to its last reading.

21 In an engrossed bill, all obvious typographical,
22 spelling or other clerical errors are corrected and
23 section or paragraph numbers and internal references
24 are changed as required to conform the original bill
25 to any amendments which have been adopted. All such
26 corrections or changes shall be reported in the
27 journal by the secretary of the senate. The engrossed
28 bill shall be placed in the bill file with the
29 original bill and amendments.

30 Rule 22

Page 17

1 Manner of Voting

2 On voice vote, the question shall be distinctly put
3 in this form: "Those in favor of (the question) say
4 "aye"." "Those opposed to (the question) say "no"."

5 A non-record or record roll call vote may be
6 requested by any senator or ordered by the president
7 any time before the results are announced. A non-
8 record roll call shall be requested by asking for a
9 "division". A record roll call shall be requested by
10 asking for a "roll call". Upon request for a non-
11 record or record roll call vote, the president shall
12 announce that such a non-record or record roll call
13 vote has been requested and shall state the question
14 to be put to the senate. The president then shall
15 direct the secretary of the senate to receive the

16 votes.

17 Senators present may cast their votes, either by
18 operating the voting mechanism located at their
19 assigned desk or by signaling the president if they
20 are unable to vote at their assigned desk. The
21 president shall enter the votes of senators signaling
22 their votes.

23 After sufficient time has elapsed for all senators
24 present to record their votes, the president shall
25 direct the secretary of the senate to close the voting
26 system. The president shall still enter the senators'
27 votes at any time prior to directing the secretary of
28 the senate to lock the voting system. The president
29 shall then immediately announce the vote.

30 During a non-record or record roll call vote, both

Page 18

1 individual votes and vote totals shall be indicated
2 openly on the display boards. On non-record roll
3 calls, only vote totals shall be printed in the
4 journal.

5 In the event the electronic voting system is not in
6 operating order, the president shall direct the
7 secretary of the senate to take the non-record or
8 record roll call by calling the names of the senators
9 in alphabetical order.

Rule 23

Duty of Voting

12 Every senator present when a question is put shall
13 vote "aye", "no" or "present" unless previously
14 excused by the senate. Upon demand being made by any
15 senator, the secretary of the senate shall call in
16 alphabetical order the names of the senators not
17 voting or voting "present". Those senators called
18 shall vote "aye" or "no" unless the senator states a
19 personal interest in the question or concludes that he
20 or she should not vote under the senate code of
21 ethics.

Rule 24

Reconsideration

24 When a main motion or main question has been
25 decided by the senate, any senator having voted on the
26 prevailing side may move to reconsider the vote on the
27 same or next legislative day. Motions to reconsider a
28 vote by which a bill or joint resolution was adopted
29 on final passage shall be in writing and filed with
30 the secretary of the senate. A motion to reconsider

Page 19

1 an amendment to a main motion or main question shall
2 be in writing and filed with the secretary of the
3 senate. A motion to reconsider an amendment to a main
4 motion or main question shall be taken up for
5 consideration only prior to the disposition of the
6 main question or upon reconsideration of the main
7 question. A constitutional majority by a record roll
8 call is necessary to reconsider a bill or joint
9 resolution. During three legislative days from the
10 date the motion to reconsider a bill or resolution is
11 filed, only the mover may call it up. Thereafter, any
12 senator may call up the motion. If a date for
13 adjournment has been set by resolution of the senate,
14 any senator may call up a motion to reconsider at any
15 time within three days prior to the date set for
16 adjournment.

17 If the motion to reconsider a bill or resolution
18 prevails, motions to reconsider amendments thereto
19 shall be in order and shall be disposed of without
20 delay.

21 A motion that any action taken by the senate be
22 reconsidered and the motion to reconsider be laid upon
23 the table shall be a single and indivisible motion,
24 known as the double-barreled motion, which, if
25 carried, shall have the effect of preventing
26 reconsideration unless a motion to take from the table
27 prevails. A constitutional majority is necessary for
28 the double-barreled motion to prevail on a bill or
29 joint resolution. The double-barreled motion can only
30 be made from the floor after the vote is announced and

Page 20

1 the member who moved the final reading shall have
2 priority in making it.

3 A motion to reconsider and lay on the table shall
4 have priority over a motion to reconsider if they are
5 both filed on the same legislative day.

6 In the event that a motion to reconsider is pending
7 at the end of the first session or any extraordinary
8 session of any general assembly, or the general
9 assembly adjourns sine die, and the motion has not
10 been voted upon by the senate, it shall be determined
11 to have failed.

Rule 25

12
13 Suspension of Rules and Taking from Table
14 No standing rule or rules incorporated by reference
15 under Rule 3 or order of the senate shall be rescinded

16 or suspended, nor shall any matter, tabled upon
17 motion, be taken up, except by an affirmative vote of
18 a constitutional majority of the senate.

19 INTRODUCTION AND FORM OF BILLS

20 Rule 26

21 Time and Method of Introducing Bills and Amendments

22 All bills to be introduced in the senate shall be
23 typed in proper form by the legislative service bureau
24 and shall be filed with the recording clerk.

25 All amendments shall be typed in proper form and
26 filed with the recording clerk not later than 4:30
27 p.m., or adjournment, whichever is later, in order to
28 be listed in the following day's clip sheet.

29 An "impact amendment" is an amendment which
30 reasonably could have an annual effect of at least one

Page 21

1 hundred thousand dollars or a combined total effect
2 within five years after enactment of five hundred
3 thousand dollars or more on the aggregate revenues,
4 expenditures or fiscal liability of the state or its
5 subdivisions.

6 An impact amendment to a bill which has been on the
7 special order calendar for at least three full
8 legislative days prior to its consideration shall not
9 be taken up by the senate unless:

10 1) a fiscal note is attached, and the amendment is
11 filed at least one legislative day prior to the date
12 set for consideration of the bill; or

13 2) the amendment is an appropriation or other
14 measure where the total effect is stated in dollar
15 amounts.

16 Rule 27

17 Limit on Introduction of Bills

18 No bill or joint resolution, except bills and joint
19 resolutions cosponsored by the majority and minority
20 floor leaders, shall be introduced in the senate after
21 4:00 p.m. on Friday of the seventh week of the first
22 regular session of a general assembly unless a written
23 request for drafting the bill has been filed with the
24 legislative service bureau before that time. After
25 adjournment of the first regular session, bills may be
26 prefiled at any time before the convening of the
27 second regular session. No bill shall be introduced
28 after 4:00 p.m. on Friday of the second week of the
29 second regular session of a general assembly unless a
30 written request for drafting the bill has been filed

Page 22

1 with the legislative service bureau before that time.
2 However, standing committees may introduce bills and
3 joint resolutions at any time. A bill which relates
4 to departmental rules sponsored by the administrative
5 rules review committee and approved by a majority of
6 the members of the committee in each house may be
7 introduced at any time and must be referred to a
8 standing committee which must take action on the bill
9 within three weeks. Senate and concurrent resolutions
10 may be introduced at any time.

11 No bill, joint resolution, concurrent resolution or
12 senate resolution shall be introduced at any
13 extraordinary session unless sponsored by a standing
14 committee, the majority and minority floor leaders, or
15 the committee of the whole.

16 Rule 28

17 Introduction, Reading and Form of Bills and Resolutions

18 Every senate bill and resolution shall be
19 introduced by one or more senators or by any standing
20 committee of the senate and shall at once be given its
21 first reading.

22 If the senate is in session when a bill or
23 resolution is introduced, the first reading shall
24 consist of reading its file number, the title and
25 sponsor of the bill. If the senate is not in session
26 but a journal is published for the day, the first
27 reading shall consist of a journal entry of the bill's
28 file number, title, sponsor and the notation "Read
29 first time under Rule 28."

30 Any bill or resolution approved for introduction by

Page 23

1 a standing committee during an interim period between
2 sessions of one General Assembly shall be introduced
3 without further action by the committee at the next
4 succeeding regular session of the same General
5 Assembly and placed immediately upon the regular
6 calendar.

7 Every bill and resolution referred to committee
8 shall have received two readings before its passage.

9 The subject of every bill shall be expressed in its
10 title.

11 Rule 29

12 Explanations

13 No bill, except appropriation committee bills and
14 simple or concurrent resolutions, shall be introduced
15 unless a concise and accurate explanation is attached.

16 The chief sponsor or a committee to which the bill has
17 been referred may add a revised explanation at any
18 time before the last reading, and it shall be included
19 in the daily clip sheet.

20 Rule 30
21 Resolutions

22 A "senate resolution" is a resolution acted upon
23 only by the senate which expresses sentiment or is
24 used for the appointment of special committees within
25 the senate. A senate resolution requires the
26 affirmative vote of a majority of the senators present
27 and voting. A senate resolution shall be filed with
28 the secretary of the senate. A senate resolution
29 shall be printed in the bound journal after its
30 adoption and in the daily journal upon written request

Page 24

1 to the secretary of the senate by the sponsor of the
2 resolution.

3 Rule 31
4 Nullification Resolutions

5 A nullification resolution may be introduced by a
6 standing committee, the administrative rules review
7 committee, or any member of the senate. A
8 nullification resolution introduced by the
9 administrative rules review committee or a member of
10 the senate shall be referred to the same standing
11 committee it would be referred to if it was a bill.
12 Any nullification resolution may be referred to the
13 administrative rules review committee by a majority
14 vote of the standing committee which introduced it or
15 to which it was referred. The administrative rules
16 review committee may seek an agreement with the
17 affected administrative agency wherein the agency
18 agrees to voluntarily rescind or modify a rule or
19 rules relating to the subject matter of the
20 nullification resolution. An agreement to voluntarily
21 rescind or modify an administrative agency rule shall
22 be in writing and signed by the chief administrative
23 officer of the administrative agency and a majority of
24 the administrative rules review committee members of
25 each house and shall be placed on file in the offices
26 of the chief clerk of the house, the secretary of the
27 senate and the secretary of state. If an agreement is
28 not reached, or the nullification resolution is not
29 approved by a majority of the administrative rules
30 review committee members of each house, within two

Page 25

1 weeks of the date the resolution is referred to the
 2 committee, the resolution shall be placed on the
 3 calendar. If the nullification resolution is approved
 4 by the administrative rules review committee it shall
 5 be placed on the calendar. A nullification resolution
 6 is subject to a motion to withdraw the nullification
 7 resolution as provided in rule 42.

8 A nullification resolution is debatable, but cannot
 9 be amended on the floor of the senate.

10 Rule 32

11 Resolutions, Applicable Rules

12 All rules applicable to bills shall apply to
 13 resolutions, except as otherwise provided in the
 14 rules.

15 Rule 33

16 Study Bills

17 1. A study bill is any matter which a senator
 18 wishes to have considered by a standing committee or
 19 appropriations subcommittee for introduction as a
 20 committee bill or resolution. The term "study bill"
 21 includes "proposed bills" provided for in Rule 37 and
 22 departmental requests prefiled in the manner specified
 23 in section 2.16 of the Code.

24 2. A study bill shall bear the name of the member
 25 who wishes to have the bill considered. A study bill
 26 submitted by a state agency shall bear the name of the
 27 agency. A committee chair may submit a study bill in
 28 the name of that committee.

29 3. Upon first receiving a study bill from a
 30 senator, a committee chairperson shall submit three

Page 26

1 copies to the secretary of the senate. Study bills
 2 received in the secretary of the senate's office
 3 before 3:00 p.m. shall be filed, numbered, and
 4 reported in the journal for that day. Study bills
 5 received in the secretary of the senate's office after
 6 3:00 p.m. shall be filed, numbered, and reported in
 7 the journal for the subsequent day. The secretary
 8 shall number such bills in consecutive order. The
 9 secretary shall maintain a record of all study bills
 10 and their assigned number. Committee records shall
 11 refer to study bills by the number assigned by the
 12 secretary.

13 4. The secretary shall file a report in the
 14 journal of each study bill received. The report shall
 15 show the study bill number, its title or subject

16 matter and the committee which is considering it. If
 17 a study bill is referred to a subcommittee, then the
 18 committee chairperson shall report in the journal the
 19 names of the subcommittee members to which it is
 20 assigned.

21 5. If a committee bill or resolution is introduced
 22 which was not previously the subject of a study bill
 23 in the sponsoring committee, the majority leader may
 24 re-refer the bill back to the committee.

25 6. A study bill not prepared by the legislative
 26 service bureau may be submitted to a standing
 27 committee, but shall not be considered by the full
 28 committee unless reviewed and typed in proper form by
 29 the legislative service bureau.

30 COMMITTEES AND COMMITMENT

Page 27

1 Rule 34

2 Committee Appointments

3 Committee appointments shall be made by the
 4 majority leader for majority party members, after
 5 consultation with the president, and by the minority
 6 leader for minority party members, after consultation
 7 with the president. No senator shall serve on more
 8 than five committees. The majority leader, after
 9 consultation with the president, shall designate the
 10 chairperson and vice-chairperson of each standing
 11 committee. The minority leader, after consultation
 12 with the president, shall designate the ranking member
 13 of each standing committee from the minority
 14 membership of that committee.

15 Rule 35

16 Standing Committees

17 The names of the standing committees of the senate
 18 shall be:

- 19 Agriculture
- 20 Appropriations
- 21 Business and labor relations
- 22 Commerce
- 23 Communications and information policy
- 24 Education
- 25 Environment and energy utilities
- 26 Human resources
- 27 Judiciary
- 28 Local government
- 29 Natural resources
- 30 Rules and administration

Page 28

1 Small business, ~~and~~ economic development, and
2 tourism

3 State government

4 Transportation

5 Ways and means

6 Rule 36

7 Committee on Rules and Administration

8 The committee on rules and administration shall
9 recommend rules and rule changes to the senate, shall
10 hire senate employees, shall recommend salary scales
11 for all senate employees, and shall oversee senate
12 budget and administration matters.

13 The committee on rules and administration will
14 select, for senate approval, an individual to serve as
15 secretary of the senate.

16 Upon authorization being given by the committee on
17 rules and administration, the minority party members
18 of the committee will select, for senate approval, an
19 individual to serve as assistant parliamentarian.

20 The committee shall have the following standing
21 subcommittees:

22 1. Joint Rules

23 2. Senate Rules

24 3. Administrative Services

25 4. Caucus Services.

26 The majority leader shall serve as chair of the
27 rules and administration committee and as chair of the
28 standing subcommittee on caucus services. The
29 president of the senate shall serve as vice-chair of
30 the rules and administration committee, and as chair

Page 29

1 of the subcommittee on administrative services.

2 Rule 37

3 Appropriations Committee

4 The appropriations committee shall receive bills
5 committed to it and shall assign each to one of the
6 appropriations subcommittees.

7 There shall be ten appropriations subcommittees
8 which shall be named:

9 Administration

10 Agriculture/ and Natural Resources

11 Claims

12 Economic Development

13 Education

14 Health and Human Rights

15 Human Services

16 Justice System

17 Regulation

18 Transportation and Safety

19 The appropriations subcommittees shall receive

20 bills assigned to them or may originate proposed bills

21 within the subcommittee's jurisdiction as defined by

22 the appropriations committee for consideration by the

23 appropriations committee. Each subcommittee may

24 submit amendments to bills together with the

25 subcommittee's recommended action to the

26 appropriations committee.

27 If a bill or proposed bill is submitted to the

28 appropriations committee by an appropriations

29 subcommittee the appropriations committee may:

30 1. report the bill or approve the proposed bill

Page 30

1 for introduction by the appropriations committee;

2 2. report the bill with any appropriations

3 committee-approved amendments incorporated;

4 3. draft a new bill for sponsorship by the

5 appropriations committee and report it; or

6 4. re-refer it together with the appropriations

7 committee's objections to the appropriations

8 subcommittee from which it was originally referred or

9 which originated the draft bill.

10 The appropriations committee and subcommittees may

11 meet jointly with the appropriations committee of the

12 house of representatives.

13 Rule 38

14 First Reading and Commitment

15 Upon the first reading of an individual bill or

16 resolution, or a house committee bill or resolution,

17 the president shall refer the bill or resolution to an

18 appropriate standing committee unless otherwise

19 ordered by the senate. If the bill or resolution is a

20 senate committee bill or resolution, the president

21 shall place it on the calendar after its first

22 reading. If the subject of the bill or resolution is

23 not germane to the title of the committee presenting

24 it, the president or the senate may refer it to a

25 committee deemed appropriate.

26 All bills carrying an appropriation for any purpose

27 or involving the expenditure of state funds shall be

28 referred to the committee on appropriations.

29 All bills pertaining to the levy, assessment or

30 collection of taxes or fees shall be referred to the

Page 31

1 committee on ways and means.
2 Any bill which provides for a new state board,
3 commission, agency or department or makes separate or
4 autonomous an existing state board, commission, agency
5 or department, shall be referred to the committee on
6 state government. This rule shall also apply when
7 such a provision is added to a bill or resolution by
8 amendment adopted by the senate. If the bill or
9 resolution is so referred after being sponsored or
10 reported out by another committee, and if the
11 committee on state government does not report out the
12 bill or resolution within ten legislative days after
13 referral, the bill or resolution shall automatically
14 be restored to the calendar with the same priority it
15 had immediately before referral.

16 Rule 39

17 Rules for Standing Committees

18 The following rules shall govern all standing
19 committees of the senate. Any committee may adopt
20 additional rules which are consistent with these
21 rules:

- 22 1. A majority of the members shall constitute a
23 quorum.
24 2. The chair of a committee shall refer each bill
25 and resolution to a subcommittee within seven days
26 after the bill or resolution has been referred to the
27 committee. The chair may appoint subcommittees for
28 study of bills and resolutions without calling a
29 meeting of the committee, but the subcommittee must be
30 announced at the next meeting of the committee. No

Page 32

1 bill or resolution shall be reported out of a
2 committee until the next meeting after the
3 subcommittee is announced, except that the chair of
4 the appropriations committee may make the announcement
5 of the assignment to a subcommittee by placing a
6 notice in the journal. Any bill so assigned by the
7 appropriations committee chair shall be eligible for
8 consideration by the committee upon report of the
9 subcommittee but not sooner than three legislative
10 days following the publication of the announcement in
11 the journal.

12 When a bill or resolution has been assigned to a
13 subcommittee, the chair shall report to the senate the
14 bill or resolution number and the names of the
15 subcommittee members and such reports shall be

16 reported in the journal. Subcommittee assignments
17 shall be reported to the journal daily. Reports filed
18 before 3:00 p.m. shall be printed in the journal for
19 that day; reports filed after 3:00 p.m. shall be
20 printed in the journal for the subsequent day.

21 Where standing subcommittees of any committee have
22 been named, the names of the members and the title of
23 the subcommittee shall be published once and
24 thereafter publication of assignments may be made by
25 indicating the title of the subcommittee.

26 3. No bill or resolution shall be considered by a
27 committee until it has been referred to a subcommittee
28 and the subcommittee has made its report unless
29 otherwise ordered by a majority of the members.

30 4. The rules adopted by a committee, including

Page 33

1 subsections 2, 3, 9, 10, 11, and 12 of this rule, may
2 be suspended by an affirmative vote of a majority of
3 the members of the committee.

4 5. The affirmative vote of a majority of the
5 members of a committee is needed to sponsor a
6 committee bill or resolution or to report a bill or
7 resolution out for passage.

8 6. The vote on all bills and resolutions shall be
9 by roll call unless a short-form vote is unanimously
10 agreed to by the committee. A record shall be kept by
11 the secretary.

12 7. No committee, except a conference committee or
13 the steering committee, is authorized to meet when the
14 senate is in session.

15 8. A subcommittee shall not report a bill to the
16 committee unless the bill has been typed into proper
17 form by the legislative service bureau.

18 9. A bill or resolution shall not be voted upon
19 the same day a public hearing is held on that bill or
20 resolution. The presence or participation of a member
21 of the legislature, official of the state, state
22 department head, member of the press, legislative
23 staff member assigned to the committee, or a person
24 invited by the committee is not considered a public
25 hearing.

26 10. Public hearings may be called at the
27 discretion of the chair. The chair shall call a
28 public hearing upon the written request of one-half
29 the membership of the committee. The chair shall set
30 the time and place of the public hearing.

Page 34

- 1 11. A subcommittee chair must notify the committee
2 chair not later than one legislative day prior to
3 bringing the bill or resolution before the committee.
4 The committee cannot vote on a bill or resolution for
5 at least one full day following the receipt of the
6 subcommittee report by the chairperson.
7 12. A motion proposing action on a bill or
8 resolution that has been defeated by a committee shall
9 not be voted upon again at the same session of the
10 committee.
11 13. Committee meetings shall be open.

Rule 40

Voting in Committee

- 14 All committee meetings shall be open at all times.
15 Voting by secret ballot is prohibited. Roll call
16 votes shall be taken in each committee when final
17 action on any bill or resolution is voted, unless a
18 short-form vote is unanimously agreed to by the
19 committee. A roll call vote also shall be taken in
20 each committee at the request of a member upon any
21 amendment or motion. All results shall be entered in
22 the minutes which shall be public records. Records of
23 these votes shall be made available by the chair or
24 the committee secretary at any time. This rule also
25 applies to the steering committee and appropriations
26 subcommittees.
27 The committee shall not authorize the introduction
28 of a committee bill or resolution until the members
29 have received final copies of the bill or resolution
30 with amendments or changes incorporated, and typed

Page 35

- 1 into proper form by the legislative service bureau.
2 The committee may, by unanimous consent, dispense with
3 this requirement when only nonsubstantive amendments
4 or changes are necessary to correct the bill or
5 resolution, or when a study bill or individually
6 sponsored bill is voted out as a committee bill with
7 no change in the text of the bill or the title.
8 The legislative service bureau shall file a report
9 with the committee members detailing the amendments or
10 changes and this report shall become a part of the
11 committee report.

Rule 41

Announcement of Committee Meetings

- 14 It shall be in order for the chair of any committee
15 to announce to the senate the time and place of

16 committee meetings. The announcement shall include a
17 proposed agenda for the meeting. The sergeant-at-arms
18 shall post at the rear of the chamber the daily
19 schedule of committee meetings.

20 Rule 42

21 Withdrawal of Bills and Resolutions from Committee

22 The secretary of the senate shall note on each bill
23 and resolution the date of its reference to committee.
24 No bill or resolution shall be withdrawn from any
25 committee within fifteen legislative days after the
26 bill or resolution has been referred to the committee
27 and thereafter only upon written petition for the
28 withdrawal of such bill or resolution signed by a
29 constitutional majority of the senators, except as
30 provided in Rule 37. Only senators may circulate such

Page 36

1 a petition.

2

Rule 43

3

Committee Reports

4 All committees shall file a report with the
5 secretary of the senate of committee meetings. Such
6 reports shall contain the following information:

7 a. The time the meeting convened;

8 b. Those senators who were present and absent at
9 the time the meeting convened, as well as the time any
10 senator, who was not present at the time the meeting

11 convened, arrives for the meeting;

12 c. The vote on any bill or resolution reported out

13 of the committee for floor action;

14 d. The title of the bill;

15 e. The file number of the bill or resolution (if

16 known);

17 f. Whether the committee recommends that the bill
18 or resolution be passed, amended and passed,
19 indefinitely postponed, or considered without

20 committee recommendation;

21 g. An indication of other bills or matters

22 discussed;

23 h. Such other matters as the committee chair shall

24 direct; and

25 i. The time the meeting adjourned.

26 No committee report shall be read, but all
27 committee reports shall be printed by the secretary in
28 the journal. Upon printing, all committee reports
29 shall then stand approved unless the senate directs
30 otherwise.

Page 37

1 Rule 44
2 Bills or Resolutions Recommended for Indefinite Postponement

3 When a question is postponed indefinitely, it shall
4 not be again acted upon during that session of the
5 general assembly. However, no senate bill or
6 resolution recommended for indefinite postponement
7 shall be considered in the absence of the chief
8 sponsor or, if a house bill or resolution, in the
9 absence of the senator representing the district in
10 which the sponsor resides.

11 GENERAL RULES

12 Rule 45
13 Admission to Senate Chamber

14 The persons who shall have access to the senate
15 chamber, and the times access shall be available, and
16 the rules governing their activities in the chamber
17 shall be as prescribed by the rules and administration
18 committee pursuant to a written policy adopted by the
19 committee and filed with the secretary of the senate.

20 Rule 46
21 Legislative Interns and Aides

22 Legislative interns for senators shall be allowed
23 on the floor of the senate in accordance with Rule 45;
24 provided that each intern first has obtained a name
25 badge from the secretary of the senate. The secretary
26 of the senate shall issue an appropriate name badge to
27 all interns for senators.

28 In addition, those persons designated as "aides to
29 senators" shall be allowed on the floor of the senate.
30 The secretary of the senate shall issue an appropriate

Page 38

1 name badge for such individuals.

2 Rule 47
3 Clearing of Lobby and Gallery

4 In case of disturbance or disorderly conduct in the
5 lobby or gallery, the presiding officer may order it
6 cleared.

7 Rule 48
8 Presentation of Petitions

9 Each petition shall contain a brief statement of
10 its subject matter and the name of the senator
11 presenting it. Petitions shall be filed with the
12 secretary of the senate and shall be noted in the
13 journal.

14 Rule 49
15 Distribution of Printed Material

16 No general distribution of printed material in the
17 senate shall be allowed unless authorized by the
18 secretary of the senate or by a senator.

19 Rule 50

20 Concerning the Printing of Papers

21 Any paper, other than that contemplated by Section
22 10, Article III of the Constitution of the State of
23 Iowa, presented to the senate may, with the consent of
24 a constitutional majority, be printed in the journal.

25 Rule 51

26 Reprinting of Documents

27 When any bill has been substantially amended by the
28 senate, the secretary of the senate shall order the
29 bill reprinted on paper of a different color. All
30 adopted amendments inserting new material shall be

Page 39

1 distinguishable.

2 The secretary of the senate may order the printing
3 of a reasonable number of additional copies of bills,
4 resolutions, amendments or journals.

5 OFFICERS AND EMPLOYEES

6 Rule 52

7 Duties of the President

8 The senate shall elect, from its membership, a
9 president. The president shall call the senate to
10 order at the hour to which the senate is adjourned.
11 Unless otherwise ordered by the senate, the president
12 shall proceed with the regular order of daily
13 business. The president shall preserve order and
14 decorum and decide all questions of order and
15 corrections to the journal, subject to an appeal to
16 the senate. The president shall direct voting as
17 provided in rule 22. When a ruling on germaneness is
18 issued by the presiding officer, it shall be
19 accompanied by an explanation of the ruling. The
20 president of the senate shall be the chair of the
21 committee of the whole unless otherwise ordered by the
22 senate, under rule 19.

23 Upon the first reading of an individual bill or
24 resolution, or a house committee bill or resolution,
25 the president shall refer the bill or resolution to
26 the appropriate standing committee unless otherwise
27 ordered by the senate. If the bill or resolution is a
28 senate committee bill or resolution, the president
29 shall place it on the calendar after its first
30 reading. If the subject of the bill or resolution is

Page 40

1 not germane to the title of the committee presenting
 2 it, the president of the senate may refer it to the
 3 appropriate committee.

4 The president shall sign legislative enactments
 5 upon their enrolling as provided under Joint Rule 14.
 6 The president of the senate shall serve as a member
 7 of the legislative council and the senate rules and
 8 administration committee. The president shall serve
 9 on the rules and administration committee as chair of
 10 the standing subcommittee designated to supervise the
 11 secretary of the senate and other employees of the
 12 administrative services division of the senate.

Rule 53

The President Pro Tempore

15 The senate shall elect, from its membership, a
 16 president pro tempore. When the president is absent,
 17 the president pro tempore shall preside, except when
 18 the chair is filled by temporary appointment by the
 19 president or the majority leader.

20 The president pro tempore, when presiding, shall
 21 perform duties as prescribed in rule 52, paragraphs 1
 22 and 2.

23 The president pro tempore shall serve as a member
 24 of the legislative council; ~~as chair of the senate~~
 25 ~~ethics committee~~; and as a member of the senate
 26 committee on rules and administration.

Rule 54

Secretary of the Senate

29 The secretary of the senate shall be an officer of
 30 the senate and shall:

Page 41

- 1 1. Serve as chief administrative officer of the
 2 senate.
- 3 2. Have charge of the secretary's desk.
- 4 3. Be responsible for the custody and safekeeping
 5 of all bills, resolutions, and amendments filed,
 6 except while they are in the custody of a committee.
- 7 4. Have charge of the daily journal.
- 8 5. Have control of all rooms assigned for the use
 9 of the senate.
- 10 6. Keep a detailed record of senate action on all
 11 bills and resolutions.
- 12 7. Insert adopted amendments into bills before
 13 transmittal to the house of representatives and prior
 14 to final enrollment.
- 15 8. Prescribe the duties of and supervise all

- 16 senate employees.
 17 9. Authorize all expenditures of funds within the
 18 senate budget.
 19 The secretary of the senate shall also act as
 20 senate parliamentarian and shall:
 21 1. Advise the presiding officer of the senate
 22 about parliamentary procedures during deliberations of
 23 the senate.
 24 2. Perform other duties as prescribed by the
 25 committee on rules and administration.
 26 3. Process the handling of amendments when filed
 27 and during the floor consideration of bills.
 28 Rule 55
 29 Legal Counsel
 30 The legal counsel shall be a contractual employee

Page 42

- 1 of the senate and shall:
 2 1. Serve as attorney and counselor for the senate.
 3 2. At the request of the majority and minority
 4 leaders, research any legal issue in which the senate
 5 has an interest. However, the legal counsel shall not
 6 issue nor venture any opinions on unresolved questions
 7 of law unless permitted by both the majority and
 8 minority leaders.
 9 Rule 56
 10 Sergeant-at-Arms
 11 The sergeant-at-arms shall be an employee of the
 12 senate and shall:
 13 1. Wear the appropriate badge of his or her
 14 office.
 15 2. Attend the senate during its sessions.
 16 3. Aid in the enforcement of order under the
 17 direction of the president of the senate and the
 18 secretary of the senate.
 19 4. Execute the commands of the senate.
 20 5. See that no unauthorized person disturbs the
 21 contents of the senators' desks.
 22 6. Supervise the doorkeepers, the assistant
 23 sergeant-at-arms, and pages.
 24 7. Announce all delegations from the governor or
 25 house.
 26 8. Supervise the seating of visitors and press
 27 representatives.
 28 Rule 57
 29 Senate Secretaries
 30 Every senator shall be permitted to employ for each

Page 43

1 session of a general assembly a personally selected
2 secretary.

3

Rule 58

4 Use of Electronic Voting System

5 Any officer or employee of the senate, other than a
6 duly elected member of the senate, who operates the
7 electronic voting machine mechanism located at the
8 desk of said member of the senate shall be subject to
9 immediate termination from employment. The provisions
10 of this paragraph only shall apply during the taking
11 of a roll call vote or division utilizing the
12 electronic voting system.

13 CONFIRMATION OF APPOINTMENTS

14

Rule 59

15

Appointments

16 The secretary of the senate shall:

17 a. send, to each appointee submitted by the
18 governor for senate confirmation, a copy of a senate
19 questionnaire as approved by the rules and
20 administration committee;
21 b. receive completed questionnaires from
22 appointees and forward copies of the completed
23 questionnaires to appropriate committee members;
24 c. maintain "Confirmation Calendar" categories on
25 the senate calendar as directed under this rule,
26 senate rule 6, and by the committee on rules and
27 administration. No appointee shall be listed as
28 eligible on the confirmation calendar until the
29 secretary has received the appointee's completed
30 senate questionnaire.

Page 44

1 As soon as possible after the convening of a
2 session, and again within one week following March 15,
3 the secretary of the senate shall publish in the
4 senate journal the names of all nominees submitted for
5 confirmation. The secretary of the senate shall
6 maintain a file of all appointments received from the
7 governor for confirmation. The file shall contain a
8 description of the duties and the compensation for
9 each nominee. The file shall show the date an
10 appointment was received from the governor, ~~whether~~
11 ~~the appointment letter was read to the senate the date~~
12 ~~the appointment was published in the journal,~~ whether
13 the nominee has been introduced, whether a committee
14 report has been filed, when the senate questionnaire
15 was sent to the appointee, and shall include a copy of

16 the appointee's completed senate questionnaire, upon
17 receipt.
18 INVESTIGATING COMMITTEES. All appointments
19 received from the governor shall be referred to the
20 rules and administration committee by the secretary of
21 the senate on the same day they are read to published
22 in the senate journal. The rules and administration
23 committee shall establish an en bloc confirmation
24 calendar which must be filed with the secretary of the
25 senate. Within three (3) legislative days after
26 receiving an appointment, the committee shall either
27 place a nominee on the en bloc confirmation calendar
28 or assign the nominee to an appropriate standing
29 committee for further investigation, publishing notice
30 of such assignment in the senate journal for the next

Page 45

1 legislative day. If the rules and administration
2 committee fails to take action on a nominee within the
3 three days, the nominee shall automatically be placed
4 on the en bloc confirmation calendar.
5 Within the three (3) legislative days after an
6 appointment has been referred to the rules and
7 administration committee, any ten senators may require
8 that the nominee be assigned to an appropriate
9 standing committee by filing a written, signed request
10 therefor with the chairperson of the rules and
11 administration committee. The committee chair shall
12 refer the appointment to a subcommittee within one (1)
13 legislative day after a standing committee receives an
14 appointment for further investigation, publishing
15 notice of such assignment in the senate journal for
16 the next legislative day. Within ten (10) legislative
17 days after a standing committee receives an
18 appointment for further investigation the subcommittee
19 shall file its report with the standing committee.
20 Within fourteen (14) legislative days after a
21 standing committee receives an appointment for further
22 investigation, the committee shall conduct an
23 investigation of the nominee and file its report
24 thereon with the secretary of the senate, who shall
25 then place the nominee on the en bloc calendar or
26 individual confirmation calendar as directed by the
27 committee. The failure of a committee to file its
28 report within the prescribed time means that the
29 nominee is to be automatically placed, without
30 recommendation, upon the individual confirmation

Page 46

1 calendar.
 2 Any senator within five (5) legislative days
 3 following a nominee's name being published in the
 4 journal may request that said nominee be introduced to
 5 the full senate by filing a written request with the
 6 secretary of the senate. In any event, all nominees
 7 who are referred by the rules and administration
 8 committee to a standing committee shall be introduced
 9 to the full senate prior to a vote on confirmation of
 10 the nominee. If an individual is nominated both to
 11 fill a vacancy for an unexpired term and is also
 12 nominated for reappointment to that position during
 13 the same session, a single introduction is sufficient
 14 for eligibility for confirmation to both terms.
 15 HEARINGS. Any member of a committee investigating
 16 an appointment may, within five (5) legislative days
 17 after the committee receives the appointment, obtain
 18 a hearing with the nominee by filing a written request
 19 with the secretary of the senate who shall forward it
 20 to the chair of the standing committee and the chair
 21 of the subcommittee. Notice of the hearing shall be
 22 published in the journal at least two (2) legislative
 23 days prior to the hearing. At the hearing, which
 24 shall be before the subcommittee, the nominee may be
 25 questioned as to his or her qualifications to fulfill
 26 the office to which nominated and further questioned
 27 as to his or her viewpoints on issues facing the
 28 office to which nominated. Any senator may at the
 29 discretion of the chair of the subcommittee be
 30 permitted to submit oral questions. The public may, at

Page 47

1 the discretion of the investigating committee, be
 2 permitted to submit oral or written statements as to
 3 the qualifications of the nominee.
 4 Also, within five (5) legislative days after the
 5 subcommittee receives an appointment for
 6 investigation, any senator may submit written
 7 questions to be answered by the nominee prior to
 8 consideration of the nominee's confirmation by the
 9 senate.
 10 INFORMATIONAL MEETINGS. After a nominee has been
 11 placed on the calendar and prior to the vote on
 12 confirmation, any senator may request an informational
 13 meeting on the nomination which shall be held before
 14 the subcommittee.
 15 VOTING ON CONFIRMATIONS. Upon the motion of the

16 majority leader or his or her designee, the nominees
 17 on the en bloc confirmation calendar shall be
 18 confirmed en bloc by the affirmative vote of two-
 19 thirds of the members elected to the senate. The
 20 journal shall reflect a single roll call accompanied
 21 by a statement of the names of those individuals
 22 subject to the en bloc confirmation vote.

23 Prior to an en bloc vote, any senator may request,
 24 either in writing or from the floor, an individual
 25 vote on any nominee on the en bloc confirmation
 26 calendar. The senate shall vote separately on the
 27 nominee.

28 Nominees on the individual confirmation calendar
 29 shall be confirmed by a two-thirds vote; however, the
 30 senate shall take a separate roll call on each

Page 48

1 nominee, unless by unanimous consent, it determines to
 2 take one vote on all nominees under consideration. In
 3 any case, the journal shall reflect a single roll call
 4 vote for each nominee.

5 If an individual is nominated both to fill a
 6 vacancy for an unexpired term and is also nominated
 7 for reappointment to that position, and such
 8 appointment and reappointment appear on the senate
 9 calendar as eligible at the same time, a single vote
 10 is sufficient for confirmation to both terms.

1 SENATE RESOLUTION 2

2 By: Committee on Agriculture

3 (SUCCESSOR TO SSB 52)

4 A Senate resolution honoring former Senator John E.
 5 Soorholtz for his contributions to agriculture.
 6 WHEREAS, former Senator John E. Soorholtz enjoys a
 7 successful, distinguished, and influential career in
 8 agriculture, as a farmer actively engaged in pork
 9 production and as a leader in farm organizations,
 10 having served as president of the Iowa Pork Producers
 11 Association, president of the National Pork Producers
 12 Council, and chair of the Iowa Farm Development
 13 Authority; and

14 WHEREAS, former Senator Soorholtz's career as a
 15 state legislator for three terms has included service
 16 as Ranking Member of the Committee on Agriculture, in
 17 which he contributed to important legislative
 18 initiatives, including stewarding passage of Senate
 19 File 474 in 1990, representing landmark legislation
 20 controlling and eradicating pseudorabies in swine; and

21 WHEREAS, since his retirement, members of the
 22 Senate Committee on Agriculture, colleagues of the
 23 General Assembly, and staff have noted the recent
 24 absence in the Capitol of former Senator Soorholtz's
 25 council, wisdom, and good humor;
 26 NOW THEREFORE, BE IT RESOLVED BY THE SENATE, That
 27 the Senate and the Senate Committee on Agriculture pay
 28 tribute to former Senator John E. Soorholtz for his
 29 contributions to agriculture, and his distinguished
 30 service to the Iowa General Assembly and the citizens

Page 2

1 of Iowa; and

2 BE IT FURTHER RESOLVED, That an official copy of
 3 this Resolution be prepared by the Secretary of the
 4 Senate for delivery to former Senator Soorholtz.

1 SENATE RESOLUTION NO. 3

2 By: Committee on Rules and Administration
 3 A Resolution relating to gubernatorial appointments
 4 requiring Senate confirmation.

5 WHEREAS, section 2.32, subsection 7, requires the
 6 Governor to provide the Secretary of the Senate with a
 7 list of all gubernatorial appointments requiring
 8 Senate confirmation during this session by February 1;
 9 and

10 WHEREAS, this information has been submitted and is
 11 on file in the office of the Secretary of the Senate;
 12 and

13 WHEREAS, that subsection also requires that the
 14 Senate by resolution approve the list or request
 15 corrections by February 15; NOW THEREFORE,
 16 BE IT RESOLVED BY THE SENATE, That the following
 17 list of appointments submitted by the Governor
 18 pursuant to section 2.32, subsection 7, and on file
 19 with the Secretary of the Senate is approved:

20 Accountancy Examining Board
 21 2 terms commencing 5-1-93 and ending 4-30-96
 22 African Americans, Administrator of the Division on the
 23 Status of
 24 1 term served at the pleasure of the Governor
 25 Alcoholic Beverages Commission
 26 1 term commencing 5-1-93 and ending 4-30-98
 27 Architectural Examining Board
 28 3 terms commencing 5-1-93 and ending 4-30-96
 29 Banking, Superintendent of
 30 1 term commencing 5-1-93 and ending 4-30-97

Page 2

- 1 Barber Examiners, State Board of
- 2 1 term commencing 7-29-92 and ending 4-30-93
- 3 2 terms commencing 5-1-93 and ending 4-30-96
- 4 Behavioral Science Examiners, State Board of
- 5 3 terms commencing 5-1-93 and ending 4-30-96
- 6 Blind, Commission for the
- 7 1 term commencing 5-1-93 and ending 4-30-96
- 8 Campaign Finance Disclosure Commission
- 9 1 term commencing 5-1-93 and ending 4-30-99
- 10 Chiropractic Examiners, State Board of
- 11 3 terms commencing 5-1-93 and ending 4-30-96
- 12 Civil Rights Commission, Iowa State
- 13 1 term commencing 6-11-92 and ending 4-30-93
- 14 4 terms commencing 5-1-93 and ending 4-30-97
- 15 Community Action Agencies, Commission on
- 16 3 terms commencing 5-1-93 and ending 4-30-96
- 17 Corrections, Board of
- 18 2 terms commencing 5-1-93 and ending 4-30-97
- 19 Corrections, Director of the Department of
- 20 1 term served at the pleasure of the Governor
- 21 Cosmetology Examiners, State Board of
- 22 2 terms commencing 5-1-93 and ending 4-30-95
- 23 2 terms commencing 5-1-93 and ending 4-30-96
- 24 County Finance Committee
- 25 1 term commencing 10-22-92 and ending 4-30-93
- 26 2 terms commencing 5-1-93 and ending 4-30-97
- 27 Credit Union Review Board
- 28 2 terms commencing 5-1-93 and ending 4-30-96
- 29 Credit Unions, Superintendent of
- 30 1 term served at the pleasure of the Governor

Page 3

- 1 Criminal and Juvenile Justice Planning Advisory Council
- 2 1 term commencing 7-22-92 and ending 4-30-94
- 3 Criminal and Juvenile Justice Planning,
- 4 Administrator of the Division of
- 5 1 term served at the pleasure of the Governor
- 6 Deaf, Commission on the
- 7 3 terms commencing 5-1-93 and ending 4-30-96
- 8 Dental Examiners, State Board of
- 9 3 terms commencing 5-1-93 and ending 4-30-96
- 10 Dietetic Examiners, State Board of
- 11 1 term commencing 10-22-92 and ending 4-30-94
- 12 1 term commencing 5-1-93 and ending 4-30-96
- 13 Drug Abuse Prevention and Education Advisory Council
- 14 2 terms commencing 5-1-93 and ending 4-30-97
- 15 Economic Development Board, Iowa

- 16 1 term commencing 10-13-92 and ending 4-30-96
- 17 4 terms commencing 5-1-93 and ending 4-30-97
- 18 Educational Examiners, Board of
- 19 6 terms commencing 5-1-93 and ending 4-30-97
- 20 Elder Affairs, Commission of
- 21 3 terms commencing 5-1-93 and ending 4-30-97
- 22 Engineering and Land Surveying Examining Board
- 23 3 terms commencing 5-1-93 and ending 4-30-96
- 24 Environmental Protection Commission
- 25 5 terms commencing 5-1-93 and ending 4-30-97
- 26 First in the Nation in Education Foundation
- 27 Governing Board
- 28 3 terms commencing 5-1-93 and ending 4-30-99
- 29 Foster Care Review Board, State Citizen
- 30 1 term commencing 11-20-92 and ending 4-30-93

Page 4

- 1 1 term commencing 10-22-92 and ending 4-30-95
- 2 1 term commencing 1-15-93 and ending 4-30-97
- 3 3 terms commencing 5-1-93 and ending 4-30-97
- 4 General Services, Director of the Department of
- 5 1 term served at the pleasure of the Governor
- 6 Grain Indemnity Fund Board, Iowa
- 7 2 terms commencing 5-1-93 and ending 4-30-96
- 8 Health Facilities Council
- 9 2 terms commencing 5-1-93 and ending 4-30-99
- 10 Hearing Aid Dealers, Board of Examiners for the
- 11 Licensing and Regulation of
- 12 2 terms commencing 5-1-93 and ending 4-30-96
- 13 Higher Education Loan Authority, Iowa
- 14 1 term commencing 9-30-92 and ending 4-30-93
- 15 1 term commencing 5-1-93 and ending 4-30-99
- 16 Higher Education Strategic Planning Council
- 17 1 term commencing 10-22-92 and ending 4-30-94
- 18 Human Services, Council on
- 19 3 terms commencing 5-1-93 and ending 4-30-99
- 20 Human Services, Director of the Department of
- 21 1 term served at the pleasure of the Governor
- 22 Indigent Defense Advisory Commission
- 23 1 term commencing 5-1-93 and ending 4-30-96
- 24 Iowa Finance Authority
- 25 3 terms commencing 5-1-93 and ending 4-30-99
- 26 Iowa Public Employees' Retirement System,
- 27 Investment Board of the
- 28 1 term commencing 12-3-92 and ending 4-30-95
- 29 2 terms commencing 5-1-93 and ending 4-30-99
- 30 Job Service Advisory Council

Page 5

- 1 1 term commencing 1-15-93 and ending 4-30-93
- 2 3 terms commencing 5-1-93 and ending 4-30-99
- 3 Judicial Nominating Commission, State
- 4 2 terms commencing 5-1-93 and ending 4-30-99
- 5 Judicial Qualifications, Commission on
- 6 1 term commencing 5-1-93 and ending 4-30-99
- 7 Labor Commissioner
- 8 1 term commencing 5-1-93 and ending 4-30-99
- 9 Landscape Architectural Examining Board
- 10 3 terms commencing 5-1-93 and ending 4-30-96
- 11 Latino Affairs, Administrator of the Division of
- 12 1 term served at the pleasure of the Governor
- 13 Law Enforcement Academy Council, Iowa
- 14 2 terms commencing 5-1-93 and ending 4-30-97
- 15 Medical Examiners, State Board of
- 16 1 term commencing 7-9-92 and ending 4-30-95
- 17 3 terms commencing 5-1-93 and ending 4-30-96
- 18 Mental Health and Mental Retardation Commission
- 19 4 terms commencing 5-1-93 and ending 4-30-96
- 20 Mortuary Science Examiners, State Board of
- 21 2 terms commencing 5-1-93 and ending 4-30-96
- 22 Narcotics Enforcement Advisory Council
- 23 3 terms commencing 5-1-93 and ending 4-30-97
- 24 Natural Resource Commission
- 25 1 term commencing 9-23-92 and ending 4-30-97
- 26 3 terms commencing 5-1-93 and ending 4-30-99
- 27 Nursing Examiners, State Board of
- 28 3 terms commencing 5-1-93 and ending 4-30-96
- 29 Nursing Home Administrators, State Board of
- 30 Examiners for

Page 6

- 1 1 term commencing 9-23-92 and ending 4-30-94
- 2 2 terms commencing 5-1-93 and ending 4-30-96
- 3 Optometry Examiners, State Board of
- 4 1 term commencing 11-25-92 and ending 4-30-94
- 5 2 terms commencing 5-1-93 and ending 4-30-96
- 6 Parole, Board of
- 7 2 terms commencing 5-1-93 and ending 4-30-97
- 8 Personnel Commission
- 9 3 terms commencing 5-1-93 and ending 4-30-99
- 10 Petroleum Underground Storage Tank Fund Board,
- 11 Iowa Comprehensive
- 12 1 term commencing 5-1-93 and ending 4-30-97
- 13 Pharmacy Examiners, State Board of
- 14 3 terms commencing 5-1-93 and ending 4-30-96
- 15 Physical and Occupational Therapy Examiners,

- 16 State Board of
- 17 3 terms commencing 5-1-93 and ending 4-30-96
- 18 Physician Assistant Examiners, State Board of
- 19 2 terms commencing 5-1-93 and ending 4-30-96
- 20 Podiatry Examiners, State Board of
- 21 2 terms commencing 5-1-93 and ending 4-30-96
- 22 Prevention of Disabilities Policy Council
- 23 3 terms commencing 5-1-93 and ending 4-30-96
- 24 Product Development Corporation, Iowa
- 25 4 terms served at the pleasure of the Governor
- 26 Psychology Examiners, State Board of
- 27 3 terms commencing 5-1-93 and ending 4-30-96
- 28 Public Defender, State
- 29 1 term served at the pleasure of the Governor
- 30 Racing and Gaming Commission, State

Page 7

- 1 1 term commencing 5-15-92 and ending 4-30-94
- 2 2 terms commencing 5-1-93 and ending 4-30-96
- 3 Railway Finance Authority, Iowa
- 4 1 term commencing 7-22-92 and ending 4-30-94
- 5 Real Estate Appraiser Examining Board
- 6 2 terms commencing 5-1-93 and ending 4-30-96
- 7 Real Estate Commission
- 8 2 terms commencing 5-1-93 and ending 4-30-96
- 9 Regents, State Board of
- 10 3 terms commencing 5-1-93 and ending 4-30-99
- 11 Renewable Fuel Advisory Committee
- 12 1 term commencing 7-22-92 and ending 4-30-95
- 13 3 terms commencing 5-1-93 and ending 4-30-96
- 14 Respiratory Care Advisory Committee
- 15 2 terms commencing 5-1-93 and ending 4-30-96
- 16 School Budget Review Committee
- 17 1 term commencing 5-1-93 and ending 4-30-96
- 18 Small Business Advisory Council
- 19 1 term commencing 4-13-92 and ending 4-30-94
- 20 3 terms commencing 5-1-93 and ending 4-30-97
- 21 Social Work Examiners, State Board of
- 22 2 terms commencing 5-1-93 and ending 4-30-96
- 23 Soil Conservation Committee, State
- 24 3 terms commencing 5-1-93 and ending 4-30-99
- 25 Speech Pathology and Audiology Examiners,
26 State Board of
- 27 2 terms commencing 5-1-93 and ending 4-30-96
- 28 Tax Review, State Board of
- 29 1 term commencing 1-15-93 and ending 4-30-95
- 30 1 term commencing 5-1-93 and ending 4-30-99

Page 8

- 1 Title Guaranty Division Board
- 2 2 terms commencing 5-1-93 and ending 4-30-99
- 3 Transportation Commission, State
- 4 2 terms commencing 5-1-93 and ending 4-30-97
- 5 Transportation, Director of
- 6 1 term served at the pleasure of the Governor
- 7 Utilities Board
- 8 1 term commencing 5-1-93 and ending 4-30-99
- 9 Utilities Board, Chairperson of the
- 10 1 term commencing 5-1-93 and ending 4-30-95
- 11 Veterans Affairs, Commission of
- 12 1 term commencing 10-10-92 and ending 6-30-94
- 13 2 terms commencing 10-10-92 and ending 6-30-95
- 14 1 term commencing 10-6-92 and ending 6-30-96
- 15 1 term commencing 10-10-92 and ending 6-30-96
- 16 Veterans Affairs, Executive Director of
- 17 1 term served at the pleasure of the Governor
- 18 Veterans Home, Commandant of the Iowa
- 19 1 term served at the pleasure of the Governor
- 20 Veterinary Medicine, Iowa Board of
- 21 2 terms commencing 5-1-93 and ending 4-30-96
- 22 Wallace Technology Transfer Foundation of Iowa
- 23 1 term commencing 10-19-92 and ending 4-30-93
- 24 1 term commencing 10-19-92 and ending 4-30-94
- 25 2 terms commencing 10-19-92 and ending 4-30-96
- 26 1 term commencing 5-1-93 and ending 4-30-97
- 27 Well Contractors' Council
- 28 4 terms commencing 5-1-93 and ending 4-30-95

1 SENATE RESOLUTION 5

2 By: Committee on Rules and Administration

3 A resolution to amend the rules of the senate by
4 providing deadlines for the time of committee
5 passage and consideration of bills.

6 BE IT RESOLVED BY THE SENATE, That the permanent
7 rules of the senate for the seventy-fifth general
8 assembly are amended by adding the following new rule:

9 Rule 60

10 Time of Committee Passage and Consideration of Bills

11 1. This rule does not apply to concurrent or
12 simple resolutions, joint resolutions nullifying
13 administrative rules, senate confirmations, or bills
14 passed by both houses in different forms. Subsection
15 2 of this rule does not apply to appropriations bills,
16 ways and means bills, legalizing acts, administrative
17 rules review committee bills, bills cosponsored by the
18 majority and minority floor leaders of the senate,

19 bills in conference committee, and companion bills
 20 sponsored by the majority floor leaders of both houses
 21 after consultation with the respective minority floor
 22 leaders. For the purposes of this rule, a joint
 23 resolution is considered as a bill. To be considered
 24 an appropriations or ways and means bill for the
 25 purposes of this rule, the appropriations committee or
 26 the ways and means committee must either be the
 27 sponsor of the bill or the committee of first referral
 28 in the senate.
 29 2. To be placed on the calendar in the senate a
 30 senate bill must be first reported out of the

Page 2

1 committee of first referral by Friday of the 10th week
 2 of the first session and the 8th week of the second
 3 session. A house bill must be first reported out of
 4 the committee of first referral by Friday of the 13th
 5 week of the first session and the 11th week of the
 6 second session to be placed on the senate calendar.
 7 3. During the 11th week of the first session and
 8 the 9th week of the second session, the senate shall
 9 consider only bills originating in the senate and
 10 unfinished business. During the 14th week of the
 11 first session and the 12th week of the second session,
 12 the senate shall consider only bills originating in
 13 the house and unfinished business. Beginning with the
 14 15th week of the first session and the 13th week of
 15 the second session, the senate shall consider only
 16 bills passed by both houses, bills exempt from
 17 subsection 2 and unfinished business.
 18 4. A motion to reconsider filed and not disposed
 19 of on an action taken on a bill or resolution which is
 20 subject to a deadline under this rule may be called up
 21 at any time before or after the day of the deadline by
 22 the person filing the motion or after the deadline by
 23 the majority floor leader, notwithstanding any other
 24 rule to the contrary.
 25 **BE IT FURTHER RESOLVED**, That should a system of
 26 deadlines for the time of committee passage and
 27 consideration of bills be adopted by joint action of
 28 the senate and house at any time during the twenty-
 29 fifth general assembly, those provisions shall
 30 supersede the provisions of this rule.

1 **SENATE RESOLUTION 6**
 2 **By: Committee on Rules and Administration**
 3 **A Resolution to amend Senate Rule 12 regarding**

4 amendments.

5 BE IT RESOLVED BY THE SENATE, That Rule 12 of the
6 permanent rules of the Senate for the Seventy-fifth
7 General Assembly is amended as follows:

8 Rule 12

9 Form and Withdrawal of Motions, Amendments and Signatures

10 Motions need not be in writing unless required by
11 the president or by the senate. No motion requires a
12 second. Any amendment, motion (including a motion to
13 reconsider), or resolution may be withdrawn by the
14 mover if it has not been amended by the senate and if
15 no amendment is pending. All amendments to bills,
16 resolutions, and reports shall be in writing and filed
17 before being acted upon by the senate.

18 No amendment, resolution, bill, or conference
19 committee report shall be considered by the senate
20 without a copy of the amendment, resolution, bill, or
21 conference committee report being on the desks of the
22 entire membership of the senate prior to
23 consideration.

24 All amendments, reports, petitions or other
25 documents requiring a signature shall have the name
26 typed under the place for the signature. Once a
27 signature is affixed and the document containing the
28 signature filed with the recording clerk in the well,
29 that signature shall not be removed.

30 When an amendment to a main amendment is filed that

Page 2

1 would negate the effect of the main amendment and
2 thereby leave the bill unchanged, the presiding
3 officer shall have the authority to declare the
4 amendment to the main amendment out of order, subject
5 to an appeal to the full senate.

6 When a house amendment to a senate file is before
7 the senate, an amendment to the house amendment shall
8 be considered an amendment in the first degree.

9 Regardless of its origin, an amendment in the third
10 degree shall be ruled out of order.

11 When a ruling on germaneness is issued by the
12 presiding officer, it shall be accompanied by an
13 explanation of the ruling.

1 SENATE RESOLUTION NO. 8

2 By: Fink

3 A Resolution recognizing the economic importance of
4 the National Balloon Classic in Indianola.

5 WHEREAS, there is a need to encourage and recognize

6 activities which provide economic benefits to Iowa;
 7 and
 8 WHEREAS, the National Balloon Classic is a locally
 9 organized event that operates without state or federal
 10 economic aid; and
 11 WHEREAS, the National Balloon Classic operates
 12 within a budget of \$290,000, that is fully funded
 13 through private and corporate sponsors and
 14 supplemented by 3,000 hours of volunteer work; and
 15 WHEREAS, an average of 65,000 people, mostly from
 16 Iowa, attend the event each year; and
 17 WHEREAS, those 65,000 people provide an influx of
 18 more than \$600,000 in business activity per year to
 19 central Iowa; and
 20 WHEREAS, the event creates a wholesome family
 21 atmosphere in a wide-open country setting in which
 22 families have the opportunity to sample traditional
 23 Iowa food and enjoy the ancillary events and
 24 activities, such as the Ten-kilometer Volkswalk, the
 25 Arts and Crafts Show, the Classic Car Show, the
 26 pancake breakfast, tethered balloon rides, specialty
 27 balloons, a night-glow extravaganza, skydiving
 28 exhibitions, nightly dances, and other entertainment;
 29 NOW THEREFORE,
 30 BE IT RESOLVED BY THE SENATE, That the Iowa Senate

Page 2

1 recognizes the social and economic importance of the
 2 National Balloon Classic and commends the organizers
 3 of the activities for their endeavors.
 4 BE IT FURTHER RESOLVED, That, upon passage, the
 5 Secretary of the Senate send a copy of this Resolution
 6 to George Hladky, the Mayor of Indianola, Iowa.
 7 BE IT FURTHER RESOLVED, That, upon passage, the
 8 Secretary of the Senate send a copy of this Resolution
 9 to Chris Goodale, the Executive Director of the
 10 National Balloon Classic.

SENATE RESOLUTION 9

By: Fink

3 A Resolution recognizing the economic importance of the
 4 sprint car racing season in Knoxville, Iowa.
 5 WHEREAS, activities which provide economic benefits
 6 to Iowa should be recognized and encouraged; and
 7 WHEREAS, the sprint car racing season at Knoxville,
 8 Iowa, operates within a budget of \$2.5 million, which
 9 is fully funded through ticket sales and private
 10 donations; and

11 WHEREAS, the racing season runs from April 24
 12 through September 25, four days of which are the
 13 National Sprint Car Championships; and
 14 WHEREAS, the racing season is not dependent upon
 15 state or federal economic aid; and
 16 WHEREAS, over the course of the racing season, \$1
 17 million in prize money is awarded; and
 18 WHEREAS, the racing season draws 200,000 people
 19 from 50 states and 15 foreign countries from April 24
 20 through September 25; and
 21 WHEREAS, those 200,000 people provide an influx of
 22 \$20 million to the area which encompasses a 70-mile
 23 radius around Knoxville; NOW THEREFORE,
 24 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
 25 recognizes the economic importance of the sprint car
 26 racing season at the Knoxville Raceway and commends
 27 the organizers for their endeavors.
 28 BE IT FURTHER RESOLVED, That the Secretary of the
 29 Iowa Senate send a copy of this resolution to Mr. Mike
 30 Cunningham, Mayor of Knoxville, Iowa, and to Mr. Lymon

Page 2

1 Smith, President of the Marion County Fair
 2 Association.

1 SENATE RESOLUTION 10

2 By: Committee on Ethics

3 A Resolution to provide the senate rules governing
 4 lobbyists.

5 BE IT RESOLVED BY THE SENATE, That the senate rules
 6 governing lobbyists for the ~~Seventy-fourth~~ General
 7 Assembly seventy-fifth general assembly shall be as
 8 follows:

9 SENATE RULES GOVERNING LOBBYISTS

10 1. DEFINITIONS. For the purposes of these rules

11 "lobbyist" is defined as a person who:

12 a. Is paid compensation or expends money for
 13 encouraging the passage, defeat, or modification of
 14 legislation; or influencing the decision of the
 15 members of a legislative committee or a subcommittee;
 16 or

17 b. Represents on a regular basis an organization
 18 which has as one of its purposes the encouragement of
 19 the passage, defeat, or modification of legislation;
 20 or influencing the decision of the members of a
 21 legislative committee or a subcommittee; or

22 c. Is a federal, state, or local government
 23 official or employee representing the official

24 position of the official or employee's department,
25 commission, board, or agency and who attempts to
26 encourage the passage, defeat, or modification of
27 legislation; or influencing the decision of the
28 members of a legislative committee or a subcommittee
29 while the senator is at the state capitol for a
30 legislative session or for official legislative

Page 2

1 business:

2 As used in these rules the word "gift" and the
3 phrases, "honoraria" or "honorarium", "lobbyist",
4 "client", and "immediate family member" and "public
5 disclosure" have the meaning provided in chapter 68B.
6 As used in these rules the term "political action
7 committee" means a committee, but not a candidate's
8 committee, which accepts contributions, makes expendi-
9 tures, or incurs indebtedness in the aggregate of more
10 than two hundred fifty dollars in any one calendar
11 year for the purpose of supporting or opposing a
12 candidate for public office or ballot issue or
13 influencing legislative action, or an association,
14 lodge, society, cooperative, union, fraternity,
15 sorority, educational institution, civic organization,
16 labor organization, religious organization, or
17 professional or other organization which makes
18 contributions in the aggregate of more than two
19 hundred fifty dollars in any one calendar year for the
20 purpose of supporting or opposing a candidate for
21 public office or ballot issue or influencing
22 legislative action.

23 2. EXCEPTIONS. The term "lobbyist" shall not
24 include within its definition:

25 a. Officials and employees of a political party
26 organized in the state of Iowa representing more than
27 two percent of the total votes cast for governor in
28 the last preceding general election; but only when
29 representing the political party in an official
30 capacity:

Page 3

1 b. Representatives of the news media engaged only
2 in the reporting and dissemination of news and
3 editorials:

4 c. Federal, state, or local government officials
5 and employees who in the course of their official
6 duties submit proposed legislation or amendments to a
7 senator or senate committee or who provide information

8 or are requested or required to provide information to
9 a senator or to appear before a senate committee and
10 who do not actively encourage the passage, defeat, or
11 modification of legislation.
12 d. The governor and lieutenant governor of the
13 state of Iowa; and all other elected state officials.
14 e. Persons who exclusively represent their own
15 interests (as distinguished from the interests of a
16 group, employer, or organization); provided they are
17 not compensated by anyone for lobbying.
18 3. APPLICABILITY. These rules are only applicable
19 to lobbying activities involving the Iowa general
20 assembly.
21 4.3. REGISTRATION REQUIRED. All lobbyists shall,
22 on or before the day their lobbying activity begins,
23 register with the secretary of the senate by filing a
24 lobbyist's registration statement listing:
25 a. Name; permanent business address; temporary
26 residential and business address in Polk county during
27 the legislative session; and telephone numbers the
28 items required under section 68B.36. If two or more
29 lobbyists are associated together or consistently work
30 together in all their lobbying, then they may file a

Page 4

1 joint registration. The name; permanent business
2 address; temporary residential and business address in
3 Polk county during the legislative session; and
4 telephone numbers of all persons included in the joint
5 registration shall be listed.
6 b. The name and address of all individuals;
7 companies; firms; corporations; unions; associations;
8 or causes for which the individual lobbies.
9 c. The In addition, the lobbyist shall file with
10 the secretary of the senate a statement of the general
11 subjects of legislation in which the lobbyist is or
12 may be interested, the numbers of the bills and
13 resolutions (if known) which will be lobbied, and
14 whether the lobbyist intends to lobby for or against
15 each bill (if known).
16 d. A detailed description of any agreement;
17 arrangement; or understanding concerning contingent
18 fees.
19 Any change in or addition to the foregoing
20 information shall be registered with the secretary of
21 the senate within ten days after the change or
22 addition is known to the lobbyist.
23 Registration expires upon the commencement of the
24 next regular session of the general assembly, except

25 that the secretary of the senate may adopt and
26 implement a reasonable pre-registration procedure in
27 advance of each regular session during which persons
28 may register for that session and the following
29 legislative interim.

30 **5 4. CANCELLATION OF REGISTRATION.** If a

Page 5

1 lobbyist's service on behalf of a particular employer,
2 client, or cause is concluded prior to the end of the
3 calendar year, the lobbyist may cancel the
4 registration on appropriate forms supplied by the
5 secretary of the senate. Upon cancellation of
6 registration, a lobbyist is prohibited from engaging
7 in any lobbying activity on behalf of that particular
8 employer, client, or cause until reregistering and
9 complying with these rules. A lobbyist's registration
10 is valid for only one session of a general assembly.

11 5. LOBBYIST AND CLIENT REPORTING. Each lobbyist
12 registered with the senate and each lobbyist's client
13 shall file the reports required under sections 68B.37
14 and 68B.38 with the secretary of the senate.

15 **6. GOVERNMENT OFFICIALS.** All federal, state, and
16 local officials or employees representing the official
17 positions of their departments, commissions, boards,
18 or agencies shall present to the secretary of the
19 senate a letter of authorization from their department
20 or agency heads prior to the commencement of their
21 lobbying. The lobbyist registration statement of
22 these officials and employees shall not be deemed
23 complete until the letter of authorization is
24 attached. Federal, state, and local officials who
25 wish to lobby in opposition to the official position
26 of their departments, commissions, boards, or agencies
27 must indicate such on their lobbyist registration
28 statements.

29 **7. CHARGE ACCOUNTS AND LOANS.** Lobbyists and the
30 organizations they represent shall not allow any

Page 6

1 senators to charge any amounts or items to any charge
2 account to be paid for by those lobbyists or by the
3 organizations they represent. A lobbyist shall not
4 make a loan to a senator unless the loan is made in
5 the ordinary course of business, the lobbyist is in
6 the business of making loans, and the terms and
7 conditions of the loan are the same or substantially
8 similar to the finance charges and loan terms that are

9 available to members of the general public.

10 8. OFFERS OF ECONOMIC OPPORTUNITY. A lobbyist, an
11 employer of a lobbyist, or a political action
12 committee shall not offer economic or investment
13 opportunity or promise of employment to any senator
14 with intent to influence the senator's conduct in the
15 performance of official duties.

16 A lobbyist shall not take action intended to
17 negatively affect the economic interests of a senator.

18 For purposes of this rule, supporting or opposing a
19 candidate for office or supporting or opposing a bill,
20 amendment, or resolution shall not be considered to be
21 action intended to negatively affect the economic
22 interests of a senator.

23 9. MEMBERSHIP CONTRIBUTIONS. A lobbyist, or
24 employer of a lobbyist, shall not pay for membership
25 in or contributions to clubs or organizations on
26 behalf of a senator.

27 10. ACCESS TO SENATE FLOOR. Lobbyists shall not
28 be permitted on the floor of the senate while the
29 senate is in session. Elected state officials, except
30 the governor, lieutenant governor, and the members of

Page 7

1 the house of representatives, shall not be permitted
2 on the floor of the senate while the senate is in
3 session to encourage the passage, defeat, or
4 modification of legislation.

5 11. EFFECTIVE PERIOD. These rules governing
6 lobbyists shall be in effect throughout the calendar
7 year, whether or not the general assembly is in
8 session.

9 12. REPORTING OF GIFTS. Persons who have made
10 gifts to any senator, senate employee, or any
11 immediate family member of a senator or senate
12 employee which has a value in excess of fifteen
13 dollars on any one calendar day shall file a report
14 with the secretary of the senate which includes:
15 a. A list of senators, senate employees, or their
16 immediate family members each to whom a gift was made,
17 the date of the occurrence, and the nature and amount
18 of the gift.

19 b. A monthly total of all gifts made by persons
20 and their employer or employers regardless of the
21 dollar value to senators, senate employees, and their
22 immediate family members, including the following:

23 (1) Food and refreshment.
24 (2) Entertainment, including the cost of a
25 hospitality room.

- 26 (3) Travel.
 27 (4) Recreation expense.
 28 (5) Lodging expense.
 29 (6) Other (including the nature of the gift).
 30 c. If a gift is made to two or more members of the

Page 8

1 general assembly, employees of the general assembly,
 2 or their immediate families which cannot be precisely
 3 attributed to each recipient, the value of the gift
 4 shall be divided by the number of individuals
 5 receiving the gift.
 6 d. The reports required to be filed under this
 7 rule shall be filed not later than the fifteenth day
 8 of a month for gifts made or received during the
 9 preceding month.

10 12. REPORTING GROUP EVENTS. Persons who host a
 11 group event to which all members of the senate, or all
 12 members of both houses, have been invited shall file a
 13 report with the secretary of the senate, separately
 14 for each event, listing the date, location, and total
 15 expense incurred by the donor or donors for food,
 16 beverages, registration, and scheduled entertainment.
 17 The reporting requirements of Rule 12 apply.

18 A lobbyist or the client of a lobbyist shall not,
 19 directly or indirectly, offer or make a gift or a
 20 series of gifts to a senator, except as otherwise
 21 provided in section 68B.22.

22 14 13. REPORTING OF HONORARIA. Persons who have
 23 provided honorarium in excess of fifteen dollars on
 24 any one calendar day to any senator, senate employee,
 25 or any immediate family member of a senator or senate
 26 employee for a speech, writing for publication, or
 27 other similar activity shall file a report with the
 28 secretary of the senate. The report shall include the
 29 identity of the person to whom the honorarium was
 30 provided; the date it was provided; the nature and

Page 9

1 amount of the honorarium; and the nature and amount of
 2 reimbursement for or payment of actual expenses
 3 incurred for public speaking engagements or other
 4 formal public appearances. The report shall be filed
 5 on the fifteenth of the month following the month in
 6 which the honorarium was paid.

7 15. REPORTING OF ATTRIBUTED HONORARIUM. Persons
 8 who have provided an honorarium for a speech, writing
 9 for publication; or other similar activity in excess

10 of fifteen dollars in value on any one calendar day to
11 any person or organization, in the name of a senator,
12 shall file a report with the secretary of the senate.
13 The report shall include the identity of the senator
14 on whose behalf the honorarium was given, the person
15 or organization to whom the honorarium was given, the
16 date it was given, and the nature and amount of the
17 honorarium. The report shall be filed on the
18 fifteenth of the month following the month in which
19 the honorarium was given.
20 A lobbyist or client of a lobbyist shall not give
21 an honorarium to a member or employee of the senate,
22 except as otherwise provided in section 68B.23.
23 14. COMPLAINTS. Rules 9 15 through 15 21 of
24 the senate code of ethics apply to complaints and
25 procedures regarding violations of these rules.

1 SENATE RESOLUTION NO. 11

2 By: Committee on Ethics

3 A Resolution to provide for the Senate Code of Ethics.
4 BE IT RESOLVED BY THE SENATE, That the Senate Code
5 of Ethics for the ~~Seventy-fourth~~ Seventy-fifth General
6 Assembly shall be as follows:

7 SENATE CODE OF ETHICS

8 PREAMBLE. Every legislator owes a duty to uphold
9 the integrity and honor of the general assembly, to
10 encourage respect for the law and for the general
11 assembly and the members thereof, and to observe the
12 legislative code of ethics.

13 In doing so, each member of the senate has a duty
14 to conduct oneself so as to reflect credit on the
15 general assembly, and to inspire the confidence,
16 respect, and trust of the public, and to strive to
17 avoid both unethical and illegal conduct and the
18 appearance of unethical and illegal conduct.

19 Recognizing that service in the Iowa general
20 assembly is a part-time endeavor and that members of
21 the general assembly are honorable individuals who are
22 active in the affairs of their localities and
23 elsewhere and that it is necessary that they maintain
24 a livelihood and source of income apart from their
25 legislative compensation, the following rules are
26 adopted pursuant to section ~~68B.10~~ 68B.31, to assist
27 the members in the conduct of their legislative
28 affairs.

29 1. ECONOMIC INTEREST OF SENATOR. Taking into
30 account that legislative service is part-time, a

Page 2

1 senator shall not accept economic or investment
2 opportunity, under circumstances where the senator
3 knows, or should know, that there is a reasonable
4 possibility that the opportunity is being afforded the
5 senator with intent to influence the senator's conduct
6 in the performance of official duties.

7 **a 2. Divestiture DIVESTITURE.** Where a senator
8 learns that an economic or investment opportunity
9 previously accepted was offered with the intent of
10 influencing the senator's conduct in the performance
11 of official duties, the senator shall take steps to
12 divest that senator of that investment or economic
13 opportunity, and shall report the facts of the
14 situation to the senate ethics committee.

15 **b 3. Charges for Services CHARGES FOR SERVICES.** A
16 senator shall not charge to or accept from a person,
17 corporation, partnership, or association known to have
18 a legislative interest a price, fee, compensation, or
19 other consideration for the sale or lease of any
20 property or the furnishing of services which is in
21 excess of that which the senator would charge another.

22 **c 4. Use of Confidential Information USE OF**
23 **CONFIDENTIAL INFORMATION.** A senator in order to
24 further the senator's own economic or other interests,
25 or those of any other person, shall not disclose or
26 use confidential information acquired in the course of
27 official duties.

28 **d 5. Honoraria HONORARIA.** A senator shall not
29 accept an honorarium from any person a restricted
30 donor for a speech, writing for publication, or other

Page 3

1 similar activity, that is in excess of five hundred
2 dollars in value except as otherwise provided in
3 section 68B.23.

4 **e 6. Employment EMPLOYMENT.** A senator shall not
5 accept employment, either directly or indirectly, from
6 a political action committee. A senator may accept
7 employment from a political party, but shall disclose
8 the employment relationship in writing to the
9 secretary of the senate within ten days after the
10 beginning of each legislative session. If a senator
11 accepts employment from a political party during a
12 legislative session, the senator shall disclose the
13 employment relationship within ten days after
14 acceptance of the employment.

15 For the purpose of this rule, a political action

16 committee means a committee, but not a candidate's
17 committee, which accepts contributions, makes
18 expenditures, or incurs indebtedness in the aggregate
19 of more than two hundred fifty dollars in any one
20 calendar year for the purpose of supporting or
21 opposing a candidate for public office or ballot issue
22 or influencing legislative action, or an association,
23 lodge, society, cooperative, union, fraternity,
24 sorority, educational institution, civic organization,
25 labor organization, religious organization, or
26 professional organization which makes contributions in
27 the aggregate of more than two hundred fifty dollars
28 in any one calendar year for the purpose of supporting
29 or opposing a candidate for public office or ballot
30 issue or influencing legislative action.

Page 4

1 27. ECONOMIC INTERESTS OF LOBBYIST. With the
2 exception of exercising unfettered discretion in
3 supporting or refusing to support proposed
4 legislation, a senator shall not take action intended
5 to affect the economic interests of a lobbyist or
6 citizen supporting or opposing proposed legislation.
7 28. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A
8 senator may appear before a governmental agency or
9 board in any representation case, except that the
10 senator shall not appear before a governmental agency
11 or board for compensation if the matter is subject to
12 legislative review act as a lobbyist. Whenever a
13 senator appears before a governmental agency or board,
14 the senator shall carefully avoid all conduct which
15 might in any way lead members of the general public to
16 conclude that the senator is using the senator's
17 official position to further the senator's
18 professional success or personal financial interest.
19 29. CONFLICTS OF INTERESTS. In order to permit
20 the general assembly to function effectively, a
21 senator will sometimes be required to vote on bills
22 and participate in committee work which will affect
23 the senator's employment and other monetary interests.
24 In making a decision relative to the senator's
25 activity on given bills or committee work which are
26 subject to the code, the following factors shall be
27 considered:
28 a. Whether a substantial threat to the senator's
29 independence of judgment has been created by the
30 conflict situation.

Page 5

1 b. The effect of the senator's participation on
 2 public confidence in the integrity of the legislature.
 3 c. Whether the senator's participation is likely
 4 to have any significant effect on the disposition of
 5 the matter.
 6 d. The need for the senator's particular
 7 contribution, such as special knowledge of the subject
 8 matter, to the effective functioning of the
 9 legislature.

10 A senator with a conflict of interest may
 11 participate in floor debate if prior to debate the
 12 senator indicates the conflict of interest.
 13 10. GIFTS. Except as otherwise provided in
 14 section 68B.22, a senator, or that person's immediate
 15 family member, shall not, directly or indirectly,
 16 accept or receive any gift or series of gifts from a
 17 restricted donor.

18 5 11. DISCLOSURE REQUIRED. Each senator shall
 19 file with the secretary of the senate within ten days
 20 after the adoption of the code of ethics by the
 21 senate, and within ten days after the convening of the
 22 second session of the general assembly, a statement
 23 under section 68B.35 on forms provided by the
 24 secretary of the senate setting forth the following
 25 information:

26 a. The nature of each business in which the
 27 senator is engaged and the nature of the business of
 28 each company in which the senator or the senator's
 29 spouse has a financial interest. A senator shall not
 30 be required to file a report or be assumed to have a

Page 6

1 financial interest if an the annual income derived
 2 from the investment in stocks, bonds, bills, notes,
 3 mortgages, or other securities offered for sale
 4 through recognized financial brokers is less than five
 5 percent of the total outstanding issue of any such
 6 stock, bonds, bills, notes, mortgages, or other
 7 securities of the offering entity one thousand
 8 dollars.

9 b. The name of any state or national business,
 10 trade, labor, farm, professional, religious,
 11 educational, or charitable association, foundation, or
 12 organization which is involved in supporting or
 13 opposing legislation brought before the general
 14 assembly and by which the senator, the senator's
 15 partner, or business associate is employed or retained

16 or has rendered services for compensation within the
17 last twelve months:

18 c. Every office or directorship held by the
19 senator in any corporation, firm, enterprise, labor
20 union, farm organization, cooperative, religious,
21 educational, or charitable association or
22 organization, or trade or professional association
23 held during the last twelve months and every
24 membership in such an organization which is engaged in
25 actively supporting or opposing legislation in the
26 general assembly. The name of the entity shall be set
27 out:

28 Disclosures required under this rule shall be as of
29 the date filed unless provided to the contrary, and
30 shall be amended to include interests and changes

Page 7

1 encompassed by this rule that occur while the general
2 assembly is in session. All filings under this rule
3 shall be open to public inspection in the office of
4 the secretary of the senate at all reasonable times.

5 The secretary of the senate shall inform the ethics
6 committee of the statements which are filed and shall
7 report to the ethics committee the names of any
8 senators who appear not to have filed complete
9 statements. The chairperson of the ethics committee
10 shall request in writing that a senator who has failed
11 to complete the report or appears to have filed an
12 incomplete report do so within five days, and, upon
13 the failure of the senator to comply, the ethics
14 committee shall require the senator to appear before
15 the committee.

16 d. Senators and employees of the senate shall file
17 a report with the secretary of the senate, of a gift,
18 which does not include food or drink provided for
19 immediate consumption, or series of gifts made to them
20 or each family member from any one donor which exceed
21 fifteen dollars in cumulative value in any one
22 calendar day. The report shall list the nature, date,
23 amount or equivalent value, and donor of the gift and
24 shall be filed by the fifteenth of the month covering
25 the preceding month.

26 e. A senator who receives an honorarium in excess
27 of fifteen dollars in value for a speech, writing for
28 publication, or other similar activity, relating to
29 the senator's duties in the general assembly, shall
30 report the honorarium to the secretary of the senate.

Page 8

1 The report shall include the nature and amount of the
2 honorarium, the date it was provided, from whom it was
3 received, and the nature and amount of reimbursement
4 for or payment of any actual expenses. The report
5 shall be filed by the senator on the fifteenth of the
6 month following the month in which the honorarium was
7 paid.

8 f. A senator, in whose name an honorarium in
9 excess of fifteen dollars in value is given to a
10 person or organization for a speech, writing for a
11 publication, or other similar activity, and who has
12 knowledge of such honorarium, shall report the
13 honorarium to the secretary of the senate. The report
14 shall include the nature and amount of the honorarium,
15 the date it was given, by whom it was given, and to
16 whom it was given. The report shall be filed by the
17 senator on the fifteenth of the month following the
18 month in which the honorarium was given.

19 6 12. STATUTORY VIOLATIONS. Members of the
20 general assembly are urged to familiarize themselves
21 with chapter chapters 68B, and chapter 721, and 722.
22 7 13. CHARGE ACCOUNTS. Senators shall not charge
23 any amount or item to any charge account to be paid
24 for by any lobbyist or any organization client the
25 lobbyist represents.

26 8 14. TRAVEL EXPENSES. A senator shall not charge
27 to the state of Iowa amounts for travel and expenses
28 unless the senator actually has incurred those mileage
29 and expense costs. Senators shall not file the
30 vouchers for weekly mileage reimbursement required by

Page 9

1 section 2.10, subsection 1, unless the travel was
2 actually incurred at commensurate expense to the
3 senator.

4 9 15. COMPLAINTS. Complaints or charges against
5 any senator or any lobbyist shall be in writing, made
6 under oath, and filed with the secretary of the senate
7 or the chairperson of the ethics committee. If filed
8 with the secretary of the senate, the secretary shall
9 immediately advise the chairperson of the ethics
10 committee of the receipt of the complaint.

11 Complaint forms shall be available from the
12 secretary of the senate, or the chairperson of the
13 ethics committee, but a complaint shall not be
14 rejected for failure to use an approved form if the
15 complaint substantially complies with senate

16 requirements.

17 A complainant may submit exhibits and affidavits
18 attached to the complaint.

19 ~~19~~ 16. FILING OF COMPLAINTS.

20 a. Persons entitled. Complaints may be filed by
21 any person believing that a senator or lobbyist has
22 violated the senate ethics code, the senate rules
23 governing lobbyists, or chapter 68B of the Iowa Code.
24 A violation of the criminal law may be considered to
25 be a violation of this code of ethics if the violation
26 constitutes a serious misdemeanor or greater, or a
27 repetitive and flagrant violation of the law.

28 b. Committee complaint. The ethics committee may,
29 upon its own motion, initiate a complaint,
30 investigation, or disciplinary action.

Page 10

1 c. Timeliness of filing. A complaint will be
2 considered to be timely filed if it is filed during
3 the legislative session when an within three years of
4 the occurrence of the alleged violation of the ethics
5 code occurs. If the alleged unethical conduct occurs
6 after adjournment, the complaint may be filed at any
7 time up to and including the first fifteen days of the
8 following legislative session.

9 If the complaint alleges a violation of Iowa's
10 criminal law, it is timely if filed during the
11 legislative session when the alleged violation
12 occurred, or during the session when the criminal
13 charges are disposed of.

14 ~~17~~ 17. PERMANENT RECORD. The secretary of the
15 senate shall maintain a permanent record of all
16 complaints filed, evidence received by the committee,
17 and any transcripts or other recordings made of
18 committee proceedings, including a separate card file
19 containing the date filed, name and address of the
20 complainant, name and address of the respondent, a
21 brief statement of the charges made, and ultimate
22 disposition of the complaint. The secretary shall
23 keep each such complaint confidential until public
24 disclosure is made by the ethics committee.

25 ~~18~~ 18. PREHEARING PROCEDURE.

26 a. Defective complaint. Upon receipt of a
27 complaint, the chairperson and ranking member of the
28 ethics committee shall determine whether the complaint
29 substantially complies with the requirements of this
30 code of ethics and section 68B.31, subsection 6. If

Page 11

1 the complaint does not substantially comply with the
2 requirements for formal sufficiency under the code of
3 ethics, the complaint may be returned to the
4 complainant with a statement that the complaint is not
5 in compliance with the code and a copy of the code.
6 If the complainant fails to amend the complaint to
7 comply with the code within a reasonable time, the
8 chair and ranking member may dismiss the complaint
9 with prejudice for failure to prosecute.

10 b. Service of complaint on respondent. Upon
11 receipt of any complaint substantially complying with
12 the requirements of this code of ethics, the
13 chairperson of the ethics committee shall cause a copy
14 of the complaint and any supporting information to be
15 delivered promptly to the respondent, requesting a
16 written response to be filed within ten days. The
17 response may do any of the following:

18 (1) Admit or deny the allegation or allegations;
19 or,

20 (2) Object that the allegation fails to allege a
21 violation of chapter 68B or the code of ethics; or,

22 (3) Object to the jurisdiction of the committee;
23 or,

24 (4) Request a more specific statement of the
25 allegation or allegations.

26 c. Objection to member. In addition to the items
27 which may be included in a response pursuant to
28 paragraph "b", the response may also include an
29 objection to the participation of any member of the
30 committee in the consideration of the allegation or

Page 12

1 allegations on the grounds that the member cannot
2 render an impartial and unbiased decision.

3 d. Extension of time. At the request of the
4 respondent and upon a showing of good cause, the
5 committee, or the chairperson and ranking member, may
6 extend the time for response, not to exceed ten
7 additional days.

8 e. Confidentiality. If a complaint is not
9 otherwise made public, the members of the committee
10 shall treat the complaint and all supporting
11 information as confidential until the written response
12 is received from the respondent.

13 f. Scheduling hearing. Upon receipt of the
14 response, the committee shall schedule a public
15 meeting to review the complaint and available

16 information, and shall:

17 (1) Notify the complainant that no further action
18 will be taken, unless further substantiating
19 information is produced, or

20 (2) Dismiss the complaint for failure to meet the
21 statutory and code of ethics requirements for valid
22 complaints, or

23 (2 3) Conduct its own investigation or, upon
24 approval of the senate or the senate rules and
25 administration committee when the senate is not in
26 session; arrange for Request that the chief justice of
27 the supreme court appoint an independent special
28 counsel to conduct an investigation of the complaint
29 by independent counsel and supporting information, to
30 make a determination of probable cause, and to report

Page 13

1 the findings to the committee, to which shall be
2 received within a reasonable time, or

3 (3) Cause the complaint to be scheduled for a
4 public hearing before the committee, or

5 (4) Cause the complaint to be scheduled for a
6 public hearing upon receipt of the report of the
7 independent special counsel, or

8 (5) Dismiss the complaint upon receipt of a report
9 by independent special counsel that insufficient
10 evidence exists to support a finding of probable
11 cause.

12 ~~13~~ 19. HEARING PROCEDURE.

13 a. Notice of hearing. If the committee causes a
14 complaint to be scheduled for a public hearing, notice
15 of the hearing date and time shall be given to the
16 complainant and respondent in writing, and of the
17 respondent's right to appear in person, be represented
18 by legal counsel, present statements and evidence, and
19 examine and cross-examine witnesses. The committee
20 shall not be bound by formal rules of evidence, but
21 shall receive relevant evidence, subject to
22 limitations on repetitiveness. Any evidence taken
23 shall be under oath.

24 b. Subpoena power. The committee may require, by
25 subpoena or otherwise, the attendance and testimony of
26 witnesses and the production of such books, records,
27 correspondence, memoranda, papers, documents, and any
28 other things it deems necessary to the conduct of the
29 inquiry.

30 c. Ex post facto. An investigation shall not be

Page 14

1 undertaken by the committee of a violation of a law,
2 rule, or standard of conduct that is not in effect at
3 the time of violation.

4 d. Disqualification of member. Members of the
5 committee may disqualify themselves from participating
6 in any investigation of the conduct of another person
7 upon submission of a written statement that the member
8 cannot render an impartial and unbiased decision in a
9 case. A member may also be disqualified by a
10 unanimous vote of ~~four-fifths~~ of the legislative
11 remaining eligible members of the committee.

12 A member of the committee is ineligible to
13 participate in committee meetings, as a member of the
14 committee, in any proceeding relating to the member's
15 own official conduct.

16 If a member of the committee is disqualified or
17 ineligible to act, the majority or minority leader,
18 ~~after consultation with the minority leader, who~~
19 ~~appointed the member~~ shall appoint a ~~senator of the~~
20 ~~same political party as the disqualified committee~~
21 replacement member to serve as a member of the
22 committee during the period of disqualification or
23 ineligibility.

24 e. Hearing. At the hearing, the chairperson shall
25 open the hearing by stating the charges, the purpose
26 of the hearing, and its scope. The burden of proof
27 rests upon the complainant to establish the facts as
28 alleged, by clear and convincing evidence. However,
29 questioning of witnesses shall be conducted by the
30 members of the committee, by ~~legal~~ independent special

Page 15

1 counsel appointed by the committee, or by a senator;
2 ~~the senate legal counsel, or legal counsel from the~~
3 ~~legislative service bureau, if designated by the~~
4 ~~chairperson and ranking member of the committee.~~ The
5 chairperson shall also permit questioning by legal
6 counsel representing the complainant or respondent.

7 The chairperson or other member of the committee
8 presiding at a hearing shall rule upon procedural
9 questions or any question of admissibility of evidence
10 presented to the committee. Rulings may be reversed

11 by a majority vote of the committee members present.
12 The committee may continue the hearing to a future
13 date if necessary for appropriate reasons or purposes.

14 f. Committee action. Upon receipt of all relevant
15 evidence and arguments, the committee shall consider

16 the same and recommend to the senate:
 17 (1) That the complaint be dismissed, or
 18 (2) That the senator or lobbyist be censured or
 19 reprimanded, and recommend the appropriate form of
 20 censure or reprimand, or
 21 (3) Any other appropriate sanction, including
 22 suspension or expulsion from membership in the senate,
 23 or suspension of lobbying privileges.
 24 g. Disposition resolution. By appropriate
 25 resolution, the senate may amend, adopt, or reject the
 26 report of the ethics committee, including the
 27 committee's recommendations regarding disciplinary
 28 action.
 29 ~~14~~ 20. COMMITTEE AUTHORIZED TO MEET. The senate
 30 ethics committee is authorized to meet ~~during the time~~

Page 16

1 ~~the general assembly is not in session at the~~
 2 ~~discretion of the chairperson~~ to conduct hearings and
 3 other business that properly may come before it. If
 4 the committee submits a report seeking senate action
 5 against a senator or lobbyist after the second regular
 6 session of a general assembly has adjourned sine die,
 7 the report shall be submitted to and considered by the
 8 subsequent general assembly.
 9 ~~15~~ 21. COMPLAINT FILING FORM. The following form

10 shall be used to file a complaint under these rules:

11 THE SENATE

12 Ethics Complaint Form

13 Re: _____ (Senator/Lobbyist),
 14 of _____, Iowa.

15 I, _____ (Complainant), residing
 16 at _____, in the City of _____,
 17 State of _____, hereby complain that
 19 address is _____,

20 has violated the Senate Rule of Ethics or Senate Rules
 21 Governing Lobbyists in that:

22 (Explain the basis for the complaint here. Use addi-
 23 tional pages, if necessary).

24 Under penalty of perjury, I certify that the above
 25 complaint is true and correct as I verily believe.

26 _____
 27 Signature of Complainant.

28 SUBSCRIBED AND AFFIRMED to before me this _____
 29 day of _____, 19____.

30 _____

Page 17

1 Notary Public in and for the
 2 State of _____
 3 **16 22. COMPLAINT NOTICE FORM.** The following form
 4 shall be used for notice of a complaint under these
 5 rules:

6 STATE OF IOWA
 7 THE SENATE
 8 COMMITTEE ON ETHICS)
 9 IOWA STATE SENATE)
 10)
 11 On The Complaint Of) NOTICE OF COMPLAINT
 12)
 13 _____)
 14)
 15 And Involving)
 16)
 17 _____)
 18)
 19 TO _____ ,

20 Senator or Lobbyist named above:
 21 You are hereby notified that there is now on file
 22 with the Secretary of the Senate, State Capitol, Des
 23 Moines, Iowa, a complaint which alleges that you have
 24 committed a violation of the Senate's Ethics Code or
 25 Senate Rules Governing Lobbyists.
 26 A copy of the complaint and the Senate rules for
 27 processing the same are attached hereto and made a
 28 part of this notice.
 29 You are further notified and requested to file your
 30 written answer to the complaint within ten days of the

Page 18

1 date upon which the notice was caused to be delivered
 2 to you, _____, 19____. Your answer is
 3 to be filed with the Secretary of the Senate, State
 4 Capitol, Des Moines, Iowa.
 5 Dated this _____ day of _____, 19____.

6 _____
 7 Chair, Senate Ethics Committee,
 8 or Secretary of the Senate
 9 **17 23. HEARING NOTICE FORM.** The following form
 10 shall be used for notice of a hearing under these

11 rules:
 12 STATE OF IOWA
 13 THE SENATE
 14 COMMITTEE ON ETHICS)
 15 IOWA STATE SENATE)

16)
 17 On The Complaint Of) NOTICE OF HEARING
 18)
 19 _____)
 20)
 21 And Involving)
 22)
 23 _____)
 24)
 25 TO _____,
 26 Senator or Lobbyist named above:
 27 You are hereby notified that there is now on file
 28 with the Secretary of the Senate, State Capitol, Des
 29 Moines, Iowa, a complaint which alleges that you have
 30 committed a violation of the Senate's Ethics Code or

Page 19

1 Senate Rules Governing Lobbyists.
 2 A copy of the complaint and the Senate rules for
 3 processing the same are attached hereto and made a
 4 part of this notice.
 5 You are further notified that, after preliminary
 6 review, the committee has caused a public hearing to
 7 be scheduled on
 8 (date) _____, 19____, at (hour) _____
 9 (a.m.) (p.m.), in Room ____, State Capitol, Des Moines,
 10 Iowa.
 11 At the hearing, you will have the right to appear
 12 in person, be represented by legal counsel at your own
 13 expense, present statements and evidence, and examine
 14 and cross-examine witnesses. The committee shall not
 15 be bound by formal rules of evidence, but shall
 16 receive relevant evidence, subject to limitations on
 17 repetitiveness. Any evidence taken shall be under
 18 oath.
 19 The committee may continue the hearing to a future
 20 date if necessary for appropriate reasons or purposes.
 21 You are further notified that the committee will
 22 receive such evidence and take such action as
 23 warranted by the evidence.
 24 Dated this _____ day of _____, 19____.
 25 _____
 26 Chair, Senate Ethics Committee,
 27 or Secretary of the Senate
 28 24. PERSONAL FINANCIAL DISCLOSURE FORM. The following form
 29 shall be used for disclosure of economic interests
 30 under these rules and section 68B.35:

16 corporate, or government practice in subparagraph (3)
 17 of this paragraph. If you indicated in subparagraph
 18 (4) of paragraph "a" that you were a consultant, in
 19 subparagraph (4) of this paragraph you should indicate
 20 the kind of services provided and types of clients
 21 served.)

22 (1)

23 (2)

24 (3)

25 (4)

26 (5)

27 c. Please list each source, by general
 28 description, from which you receive, or which
 29 generates, more than one thousand dollars in gross
 30 annual income in the categories listed below. For

Page 22

1 purposes of this item, a source produces gross annual
 2 income if the revenue produced by the source is
 3 subject to federal or state income taxes. In
 4 completing this item, it is not necessary to list the
 5 name of the company, business, financial institution,
 6 corporation, partnership, or other entity which
 7 constitutes the source of the income and the amount or
 8 value of the holding should not be listed.

9 (1) Securities (Here for example, you need not
 10 state that you own X number of shares of any specific
 11 company by brand or corporate name, or that the stock
 12 is of a certain value, but may instead state that you
 13 possess stock in a company and indicate the nature of
 14 the company's business.);

15

16

17

18

19

20 (2) Instruments of Financial Institutions (You
 21 need not indicate, for example, in which institutions
 22 you hold certificates of deposit that produce annual
 23 income over the one thousand dollar threshold, but
 24 simply listing the nature of the institution will
 25 suffice, e.g., bank, credit union, or savings and loan
 26 association.);

27

28

29

30

Page 23

1

(3) Trusts (The name of the particular trust need not be listed. However, if the income is received from a charitable trust/foundation, such as the Pugh Charitable Trust, in the form of a grant, the fact that the trust is a charitable trust should be noted here.):

8

9

10

11

12

(4) Real Estate (When listing real estate, it is not necessary to list the location of the property, but the general nature of the real estate interest should be indicated, e.g. residential leasehold interest or farm leasehold interest.):

18

19

20

21

22

(5) Retirement Systems (When listing retirement benefits, it is not necessary to list the name of the particular pension system or company, but rather the type of benefit should be listed, e.g., health benefits, life insurance benefits, private pension, or government pension.):

29

30

Page 24

1

2

3

(6) Other Income Categories Specified in State or Federal Income Tax Regulations (List description of other sources of income producing over one thousand dollars in annual income not previously reported above, but which must be reported for income tax purposes.):

10

11

12

13

14

15

16

17 (Signature of filer)(Date)

1 SENATE RESOLUTION NO. 12

2 By: Committee on Rules and Administration

3 A Senate Resolution relating to daily operations of
4 the Senate.5 WHEREAS, the legislative authority of this state is
6 vested in the General Assembly consisting of the
7 Senate and the House of Representatives; and8 WHEREAS, the Senate necessarily incurs substantial
9 expenses for its daily operations; and10 WHEREAS, the Senate is authorized to expend funds
11 from the state treasury necessary to pay for its
12 expenses and for expenses incurred jointly by the
13 Senate and House of Representatives; and14 WHEREAS, it is deemed advisable and proper for the
15 Senate to make expenditures in accordance with a
16 budgetary plan; NOW THEREFORE,

17 BE IT RESOLVED BY THE SENATE:

18 Section 1. Expenditures of the Senate payable
19 pursuant to Iowa Code sections 2.10 through 2.14
20 inclusive for the regular legislative session and the
21 interim period during the fiscal year beginning July
22 1, 1993 and ending June 30, 1994, are budgeted to be
23 as follows:24 1. Session expenses including members' and
25 temporary staff compensation and other current
26 expenses in an amount not to exceed \$2,423,600.27 2. Interim expenses including members' and staff
28 compensation and other current expenses in an amount
29 not to exceed \$287,500.

30 3. Fixed expenses, including permanent employees'

Page 2

1 compensation and equipment in an amount not to exceed
2 \$1,441,500.3 4. A special fund for renovation, restoration, and
4 equipment improvements in the Senate chamber and
5 adjacent areas to be used with the authorization of
6 the Committee on Rules and Administration, in an
7 amount not to exceed \$20,000.8 Sec. 2. The Secretary of the Senate shall
9 immediately provide written notice to the majority and
10 minority leaders of the Senate and to the Chair and
11 Ranking Member of the Senate Appropriations Committee

12 if actual expenditures payable pursuant to Iowa Code
 13 sections 2.10 through 2.14 inclusive exceed the
 14 maximum amount allocated to any category of the budget
 15 provided by section 1 of this resolution. The written
 16 notice shall specify the amount of and reasons for any
 17 excess expenditure.

18 Sec. 3. The expenditures referred to in section 2
 19 of this resolution shall consist only of those sums
 20 required for payment of the various expenses of the
 21 General Assembly including such items as legislative
 22 printing expenses, unpaid expenses incurred during the
 23 interim between sessions of the General Assembly,
 24 expenditures incurred pursuant to resolutions, and
 25 expenses for purchases of legislative equipment and
 26 supplies necessary to carry out the functions of the
 27 General Assembly. Joint expenditures or special
 28 expenditures approved by the Committee on Rules and
 29 Administration or the Legislative Council are not
 30 included in the budget set forth in this resolution.

Page 3

1 Sec. 4. If a special session of the General
 2 Assembly is held, the Committee on Rules and
 3 Administration shall provide for consideration of a
 4 budget for the special session.

1 SENATE CONCURRENT RESOLUTION 2

2 By: Committee on Rules and Administration
 3 A Concurrent Resolution relating to the compensation
 4 of chaplains, officers and employees of the
 5 ~~seventy-fourth~~ seventy-fifth general assembly.

6 WHEREAS, section 2.11 of the Code provides that
 7 "The compensation of ~~the~~ chaplains, officers, and
 8 employees of the general assembly shall be fixed by
 9 joint action of the house and senate by resolution at
 10 the opening of each session, or as soon thereafter as
 11 conveniently can be done.", NOW THEREFORE,

12 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

13 That the compensation for the following officers for
 14 the period commencing January ~~14, 1991~~ 11, 1993 and
 15 ending January ~~11, 1993~~ 9, 1995, shall be within the
 16 following ranges:

17 Secretary of the Senate and Chief

18 Clerk of the House ~~\$39,022 to \$67,860~~
 19 \$42,000 to \$72,956

20 Within the indicated ranges the exact compensation
 21 shall be set or adjusted for the senate officers by
 22 the senate rules and administration committee and for
 23 the house officers by the house administration

24 committee. The committees shall report the exact
 25 compensation assigned to each position on the next
 26 legislative day, or, if such action is during the
 27 interim, on the first day the senate or house shall
 28 convene. Any action by the senate or house to
 29 disapprove or amend the report shall be effective the
 30 day after the action.

Page 2

1 BE IT FURTHER RESOLVED, That the compensation of
 2 the employees of the ~~seventy-fourth~~ seventy-fifth
 3 general assembly is set, effective from January 14,
 4 ~~1991 11, 1993~~, until January 11, ~~1993 9, 1995~~, in
 5 accordance with the following salary schedule:

6 #8	#9	#10	#11	#12
7 \$10,753.60	\$11,273.60	\$11,856.00	\$12,459.20	\$13,083.20
8 5.17	5.42	5.70	5.99	6.29
9				
10 #13	#14	#15	#16	#17
11 \$13,728.00	\$14,456.00	\$15,204.80	\$15,953.60	\$16,702.40
12 6.60	6.95	7.31	7.67	8.03
13				
14 #18	#19	#20	#21	#22
15 \$17,513.60	\$18,324.80	\$19,260.80	\$20,134.40	\$21,132.80
16 8.42	8.81	9.26	9.68	10.16
17				
18 #23	#24	#25	#26	#27
19 \$22,152.00	\$23,171.20	\$24,315.20	\$25,459.20	\$26,686.40
20 10.65	11.14	11.69	12.24	12.83
21				
22 #28	#29	#30	#31	#32
23 \$27,976.00	\$29,328.00	\$30,721.60	\$32,240.00	\$33,716.80
24 13.45	14.10	14.77	15.50	16.21
25				
26 #33	#34	#35	#36	#37
27 \$35,401.60	\$37,065.60	\$38,833.60	\$40,705.60	\$42,681.60
28 17.02	17.82	18.67	19.57	20.52
29				
30 #38	#39	#40	#41	#42

Page 3

1 \$44,720.00	\$46,883.20	\$49,150.40	\$51,500.80	\$53,976.00
2 21.50	22.54	23.63	24.76	25.95
3 #8	#9	#10	#11	#12
4 \$11,564.80	\$12,126.40	\$12,750.40	\$13,395.20	\$14,060.80
5 5.56	5.83	6.13	6.44	6.76
6				

SENATE RESOLUTIONS

7	#13	#14	#15	#16	#17
8	<u>\$14,768.00</u>	<u>\$15,537.60</u>	<u>\$16,348.80</u>	<u>\$17,160.00</u>	<u>\$17,950.40</u>
9	<u>7.10</u>	<u>7.47</u>	<u>7.86</u>	<u>8.25</u>	<u>8.63</u>
10					
11	#18	#19	#20	#21	#22
12	<u>\$18,824.00</u>	<u>\$19,697.60</u>	<u>\$20,696.00</u>	<u>\$21,652.80</u>	<u>\$22,713.60</u>
13	<u>9.05</u>	<u>9.47</u>	<u>9.95</u>	<u>10.41</u>	<u>10.92</u>
14					
15	#23	#24	#25	#26	#27
16	<u>\$23,816.00</u>	<u>\$24,918.40</u>	<u>\$26,145.60</u>	<u>\$27,372.80</u>	<u>\$28,683.20</u>
17	<u>11.45</u>	<u>11.98</u>	<u>12.57</u>	<u>13.16</u>	<u>13.79</u>
18					
19	#28	#29	#30	#31	#32
20	<u>\$30,076.80</u>	<u>\$31,532.80</u>	<u>\$33,030.40</u>	<u>\$34,652.80</u>	<u>\$36,254.40</u>
21	<u>14.46</u>	<u>15.16</u>	<u>15.88</u>	<u>16.66</u>	<u>17.43</u>
22					
23	#33	#34	#35	#36	#37
24	<u>\$38,064.00</u>	<u>\$39,852.80</u>	<u>\$41,745.60</u>	<u>\$43,763.20</u>	<u>\$45,884.80</u>
25	<u>18.30</u>	<u>19.16</u>	<u>20.07</u>	<u>21.04</u>	<u>22.06</u>
26					
27	#38	#39	#40	#41	#42
28	<u>\$48,068.80</u>	<u>\$50,398.40</u>	<u>\$52,832.00</u>	<u>\$55,369.60</u>	<u>\$58,032.00</u>
29	<u>23.11</u>	<u>24.23</u>	<u>25.40</u>	<u>26.62</u>	<u>27.90</u>
30	In this schedule, each numbered block shall be the				

Page 4

1 yearly and hourly compensation for the pay grade of
2 the number heading the block. Within each grade there
3 shall be six steps numbered "1" through "6". In the
4 above schedule the steps for all grades are determined
5 in the following manner. Each numbered block is
6 counted as the "1" step for that grade. The next
7 higher block is counted as the "2" step; the next
8 higher block is the "3" step; the next higher block is
9 the "4" step; the next higher block is the "5" step;
10 the next higher block is the "6" step.

11 All employees shall be available to work daily
12 until completion of the senate's and house of
13 representatives' business. The secretary of the
14 senate and chief clerk of the house employee's
15 division supervisor shall schedule all employees'
16 working hours to, as far as possible, maintain regular
17 working hours.

18 All employees, other than those designated "part-
19 time" shall be compensated for 40 hours of work in a
20 one-week pay period. Secretaries to senators and
21 representatives are presumed to have 40 hours of work
22 each week the legislature is in session and shall be
23 paid only on that basis. Except for the personnel

24 designated to the contrary in this resolution,
 25 employees who are required to work in excess of 40
 26 hours in a one-week pay period shall either be
 27 compensated at a rate of pay equal to one and one-half
 28 times the hourly pay provided in this resolution or
 29 allowed compensatory time off at a rate of one and
 30 one-half hours for each hour of overtime.

Page 5

1 The following personnel shall not be paid an
 2 overtime premium:
 3 Secretary of the Senate
 4 Chief Clerk of the House
 5 Assistant Secretary of the Senate
 6 Assistant Chief Clerk of the House
 7 Senate Legal Counsel
 8 House Legal Counsel
 9 Finance Officer
 10 Senior Finance Officer
 11 Senior Journal Editor
 12 All Administrative Assistants
 13 All Research Analysts
 14 All Research Assistants
 15 All Secretaries to Senators and Representatives
 16 All Caucus Staff Directors
 17 All Senior Caucus Secretaries
 18 Administrative, Executive, and Confidential
 19 Secretaries to Speaker, Leader or
 20 Secretary of Senate or Chief Clerk of House
 21 This list may be modified pursuant to the annual
 22 review authorized in this resolution.
 23 BE IT FURTHER RESOLVED, That part-time employees
 24 shall be compensated at the scheduled hourly rate for
 25 their pay grade and step.
 26 BE IT FURTHER RESOLVED, That compensatory time off
 27 shall be granted to employees not eligible for
 28 overtime pay in a uniform manner for all legislative
 29 employees as determined by the legislative council.
 30 BE IT FURTHER RESOLVED, That in the event the

Page 6

1 salary schedule for employees of the State of Iowa as
 2 promulgated by the personnel commission pursuant to
 3 section 19A.9, subsection 2, Code 1989 1993, is
 4 revised upward at any time during the seventy-fourth
 5 seventy-fifth general assembly, such revised schedule
 6 shall simultaneously be adopted for the compensation
 7 of the employees of the seventy-fourth seventy-fifth

8 general assembly assigned a grade by this resolution.
 9 The pay ranges of those positions specifically listed
 10 on page one of this resolution shall be automatically
 11 adjusted to reflect any cost of living increases
 12 granted to those employees not included in the
 13 collective bargaining agreement made final under
 14 chapter 20 of the Code and increases provided by the
 15 legislative council for agency directors.

16 **BE IT FURTHER RESOLVED**, That adjustments in the
 17 positions and compensation listed in this resolution
 18 may be made through an annual interim review of all
 19 legislative employees for internal equity and to
 20 assure compliance with appropriate legal standards for
 21 granting of overtime and compensatory time off. Such
 22 review shall be conducted by a legislative committee
 23 made up of members of the service committee of
 24 legislative council and the appropriate salary
 25 subcommittees of the senate and house. Only one such
 26 review may be done in any fiscal year and adjustments
 27 suggested must be approved by the appropriate hiring
 28 body.

29 **BE IT FURTHER RESOLVED**, That the employees of the
 30 seventy-fourth seventy-fifth general assembly be

Page 7

1 placed in the following pay grades:

2 **EMPLOYEES OF THE HOUSE**

3 Sr. Assistant Chief Clerk of the House	Grade 41
4 Assistant Chief Clerk of the House III	Grade 38
5 Assistant Chief Clerk of the House II	Grade 35
6 Assistant Chief Clerk of the House I	Grade 32
7 Legal Counsel II	Grade 35
8 Legal Counsel I	Grade 32
9 Legal Counsel	Grade 30
10 Sr. Caucus Staff Director	Grade 41
11 Caucus Staff Director	Grade 38
12 Administrative Assistant to Leader	
13 or Speaker	Grade 27
14 Administrative Assistant I to Leader	
15 or Speaker I	Grade 29
16 Administrative Assistant II to Leader	
17 or Speaker II	Grade 32
18 Administrative Assistant III to Leader	
19 or Speaker III	Grade 35
20 Sr. Administrative Assistant to	
21 Leader or Speaker	Grade 38
22 Research Assistant	Grade 24
23 Legislative Research Analyst	Grade 27
24 Legislative Research Analyst I	Grade 29

25	Legislative Research Analyst II	Grade 32
26	Legislative Research Analyst III	Grade 35
27	Sr. Legislative Research Analyst	Grade 38
28	Secretary to Leader or <u>Speaker</u>	Grade 19
29	Caucus Secretary	Grade 21
30	Senior Caucus Secretary	Grade 24

Page 8

1	Administrative Secretary to Leader,	
2	Speaker, or Chief Clerk	Grade 21
3	Executive Secretary to Leader,	
4	Speaker or Chief Clerk	Grade 24
5	Confidential Secretary to Leader,	
6	Speaker, or Chief Clerk	Grade 27
7	Clerk to Chief Clerk	Grade 16
8	Supervisor of Secretaries	Grade 21
9	Supervisor of <u>Sec/Computer Trainer</u>	
10	<u>Secretaries I</u>	Grade 24
11	Supervisor of <u>Sec/Computer Trainer</u>	
12	<u>Secretaries II</u>	Grade 27
13	Senior Editor	Grade 30
14	Editor II	Grade 25
15	Editor I	Grade 22
16	Assistant Editor	Grade 19
17	Compositor	Grade 17
18	Sr. Text Processor	Grade 25
19	Text Processor II	Grade 22
20	Text Processor I	Grade 19
21	Senior Finance Officer	Grade 31
22	Finance Officer II	Grade 27
23	Finance Officer I	Grade 24
24	Assistant Finance Officer	Grade 21
25	Recording Clerk II	Grade 24
26	Recording Clerk I	Grade 21
27	Assistant Legal Counsel	Grade 27
28	Engrossing & Enrolling Processor	Grade 27
29	Assistant to the Legal Counsel	Grade 19
30	Indexer II	Grade 25

Page 9

1	Indexer I	Grade 22
2	Indexing Assistant	Grade 19
3	Supply Clerk	Grade 16
4	Switchboard Operator	Grade 14
5	Legislative Secretary	Grade 15
6	Legislative Committee Secretary	Grade 17
7	Bill Clerk	Grade 14
8	Assistant Bill Clerk	Grade 12

9	Postmaster	Grade 12
10	Sergeant-at-Arms	Grade 17
11	Assistant Sergeant-at-Arms	Grade 14
12	Chief Doorkeeper	Grade 12
13	Doorkeepers	Grade 11
14	Pages	Minimum Wage
15	EMPLOYEES OF THE SENATE	
16	Sr. Assistant Secretary of the Senate	Grade 41
17	Assistant Secretary of the Senate III	Grade 38
18	Assistant Secretary of the Senate II	Grade 35
19	Assistant Secretary of the Senate I	Grade 32
20	Legal Counsel II	Grade 35
21	Legal Counsel I	Grade 32
22	Legal Counsel	Grade 30
23	Sr. Caucus Staff Director	Grade 41
24	Caucus Staff Director	Grade 38
25	Administrative Assistant to Leader	
26	<u>or President</u>	Grade 27
27	Administrative Assistant <u>I</u> to Leader	
28	<u>or President I</u>	Grade 29
29	Administrative Assistant <u>II</u> to Leader	
30	<u>or President H</u>	Grade 32

Page 10

1	Administrative Assistant <u>III</u> to Leader	
2	<u>or President III</u>	Grade 35
3	Sr. Administrative Assistant to	
4	Leader <u>or President</u>	Grade 38
5	Research Assistant	Grade 24
6	Legislative Research Analyst	Grade 27
7	Legislative Research Analyst I	Grade 29
8	Legislative Research Analyst II	Grade 32
9	Legislative Research Analyst III	Grade 35
10	Sr. Legislative Research Analyst	Grade 38
11	Caucus Secretary	Grade 21
12	Senior Caucus Secretary	Grade 24
13	Secretary to Leader <u>or President</u>	Grade 19
14	Administrative Secretary to Leader, <u>President</u> ,	
15	<u>or Secretary of the Senate</u>	Grade 21
16	Executive Secretary to Leader, <u>President</u> ,	
17	<u>or Secretary of the Senate</u>	Grade 24
18	Confidential Secretary to Leader, <u>President</u> ,	
19	<u>or Secretary of the Senate</u>	Grade 27
20	Supervisor of Secretaries	Grade 21
21	Supervisor of <u>Sec/Computer Trainer</u>	
22	<u>Secretaries I</u>	Grade 24
23	Supervisor of <u>Sec/Computer Trainer</u>	
24	<u>Secretaries II</u>	Grade 27
25	Senior Editor	Grade 30

26 Editor II	Grade 25
27 Editor I	Grade 22
28 Assistant Editor	Grade 19
29 Compositor	Grade 17
30 Assistant Legal Counsel	Grade 27

Page 11

1 Assistant to the Legal Counsel	Grade 19
2 Proofreader	Grade 16
3 Senior Finance Officer	Grade 31
4 Finance Officer II	Grade 27
5 Finance Officer-I	Grade 24
6 Assistant Finance Officer	Grade 21
7 Recording Clerk II	Grade 24
8 Recording Clerk I	Grade 21
9 Indexer II	Grade 25
10 Indexer I	Grade 22
11 Indexing Assistant	Grade 19
12 Records and Supply Clerk	Grade 18
13 Switchboard Operator	Grade 14
14 Legislative Secretary	Grade 15
15 Legislative Committee Secretary	Grade 17
16 Bill Clerk	Grade 14
17 Assistant Bill Clerk	Grade 12
18 Postmaster	Grade 12
19 Sergeant-at-Arms	Grade 17
20 Assistant Sergeant-at-Arms	Grade 14
21 Chief Doorkeeper	Grade 12
22 Doorkeepers	Grade 11
23 Pages	Minimum Wage
24 BE IT FURTHER RESOLVED, That there shall be four	
25 classes of appointments as employees of the general	
26 assembly:	
27 A "permanent full-time" or "permanent part-time"	
28 employee is one who is employed the year around and	
29 eligible to receive state benefits.	
30 An "exempt full-time" employee is one who is	

Page 12

- 1 employed for the period of the sessions with
- 2 extensions post-session and pre-session as scheduled.
- 3 This class is eligible to receive state benefits with
- 4 the cost of benefits to the state to be paid by the
- 5 employee when not on the payroll.
- 6 A "session-only" employee is one who is employed
- 7 for only a portion of the year, usually the
- 8 legislative session. This class is not eligible for
- 9 state benefits, except IPERS.

10 A "part-time" employee is one who is employed to
 11 work less than 40 hours per week. This class is not
 12 eligible for state benefits, except IPERS if eligible.
 13 BE IT FURTHER RESOLVED, That the exact
 14 classification for individuals in a job series created
 15 by this resolution shall be set or changed for senate
 16 employees by the senate rules and administration
 17 committee and for the house employees by the house
 18 administration committee. The committees shall base
 19 the classification upon the following factors:
 20 1. The extent of formal education required of the
 21 position; and,
 22 2. The extent of the responsibilities to be
 23 assigned to the position; and,
 24 3. The amount of supervision placed over the
 25 position; and,
 26 4. The number of persons the position is assigned
 27 to supervise and skill and responsibilities of those
 28 positions supervised.
 29 The committees shall report the exact
 30 classifications assigned to each individual on the

Page 13

1 next legislative day, or, if such action is during the
 2 interim, on the first day the senate or house shall
 3 convene. Any action by the senate or house to
 4 disapprove a report or a portion of a report shall be
 5 effective the day after the action.
 6 Recommendations for a pay grade for a new position
 7 shall be developed in accordance with the factor
 8 scores in the comparable worth report. Every
 9 Beginning in 1995, every four years the senate rules
 10 and administration committee, the house administration
 11 committee, and the legislative council shall review
 12 all positions in the legislative branch to assure
 13 conformity to comparable worth.
 14 BE IT FURTHER RESOLVED, That a senator or
 15 representative may employ a secretary who in the
 16 judgment of the senator or representative employing
 17 such person, possesses the necessary skills to perform
 18 the duties such senator or representative shall
 19 designate, under the administrative direction, as
 20 appropriate, of the secretary of the senate or the
 21 chief clerk of the house.
 22 Each standing committee chairperson, ethics
 23 committee chairperson, and each appropriations
 24 subcommittee chairperson shall designate a secretary
 25 who is competent to perform the following duties:
 26 prepare committee minutes, committee reports, type

27 committee correspondence, maintain committee records,
28 and otherwise assist the committee. Such duties shall
29 be performed in accordance with standards which shall
30 be provided by the secretary of the senate and chief

Page 14

1 clerk of the house. In making the designation,
2 chairpersons shall consider persons for possible
3 designation as the secretary to the committee in the
4 following order:
5 First: The secretary to the chairperson.
6 Second: The secretary to the committee's vice-
7 chairperson.
8 Third: The secretary to any other member of the
9 committee.
10 Fourth: The secretary to any other member in the
11 same house as the committee.
12 BE IT FURTHER RESOLVED, That a Legal Counsel II
13 shall be a person who has graduated from an accredited
14 school of law and is admitted to practice in Iowa as
15 an Attorney and Counselor at Law and possesses either
16 a Masters of Law degree or has at least two years of
17 legal experience after admission to practice.
18 A Legal Counsel I shall be a person who has
19 graduated from an accredited school of law and is
20 admitted to practice in Iowa as an Attorney and
21 Counselor at Law.
22 BE IT FURTHER RESOLVED, That employees of the
23 general assembly may be eligible for either:
24 a) increases in salary grade or step based on
25 evaluation of their job performance and
26 recommendations of their administrative officers,
27 subject to approval of the senate committee on rules
28 and administration or the house committee on
29 administration, as appropriate, provided, however,
30 that for promotions between classes with a three or

Page 15

1 more pay grade difference, the employee shall be given
2 a two-step increase in pay or the employee's salary
3 shall be adjusted to the entry level in the grade of
4 the new position, whichever is greater; or
5 b) mobility within pay steps at the discretion of
6 the chief clerk of the house upon recommendation by
7 the employee's division supervisor on the part of the
8 house, and the discretion of the employee's division
9 supervisor on the part of the senate and the secretary
10 of the senate, subject to the approval of the house

11 committee on administration or the senate committee on
 12 rules and administration, as appropriate -- in accord
 13 with the following schedule:

14 (1) Progression from step "1" to "2" for a newly
 15 hired employee -- six months of actual employment.

16 (2) Progression from step "1" to "2" following
 17 promotion within a job series -- twelve months of
 18 actual employment.

19 (2 3) Progression from step "2" to "3", and step
 20 "3" to "4", and step "4" to "5", and step "5" to "6" -
 21 twelve months of actual employment.

22 (3) Progression from step "5" to "6" - twelve
 23 months of actual employment.

24 BE IT FURTHER RESOLVED, that in addition to the
 25 steps provided in the preceding paragraph, that
 26 secretaries to senators and representatives who were
 27 employees of the senate or house of representatives
 28 during any general assembly prior to January 9, 1989,
 29 and who have received certification for passing a
 30 typing and shorthand performance examination shall be

Page 16

1 eligible for two additional steps.

2 BE IT FURTHER RESOLVED, That in addition to the
 3 steps provided in the preceding paragraph, that
 4 secretaries to senators and representatives shall be
 5 eligible for a maximum of three additional grades
 6 beyond grade 15, in any combination, as provided in
 7 this paragraph:

8 1. One additional grade for a secretary to a
 9 standing committee chair, ethics committee chair or
 10 appropriations subcommittee chair who is not the
 11 designated committee secretary.

12 2. One additional grade for a secretary to a vice-
 13 chairperson or ranking member of a standing committee,
 14 ethics committee or appropriations subcommittee.

15 3. One additional grade for a secretary to the
 16 chairperson of the chaplain's committee.

17 4. Two additional grades for a secretary to an
 18 assistant floor leader or speaker pro tempore or
 19 president pro tempore.

20 5. One additional grade for a designated committee
 21 secretary who is also the designated committee
 22 secretary for an additional standing committee, ethics
 23 committee, or appropriations subcommittee.

24 BE IT FURTHER RESOLVED, That the entrance salary
 25 for employees of the general assembly shall be at step
 26 1 in the grade of the position held. Such employee
 27 may be hired above the entrance step if possessing

28 outstanding and unusual experience for the position,
29 provided that the entrance is not beyond step 3. Such
30 employee who is hired above the entrance step shall be

Page 17

1 mobile above that step in the same period of time as
2 other employees in that same step. An officer or
3 employee who is moved to another position may be
4 considered for partial or full credit for their
5 experience in the former position in determining the
6 step in the new grade.
7 The entry level for the position of research
8 analyst shall be Legislative Research Analyst I,
9 unless extraordinary conditions justify increasing
10 that entry level; however, that entry level may not be
11 increased beyond Legislative Research Analyst H I. A
12 research analyst must have shown knowledge of
13 legislative rules and procedures as well as the Code
14 of Iowa to be considered at any level above a
15 Legislative Research Analyst I.
16 BE IT FURTHER RESOLVED, That a pay increase for
17 employees of one step within the pay grade for the
18 position may be made for exceptionally meritorious
19 service in addition to step increases provided for in
20 this resolution, at the discretion of the chief clerk
21 upon recommendation of the secretary of the senate or
22 chief clerk of the house by the employee's division
23 supervisor on the part of the house, and upon
24 recommendation by the employee's division supervisor
25 on the part of the senate, and the approval of the
26 senate committee on rules and administration or the
27 house committee on administration. Exceptionally
28 meritorious service pay increases shall be governed by
29 the following:
30 a. The employee must have served in the position

Page 18

1 for at least twelve months;
2 b. Written justification, setting forth in detail
3 the nature of the exceptionally meritorious service
4 rendered, must be submitted to the senate rules and
5 administration committee or house administration
6 committee and approved in advance of granting the pay
7 increase;
8 c. No more than one exceptionally meritorious
9 service pay increase may be granted in any twelve-
10 month period.
11 d. Such meritorious service pay increase shall not

12 be granted beyond the six-step maximum for that
 13 position.
 14 **BE IT FURTHER RESOLVED, That the secretary of the**
 15 **senate and chief clerk of the house shall receive**
 16 **applications for employment; arrange for any necessary**
 17 **examinations; contact references and make**
 18 **recommendations for hiring.** The senate rules and
 19 administration committee and the house administration
 20 committee shall both hire officers and employees for
 21 their respective bodies and fill any vacancies which
 22 may occur, to be effective at such time as they shall
 23 set. The committee shall report the names of those it
 24 has hired for the positions specified in this
 25 resolution or the filling of any vacancies on the next
 26 legislative day or, if such action is during the
 27 interim, on the first day the senate or house shall
 28 convene. Any action by the senate or house to amend
 29 or disapprove a report or a portion of a report shall
 30 be effective the day after the action.

Page 19

1 The chief clerk of the house shall submit to the
 2 house committee on administration and the secretary of
 3 the senate shall submit to the senate committee on
 4 rules and administration the list of names, or
 5 amendments thereto, of employee classifications and
 6 recommended pay step for each officer and employee.
 7 Such list shall include recommendations for the pay
 8 step for all employees. Each respective committee
 9 shall approve or amend the list of recommended
 10 classifications and pay steps and publish said list in
 11 the journal.
 12 **BE IT FURTHER RESOLVED, That permanent employees of**
 13 **the general assembly shall receive vacation**
 14 **allowances, sick leave, health and accident insurance,**
 15 **life insurance, and disability income insurance as are**
 16 **provided for full-time permanent state employees. The**
 17 **computations shall be maintained by the finance**
 18 **officers in each house and coordinated with the**
 19 **department of management.**
 20 **BE IT FURTHER RESOLVED, That should any employee**
 21 **have a grievance concerning their compensation, hours**
 22 **of work, performance of work, or other matter, the**
 23 **grievance shall be resolved as provided in this**
 24 **paragraph or by procedures determined by the senate**
 25 **rules and administration committee for senate**
 26 **employees or the house administration committee for**
 27 **house employees.**
 28 **The grievance shall first be brought to the**

29 attention of the secretary of the senate or chief
30 clerk of the house, as appropriate. The procedure may

Page 20

1 be informal and oral except that the secretary or
2 chief clerk shall give his or her final conclusion in
3 writing.
4 An employee may appeal in writing an adverse ruling
5 of the secretary or chief clerk to the senate rules
6 and administration committee for senate employees or
7 the house administration committee for house employees
8 which shall consider the grievance. The committee's
9 consideration shall be informal except that accurate
10 minutes shall be kept and the final conclusion shall
11 be in writing.
12 Any employee having a grievance shall have access
13 to all relevant house or senate records, may have the
14 assistance of counsel, and, if the grievance involves
15 a disciplinary action, shall have a written statement
16 of the grounds for the disciplinary action.
17 BE IT FURTHER RESOLVED, That it is the intent of
18 the general assembly that the legislative council
19 adopt a resolution similar to this resolution which
20 provides for the compensation and benefits of all
21 legislative central staff agency employees for the
22 ~~seventy-fourth~~ seventy-fifth general assembly. The
23 resolution shall be adopted as soon as practicable
24 after the first meeting of the legislative council
25 during the ~~1991~~ 1993 session and published in the
26 journals of the senate and house.
27 BE IT FURTHER RESOLVED, That the compensation of
28 chaplains officiating at the opening of the daily
29 sessions of the house of representatives and the
30 senate of the ~~seventy-fourth~~ seventy-fifth general

Page 21

1 assembly be fixed at ten dollars for each house of the
2 general assembly, and that mileage for chaplains be
3 fixed at the rate of twenty-one cents per mile to and
4 from the State Capitol.

1 SENATE CONCURRENT RESOLUTION 3
2 By: Fink, Kibbie, Bartz, Connolly, Lind, and Welsh
3 A Senate Concurrent Resolution paying tribute to the
4 memory of Chris Street.
5 WHEREAS, Chris Street was admired by fans and
6 friends across Iowa for his many accomplishments in
7 high school and collegiate sports; and

8 WHEREAS, those accomplishments include his years as
9 a standout player at Indianola High School, as an all-
10 state basketball player and an all-state football
11 player in the Central Iowa Conference; as an honorable
12 mention high school all-American who played on the
13 Amateur Athletic Union team that toured the Soviet
14 Union; as a USA Today all-American quarterback; and as
15 an all-conference baseball player; and

16 WHEREAS, his reputation as an intense, hard-nosed
17 competitive ball player was surpassed only by his
18 capacity for friendship, respect for others, and
19 personal modesty; and

20 WHEREAS, his contributions to the success of the
21 basketball program at the University of Iowa by
22 leading the team in rebounding, as a leader in
23 scoring, and by setting a school record for straight
24 free throws will be remembered by his fans across the
25 state, by the Iowa Hawkeye coaching staff, and by his
26 fellow players; and

27 WHEREAS, Chris represented the best in Iowa college
28 sports, exemplifying the spirit of competitive sports,

29 NOW THEREFORE,

30 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

Page 2

1 REPRESENTATIVES CONCURRING, That the General Assembly
2 express its condolences to the family of Chris Street,
3 that tribute be paid to the memory of Chris Street and
4 his contributions to Iowa high school and collegiate
5 sports, and

6 BE IT FURTHER RESOLVED, That the Secretary of the
7 Senate forward copies of this resolution to the
8 parents of Chris Street, Michael and Patricia Street,
9 and to his sisters, Sarah and Betsy, of the City of
10 Indianola.

1 SENATE CONCURRENT RESOLUTION 4

2 By: Buhr, Rosenberg, Connolly, Slife, Sturgeon,
3 Szymoniak, and Lind

4 A Concurrent Resolution paying tribute to the memory
5 of retired Supreme Court Justice Thurgood Marshall.

6 WHEREAS, Thurgood Marshall served as the first
7 African-American member of the United States Supreme
8 Court for twenty-four years during which time he
9 passionately represented the interests of America's
10 poor and disadvantaged, regardless of race; and

11 WHEREAS, during his twenty-three years as legal
12 director of the National Association for the

13 Advancement of Colored People, and his tenure as the
14 federal government's solicitor general, Justice
15 Marshall argued thirty-two cases before the Supreme
16 Court, of which thirty-two cases, twenty-nine were
17 argued successfully; and
18 WHEREAS, he promoted the concept of racial equality
19 throughout his legal career and successfully argued
20 the landmark case of Brown vs. Board of Education
21 which led the Supreme Court in 1954 to outlaw racially
22 segregated public education; NOW THEREFORE,
23 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
24 REPRESENTATIVES CONCURRING, That the General Assembly
25 pay tribute to the memory of retired Justice Thurgood
26 Marshall in acknowledgment of his dedicated efforts to
27 uphold the principles of American democracy and his
28 valiant quest to secure equal justice for all under
29 the Constitution of the United States.

1 SENATE CONCURRENT RESOLUTION 5

2 By: Committee on State Government

3 (SUCCESSOR TO SSB 63)

4 (COMPANION TO HCR 3 BY SIEGRIST)

5 A Concurrent Resolution to designate Council Bluffs,

6 Iowa, the Purple Martin Capital of Iowa.

7 WHEREAS, the purple martin feeds entirely on flying
8 insects, and is an excellent means of natural insect
9 control, each bird consuming approximately 2,000
10 mosquitoes each day; and

11 WHEREAS, it is known that the purple martin is
12 clean, graceful in flight, sings beautifully, and
13 frees picnic areas and patios of insect pests; and

14 WHEREAS, Mr. Dennis Paul Devine, Sr., a citizen of
15 Council Bluffs, Iowa, has worked for 17 years to
16 promote, and for four years to sponsor, "Purple Martin
17 Time," in Council Bluffs; and, in the last 17 years
18 has, with the help of Griggsville, Illinois, "The
19 Purple Martin Capital of the Nation," given purple
20 martin houses to the Iowa School for the Deaf, the
21 Council Bluffs Care Center, the Rock Island Depot, and
22 Bayliss Park; and

23 WHEREAS, it is altogether fitting and proper to
24 encourage widespread interest in the popular purple
25 martin; and

26 WHEREAS, the Missouri River Valley and rich
27 farmlands of western Iowa provide an ideal setting for
28 these birds which winter in Brazil and summer as far
29 north as Canada; and

30 WHEREAS, Interstates 80 and 29 provide the state's

Page 2

1 tourists easy access to picturesque locations to
 2 encounter these nesting birds; and
 3 WHEREAS, the City of Council Bluffs, Iowa, has, by
 4 proclamation of four mayors, held "Purple Martin
 5 Times" in 1978, 1981, 1982, and 1983; and
 6 WHEREAS, purple martins return every year to the
 7 area where they hatched and their presence is
 8 beneficial to the community; NOW THEREFORE,
 9 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 10 That the Iowa General Assembly commend the City of
 11 Council Bluffs, Iowa, and its residents for their
 12 continuing efforts in conservation and propagation of
 13 one of nature's finest and most beneficial birds, the
 14 purple martin.
 15 BE IT FURTHER RESOLVED, That the Iowa General
 16 Assembly designate Council Bluffs, Iowa, as the
 17 official Purple Martin Capital of Iowa.
 18 BE IT FURTHER RESOLVED, That the Secretary of the
 19 Iowa Senate send a copy of this Resolution to the
 20 Mayor of the City of Council Bluffs, Iowa, and to Mr.
 21 Harry Wright, the editor of Nature Society News.

1 SENATE CONCURRENT RESOLUTION 6

2 By: Szymoniak, Vilsack, Lloyd-Jones, Rosenberg,
 3 Gronstal, Horn, Connolly, Deluhery, Fink, Murphy,
 4 Kibbie, Pate, Bennett, Maddox, Hedge, Borlaug,
 5 Fraise, Sorensen, Sturgeon, Rife, Lind, Kramer,
 6 and Jensen
 7 A Concurrent Resolution to honor Rosa Parks, Mother
 8 of the Civil Rights Movement, on her 80th birthday,
 9 February 4, 1993.
 10 WHEREAS, Rosa Parks, the daughter of a teacher and
 11 a carpenter, was born on February 4, 1913, in
 12 Tuskegee, Alabama; and
 13 WHEREAS, she learned at an early age from her
 14 family and teachers that she was a person with dignity
 15 and self-respect who could achieve success in life
 16 through ambition and hard work; and
 17 WHEREAS, she became secretary for the Montgomery,
 18 Alabama chapter of the National Association for the
 19 Advancement of Colored People in 1943; and
 20 WHEREAS, the access to social and governmental
 21 institutions was segregated for more than half of her
 22 life, and she had to register three times to vote and
 23 pay a poll tax before being allowed to vote in 1945;
 24 and
 25 WHEREAS, on December 1, 1955, she decided not to

26 give in to oppression, and with quiet dignity refused
27 to give up her bus seat to a white man when the white
28 section of the bus became full, leading to her arrest,
29 but more importantly, leading to what Dr. Martin
30 Luther King, Jr. called a social revolution; and

Page 2

1 WHEREAS, the Montgomery bus boycott was called by
2 the Montgomery Improvement Association to coincide
3 with the day of her trial, and organized with the
4 assistance of Dr. Martin Luther King, Jr., who was
5 elected president of the Montgomery Improvement
6 Association; and

7 WHEREAS, her case led to segregation being ruled
8 unconstitutional by the Supreme Court in 1956; and

9 WHEREAS, she continues to provide leadership and
10 assistance to the civil rights movement, and in 1987

11 founded the Robert and Rosa Parks Institute for Self
12 Development, an organization established to assist

13 young people in continuing their education and to
14 instill in them hope for the future; NOW THEREFORE,

15 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
16 REPRESENTATIVES CONCURRING, That the General Assembly
17 honor Rosa Parks, recognizing her strength, struggles,
18 and sacrifices as a pioneer in the civil rights
19 movement, on the occasion of her 80th birthday,
20 February 4, 1993.

21 BE IT FURTHER RESOLVED, That the Secretary of the
22 Senate send an official copy of this Resolution to
23 Rosa Parks.

1 SENATE CONCURRENT RESOLUTION 8

2 By: McKean

3 A Concurrent Resolution to designate Anamosa, Iowa, the
4 Pumpkin Capital of Iowa.

5 WHEREAS, Anamosa, Iowa, has established the Annual
6 Anamosa Pumpkin Festival and the Ryan Norlin Weigh-off
7 Site of the World Pumpkin Confederation Weigh-off; and

8 WHEREAS, the two-day festival is family-oriented,
9 and the schools, merchants, and community of Anamosa
10 are active participants in the festival activities;
11 and

12 WHEREAS, Anamosa, as one of only nine weigh-off
13 sites in the United States, has stimulated enthusiasm
14 for growing giant pumpkins; and

15 WHEREAS, Anamosa has established a goal of having
16 the world champion pumpkin entered at its festival by
17 the year 2000; and

18 WHEREAS, Anamosa's top entry, in 1992, weighed 710
 19 pounds, second largest in the World Pumpkin
 20 Confederation Weigh-off; and
 21 WHEREAS, thousands of tourists are attracted to
 22 Anamosa to witness the festival and the weigh-off,
 23 thereby benefiting Iowa's tourism industry; NOW
 24 THEREFORE,
 25 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 26 REPRESENTATIVES CONCURRING, That the General Assembly
 27 designate the City of Anamosa, Iowa, as the official
 28 Pumpkin Capital of Iowa.
 29 BE IT FURTHER RESOLVED, That the Secretary of the
 30 Senate send a copy of this Resolution to the Mayor of

Page 2

1 the City of Anamosa, Iowa.

1 SENATE CONCURRENT RESOLUTION 9
 2 By: Lloyd-Jones, Kramer, Tinsman, Buhr, Judge,
 3 Szymoniak, Gronstal, Fink, Vilsack, Connolly,
 4 Rosenberg, Sturgeon, Taylor, Hester, Jensen,
 5 Pate, McKean, and Fuhrman
 6 A Concurrent Resolution to condemn the atrocities of
 7 systematic rape of women and abandonment of chil-
 8 dren in Bosnia.
 9 WHEREAS, people throughout the world are shocked
 10 and appalled at the events taking place in the Bosnian
 11 portion of former Yugoslavia; and
 12 WHEREAS, repeated and systematic rape of women is
 13 occurring as part of a deliberate policy of "ethnic
 14 cleansing" and women who have been raped are now
 15 outcasts in their own communities; and
 16 WHEREAS, over 300 children who have resulted from
 17 these atrocities have been abandoned, another 2,000
 18 pregnancies have occurred, and unknown numbers of
 19 babies have already died; NOW THEREFORE,
 20 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 21 REPRESENTATIVES CONCURRING, That the General Assembly
 22 strongly condemn the rape of women in Bosnia-
 23 Herzegovina, express its deep concern over the
 24 abandonment of children there, and further condemn the
 25 fundamental immorality of a military policy which
 26 expressly calls for rape and results in child
 27 abandonment.
 28 BE IT FURTHER RESOLVED, That the General Assembly
 29 request that the United States government and the
 30 United Nations declare the military policy of rape a

Page 2

1 war crime, demand punishment for those involved, and
2 provide relief for the victims of these atrocities
3 consistent with the relief provided to those otherwise
4 injured in the fighting in Bosnia-Herzegovina.
5 BE IT FURTHER RESOLVED, That the Secretary of the
6 Senate forward copies of this Resolution to the
7 President of the United States, the President of the
8 United States Senate, the Speaker of the United States
9 House of Representatives, the members of Iowa's
10 congressional delegation, the Secretary General of the
11 United Nations, and the United States Ambassador to
12 the United Nations.

1 SENATE CONCURRENT RESOLUTION 12

2 By: Fraise, Lind, and Horn

3 A Concurrent Resolution honoring Robins H. Jackson of
4 Waterloo, Iowa, for achieving the office of President of
5 the Associated General Contractors of America, the highest
6 elected office in American construction.

7 WHEREAS, Robins H. Jackson is an outstanding and
8 respected member of the construction industry of Iowa
9 and the United States; and

10 WHEREAS, he founded Jackson Construction in 1949
11 and is currently chairman of the board of Cedar Valley
12 Corporation of Waterloo, Iowa, which employs more than
13 100 Iowans in a successful highway construction
14 enterprise; and

15 WHEREAS, he has been extensively involved in
16 construction association activity for over three
17 decades, including serving as President of the
18 Associated General Contractors of Iowa in 1967, and as
19 the President of the Concrete Pavers of America in
20 1977; and

21 WHEREAS, he was selected by the Associated General
22 Contractors of Iowa as "Member of the Year" in 1988
23 and 1993 for his unceasing work to improve the
24 construction industry for those who labor within it
25 and for the public which it serves; and

26 WHEREAS, since his graduation from Iowa State
27 University in 1948 he has consistently demonstrated an
28 interest in the education and development by the
29 University of entry-level employees in the
30 construction industry; and

Page 2

1 WHEREAS, he became President of the Associated
2 General Contractors of America on March 2, 1992, one
3 of only five Iowans to do so since 1918; NOW
4 THEREFORE,
5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
6 REPRESENTATIVES CONCURRING, That the General Assembly
7 commend Robins H. Jackson for his outstanding
8 contributions to innovative management in the
9 construction industry; for being a pioneer in
10 developing "partnering" relationships between all
11 parties to the construction agreement; and for
12 promoting better education and training for the
13 construction industry workforce; and
14 BE IT FURTHER RESOLVED, That the General Assembly
15 express its appreciation for the honor Mr. Jackson
16 brings to the state of Iowa in serving as the 73rd
17 President of the Associated General Contractors of
18 America.
19 BE IT FURTHER RESOLVED, That the Secretary of the
20 Senate send a copy of this Resolution to Mr. Robins H.
21 Jackson of Waterloo, Iowa.

1 SENATE CONCURRENT RESOLUTION 14
2 By: Judge and Rosenberg
3 A Concurrent Resolution to prohibit the establishment
4 of a repository for the disposal of nuclear waste,
5 including a monitored retrievable storage facility,
6 in Iowa.
7 WHEREAS, radioactive waste is accumulating at
8 nuclear power plants throughout the United States at a
9 rate of over two thousand metric tons, annually; and
10 WHEREAS, the United States Department of Energy
11 (DOE), pursuant to the federal Nuclear Waste Policy
12 Act of 1982, must develop a permanent repository to
13 dispose of nuclear waste and propose a monitored
14 retrievable storage (MRS) site; and
15 WHEREAS, the DOE has estimated that a permanent
16 repository for radioactive waste will not be available
17 until the year 2010; and
18 WHEREAS, the United States General Accounting
19 Office estimates that virtually all nuclear power
20 plants are capable of storing their own waste on-site
21 beyond the scheduled opening of a permanent repository
22 in the year 2010 and, therefore, an MRS facility to
23 prevent premature plant shutdowns due to inadequate
24 storage capacity is not necessary, and in the event
25 that a plant could not store all of its waste, the DOE

26 could provide utility-funded storage at an existing
 27 federal facility; and
 28 WHEREAS, other states have strongly opposed DOE
 29 siting activities for an MRS facility and a permanent
 30 repository, including Tennessee's successful defeat of

Page 2

1 DOE's initial attempts to site an MRS facility in
 2 Tennessee and Nevada's opposition to the siting of a
 3 permanent facility in the Yucca Mountains; and
 4 WHEREAS, the risks to health and safety in the
 5 transportation and storage of nuclear waste are of
 6 great concern to the people of Iowa; NOW THEREFORE,
 7 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 8 REPRESENTATIVES CONCURRING, That the Iowa General
 9 Assembly is opposed to the siting of both a permanent
 10 repository and an MRS facility in this state pursuant
 11 to the federal Nuclear Waste Policy Act; and
 12 BE IT FURTHER RESOLVED, That the state
 13 Environmental Protection Commission is directed to
 14 prohibit the establishment of an MRS or permanent
 15 repository in the state under the federal Nuclear
 16 Waste Policy Act.

1 SENATE CONCURRENT RESOLUTION 16
 2 By: Pate and Szymoniak
 3 A Concurrent Resolution designating March 1993 as
 4 Iowa Women's History Month.
 5 WHEREAS, Iowa women of every race, class, and
 6 ethnic background have made historic contributions to
 7 the growth and strength of our Nation in countless
 8 recorded and unrecorded ways; and
 9 WHEREAS, Iowa women have played and continue to
 10 play a critical economic, cultural, and social role in
 11 every sphere of the Nation by constituting a
 12 significant portion of the labor force working inside
 13 and outside of the home; and
 14 WHEREAS, Iowa women were particularly important in
 15 the establishment of early charitable, philanthropic,
 16 and cultural institutions in our Nation; and
 17 WHEREAS, Iowa women, including Carrie Chapman Catt,
 18 have been leaders, not only in securing their own
 19 rights of suffrage and equal opportunity, but also in
 20 the abolitionist movement, the emancipation movement,
 21 the industrial labor movement, the civil rights
 22 movement, and other movements, especially the peace
 23 movement, which create a more fair and just society
 24 for all; and

25 WHEREAS, despite these contributions, and those of
26 women throughout the world, the role of women has been
27 consistently overlooked and undervalued, in the
28 literature, teaching and study of history; NOW
29 THEREFORE,
30 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

Page 2

1 REPRESENTATIVES CONCURRING, That the General Assembly
2 designate the month of March 1993 as "Iowa Women's
3 History Month" and invite the citizens of Iowa to
4 discover a new world of people and events in history
5 by visiting the Iowa Women's Hall of Fame, established
6 in 1975 by the Iowa Commission on the Status of Women.
7 BE IT FURTHER RESOLVED, That the General Assembly
8 request that the Governor issue a proclamation calling
9 upon the people of Iowa to observe this month with
10 appropriate programs, ceremonies, and activities.

1 SENATE CONCURRENT RESOLUTION 22

2 By: Committee on Agriculture

3 (SUCCESSOR TO SCR 19)

4 A Concurrent Resolution supporting an investigation
5 into government-guaranteed agriculture loans, sup-
6 porting a moratorium on the Farmers Home Adminis-
7 tration's debt collection ability, and requesting
8 that Congressional hearings be held within the state
9 of Iowa.

10 WHEREAS, the Farmers Home Administration within the
11 United States Department of Agriculture is the lending
12 agency for farmers who cannot get credit elsewhere;
13 and

14 WHEREAS, farmers have been defaulting on Farmers
15 Home Administration loans far more than expected, to
16 the extent that the Farmers Home Administration has
17 reduced or forgiven approximately \$7.6 billion of
18 indebtedness over the past few years; and

19 WHEREAS, the actions by lenders to collect the
20 government guaranteed ninety percent portion of the
21 loans have pushed farmers into delinquency; and

22 WHEREAS, farmers are being forced to pay additional
23 administrative fees and interest to reorganize loans

24 in order to comply with the government guarantees; and

25 WHEREAS, farmers are not being provided with
26 information regarding lower interest rates and various
27 terms which are available for restructuring purposes
28 and which would assist the farmer to meet financial

29 obligations without forcing them to liquidate; and
 30 WHEREAS, the General Accounting Office is critical

Page 2

1 of the Farmers Home Administration actions as a lender
 2 and has stated that the Farmers Home Administration
 3 has not enhanced the creditworthiness of the nation's
 4 financially stressed farmers; and
 5 WHEREAS, a healthy and prosperous independent
 6 family farm system and an honest and fair credit
 7 system are vital to the economic well-being of all
 8 Iowans; NOW THEREFORE,
 9 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 10 REPRESENTATIVES CONCURRING, That the President of the
 11 United States and Congress investigate the allegations
 12 of fraud and abuse in the handling of agricultural
 13 loans; and
 14 BE IT FURTHER RESOLVED, That the President of the
 15 United States and the Congress place a moratorium on
 16 the ability of the Farmers Home Administration to
 17 foreclose on Farmers Home Administration guaranteed
 18 loans; and
 19 BE IT FURTHER RESOLVED, That Congressional
 20 investigatory hearings be held within the state of
 21 Iowa; and
 22 BE IT FURTHER RESOLVED, That copies of this
 23 resolution be sent to the President of the United
 24 States, the Secretary of Agriculture, and to each
 25 member of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION 23

2 By: Szymoniak

3 A Concurrent Resolution to honor the Drake University
 4 Mock Trial Team for winning the 1993 National
 5 Intercollegiate Mock Trial Championship.
 6 WHEREAS, the Ninth Annual National Intercollegiate
 7 Mock Trial Championship was held in Des Moines, Iowa,
 8 on February 27 and 28, 1993, with over 75 teams from
 9 across the country participating; and
 10 WHEREAS, the Drake University Mock Trial Team won
 11 its second national championship by defeating the
 12 defending national champions from the University of
 13 Maryland; and
 14 WHEREAS, the Drake University Mock Trial
 15 Championship Team included the following members:
 16 Pamela Frasher, Anamosa, Iowa; Sarah Dooley,
 17 Marshalltown, Iowa; Tim Semelroth, Hiawatha, Iowa;
 18 Angela Butler, Hoyt Lakes, Minnesota; Jennifer

19 Gerrish, River Falls, Wisconsin; Katherine DeVries,
20 Appleton, Wisconsin; Chris Washler, St. Joe, Indiana;
21 and William Gates, Las Vegas, Nevada; and
22 WHEREAS, the Drake University Mock Trial
23 Championship Team was coached by the following
24 individuals: Patricia Notch, Assistant Warren County
25 Attorney; Alan Olson, law clerk for the Honorable Dick
26 R. Schlegel, Iowa Court of Appeals; and Rob Tully,
27 attorney with Verne Lawyer and Associates, and
28 President of the Iowa Trial Lawyers Association; NOW
29 THEREFORE,
30 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

Page 2

1 REPRESENTATIVES CONCURRING, That the Drake University
2 Mock Trial Team be honored for winning the 1993
3 National Intercollegiate Mock Trial Championship.

1 SENATE CONCURRENT RESOLUTION 26

2 By: Husak, Dieleman, Jensen, Boswell, Drake,
3 Gettings, Kibbie, Fink, Giannetto, Hester, Rensink,
4 Fuhrman, Horn, Fraise, and Slife
5 A Concurrent Resolution supporting the expansion of the
6 Fitzsimons Army Medical Center.
7 WHEREAS, the Fitzsimons Army Medical Center located
8 in Aurora, Colorado, has a long and distinguished
9 history serving the United States Armed Forces since
10 it was established in 1918, subsequently named
11 Fitzsimons General Hospital in 1920, and renamed
12 Fitzsimons Army Medical Center in 1973; and
13 WHEREAS, the Fitzsimons Center is one of the
14 world's largest military medical installations and has
15 treated hundreds of thousands of military personnel
16 during its long history; and
17 WHEREAS, the Fitzsimons Center served as the
18 temporary "White House" for President Dwight D.
19 Eisenhower in 1955 when he was recovering from a heart
20 attack; and
21 WHEREAS, the present complex of 282 buildings and
22 99 other structures sits on more than 576 acres, and
23 includes the main 608 bed hospital building originally
24 dedicated on December 3, 1941, and the hospital, which
25 is also a self-contained Army installation serving
26 close to 70,000 military personnel, retirees, and
27 their families; and
28 WHEREAS, the Fitzsimons Center employs over 2,000
29 military employees and 1,800 civilian employees, has
30 an annual payroll of over \$157 million, and spends

Page 2

1 over \$70 million annually for local contracts; and
 2 WHEREAS, the Fitzsimons Center is a medical
 3 facility providing a broad range of services and
 4 facilities covering most medical specialties; and
 5 WHEREAS, the Fitzsimons Center serves all branches
 6 of the armed forces in addition to furnishing general
 7 hospital support for Army and Air Force hospitals in
 8 13 surrounding states, including Iowa; and
 9 WHEREAS, the Fitzsimons Center receives
 10 approximately 67,000 visits each month to the
 11 facility's more than 50 clinics, its laboratories
 12 process about 4 million tests each year, and its
 13 pharmacy fills over 1.5 million prescriptions
 14 annually; and
 15 WHEREAS, the Fitzsimons Center's mission is
 16 multifaceted and focuses on medical training,
 17 utilizing long-standing affiliations with a number of
 18 medical institutions, delivery of services to a 13
 19 state region, including assisting the public health
 20 service in providing care to the nation's native
 21 American population, military preparedness, and
 22 serving as home to other Department of Defense
 23 tenants; and
 24 WHEREAS, the Fitzsimons Center has and continues to
 25 deliver cost-effective medical care in fulfilling its
 26 broadly defined mission; NOW THEREFORE,
 27 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 28 REPRESENTATIVES CONCURRING, That every effort should
 29 be made to ensure that plans to expand the Fitzsimons
 30 Army Medical Center are pursued aggressively and that

Page 3

1 the design of the new facility at the center be
 2 completed in as expeditious a manner as possible.
 3 BE IT FURTHER RESOLVED, That copies of this
 4 Resolution shall be sent to all members of Iowa's
 5 congressional delegation.

1 SENATE CONCURRENT RESOLUTION 27

2 By: Lloyd-Jones

3 A Concurrent Resolution honoring the University of Iowa

4 Women's Basketball Team and Coach C. Vivian Stringer.

5 WHEREAS, the University of Iowa Hawkeye Women's
 6 Basketball Team overcame a year of extraordinary

7 tragedy to win a berth in the NCAA final four; and

8 WHEREAS, the Hawkeyes were co-champions of the Big

9 Ten, were ranked 4th in the nation at the end of the
 10 regular season, and completed their season with a
 11 record of 27-4; and
 12 WHEREAS, team member Toni Foster was named Kodak
 13 All-American; and
 14 WHEREAS, Coach C. Vivian Stringer has led the
 15 Hawkeyes to 237 victories and has been named Women's
 16 Basketball Coach of the Year for the third time; NOW
 17 THEREFORE,
 18 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 19 REPRESENTATIVES CONCURRING, That Coach C. Vivian
 20 Stringer be congratulated on her outstanding
 21 leadership, inspiration, and coaching ability.
 22 BE IT FURTHER RESOLVED, That Coach Stringer,
 23 Assistant Coaches Marianna Freeman, Angie Lee, Linda
 24 Myers, and the team members who have brought honor to
 25 the University of Iowa and to the state be recognized
 26 for their achievement and be extended the best wishes
 27 of the General Assembly; and
 28 BE IT FURTHER RESOLVED, That, upon passage, an
 29 enrolled copy of this Resolution be sent to Coach C.
 30 Vivian Stringer and the members of the Iowa Hawkeyes

Page 2

1 Women's Basketball Team.

1 SENATE CONCURRENT RESOLUTION 29

2 By: Committee on Transportation

3 (SUCCESSOR TO SSB 313)

4 A Concurrent Resolution relating to the common control
 5 of the Union Pacific Railroad Company, the Missouri
 6 Pacific Railroad Company, the Chicago and North-
 7 western Holdings Corporation, and the Chicago and
 8 Northwestern Transportation Company.
 9 WHEREAS, The Interstate Commerce Commission has
 10 accepted an application, ICC Finance Document 32133,
 11 of the Union Pacific Corporation, the Union Pacific
 12 Railroad Company, the Missouri Pacific Railroad
 13 Company, the Chicago and Northwestern Holdings
 14 Corporation, and the Chicago and Northwestern
 15 Transportation Company seeking ICC authorization for
 16 the common control of the Union Pacific Railroad
 17 Company, the Missouri Pacific Railroad Company, the
 18 Chicago and Northwestern Holdings Corporation, and the
 19 Chicago and Northwestern Transportation Company; and
 20 WHEREAS, written comments are required to be filed
 21 with the Interstate Commerce Commission no later than
 22 April 14, 1993, and a final decision is scheduled for

23 March 1994; and
24 WHEREAS, estimates of Iowa employees who would lose
25 their positions based upon this common control is
26 approximately 439 employees; and
27 WHEREAS, the mayors of several affected communities
28 have expressed opposition to this common control due
29 to concerns about the potential increases in
30 abandonment of branch lines, the immediate and future

Page 2

1 loss of employment, the decreased competition among
2 carriers, the adverse effect on competitive regional
3 and short line carriers, and the weakened ability to
4 attract new industry; NOW THEREFORE,
5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
6 REPRESENTATIVES CONCURRING, That the Iowa General
7 Assembly joins with the State Department of
8 Transportation in the petition for extension of time
9 to submit comments on primary application and
10 preliminary comments which requests a seventy-five day
11 extension of time until June 28, 1993, to file
12 comments on the primary application for the common
13 control of the Union Pacific Railroad Company, the
14 Missouri Pacific Railroad Company, the Chicago and
15 Northwestern Holdings Corporation, and the Chicago and
16 Northwestern Transportation Company.
17 BE IT FURTHER RESOLVED, That the Iowa General
18 Assembly join in the petition to dismiss the
19 application and request to suspend proceedings pending
20 consideration of petition, for the common control of
21 the Union Pacific Railroad Company, the Missouri
22 Pacific Railroad Company, the Chicago and Northwestern
23 Holdings Corporation, and the Chicago and Northwestern
24 Transportation Company which was filed by six western
25 railroads consisting of the Southern Pacific
26 Transportation Company, the Burlington Northern
27 Railroad Company, the Denver and Rio Grande Western
28 Railroad Company, the Kansas City Southern Railway
29 Company, the Chicago Central and Pacific Railroad Company,
30 and the Wisconsin Central, LTD.

Page 3

1 BE IT FURTHER RESOLVED, That Iowa's Congressional
2 delegation, Senator Tom Harkin, Senator Charles
3 Grassley, Representative Jim Leach, Representative Jim
4 Nussle, Representative Jim Ross Lightfoot,
5 Representative Neal Smith, and Representative Fred
6 Grandy are encouraged to support the petition to

7 dismiss the application and request to suspend
8 proceedings pending consideration of petition, for the
9 common control of the Union Pacific Railroad Company,
10 the Missouri Pacific Railroad Company, the Chicago and
11 Northwestern Holdings Corporation, and the Chicago and
12 Northwestern Transportation Company which was filed by
13 six western railroads consisting of the Southern
14 Pacific Transportation Company, the Burlington
15 Northern Railroad Company, the Denver and Rio Grande
16 Western Railroad Company, the Kansas City Southern
17 Railway Company, the Chicago Central and Pacific Railroad
18 Company, and the Wisconsin Central, LTD.
19 BE IT FURTHER RESOLVED, That the Iowa General
20 Assembly urges the Interstate Commerce Commission to
21 extend the initial filing deadline and hearing period
22 on this issue beyond the current 15-month time period.
23 BE IT FURTHER RESOLVED, That Iowa's congressional
24 delegation, Senator Tom Harkin, Senator Charles
25 Grassley, Representative Jim Leach, Representative Jim
26 Nussle, Representative Jim Ross Lightfoot,
27 Representative Neal Smith, and Representative Fred
28 Grandy, are requested to urge the Interstate Commerce
29 Commission to extend the initial filing deadline and
30 hearing period on this issue beyond the current 15-

Page 4

1 month time period.
2 BE IT FURTHER RESOLVED, That the Iowa general
3 assembly urges the Interstate Commerce Commission to
4 hold hearings within the state of Iowa on the issue of
5 allowing the common control of the Union Pacific
6 Railroad Company, the Missouri Pacific Railroad
7 Company, the Chicago and Northwestern Holdings
8 Corporation, and the Chicago and Northwestern
9 Transportation Company.
10 BE IT FURTHER RESOLVED, That Iowa's congressional
11 delegation, Senator Tom Harkin, Senator Charles
12 Grassley, Representative Jim Leach, Representative Jim
13 Nussle, Representative Jim Ross Lightfoot,
14 Representative Neal Smith, and Representative Fred
15 Grandy, are requested to urge the Interstate Commerce
16 Commission to hold hearings within the state of Iowa
17 on the issue of allowing the common control of the
18 Union Pacific Railroad Company, the Missouri Pacific
19 Railroad Company, the Chicago and Northwestern
20 Holdings Corporation, and the Chicago and Northwestern
21 Transportation Company.
22 BE IT FURTHER RESOLVED, That the Secretary of the
23 Senate be directed to send copies of this resolution

- 24 to Iowa's congressional delegation, to the State
25 Department of Transportation, and to the Interstate
26 Commerce Commission.

1 SENATE CONCURRENT RESOLUTION 30

2 By: Judge and Kibbie

3 A Concurrent Resolution commemorating the role of pub-
4 lic health nurses in Iowa during the celebration of
5 100 years of public health nursing.

6 WHEREAS, approximately four percent of the more
7 than 28,000 registered nurses in Iowa are employed in
8 public health, and are dedicated to keeping the
9 communities of the state healthy; and

10 WHEREAS, public health nurses provide high quality
11 care to individuals, families, and communities, and
12 work to provide access to health care services; and

13 WHEREAS, public health nurses are instrumental in
14 providing preventive services, such as childhood and
15 adult immunizations, communicable disease control, and
16 chronic disease screening programs; and

17 WHEREAS, public health nursing plays an
18 instrumental role in the development of Iowa health
19 policies; and

20 WHEREAS, the Iowa Public Health Association, in
21 conjunction with the American Public Health
22 Association, is celebrating 100 years of public health
23 nursing service to the community; NOW THEREFORE,

24 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
25 REPRESENTATIVES CONCURRING, That the Iowa General
26 Assembly encourage all members of the public and
27 private health care sectors of Iowa to acknowledge the
28 contributions of public health nursing to health
29 promotion, and to join with the Iowa Public Health
30 Association in celebrating 100 years of public health

Page 2

1 nursing.

1 SENATE CONCURRENT RESOLUTION 32

2 By: Lloyd-Jones, Bartz, Tinsman, Judge, Sturgeon,
3 Rittmer, McKean, Kramer, Szymoniak, Bennett, and Varn

4 A Concurrent Resolution expressing support for cen-
5 ters for independent living for persons with disa-
6 bilities in Iowa.

7 WHEREAS, there is a need to empower persons with
8 disabilities to exercise more control over their lives
9 and put an end to their isolation; and

10 WHEREAS, the tools, or independent living services,
 11 that enable persons with disabilities to exercise more
 12 control over their lives include skills training, peer
 13 counseling and family support, information and
 14 referral, and advocacy; and

15 WHEREAS, private, nonprofit, consumer-managed, and
 16 community-based centers for independent living provide
 17 independent living services to a broad cross-section
 18 of the disabled consumer population; and

19 WHEREAS, persons with disabilities can assimilate
 20 into their community if accessible housing, employment
 21 opportunities, and support services are available; and

22 WHEREAS, studies show that investing funds in
 23 services to assist persons with disabilities result in
 24 their integration into employment, housing, education,
 25 recreation, and other community activities, and
 26 returns revenues to the state and federal government
 27 of six to 11 times the original investment; and

28 WHEREAS, services to persons with disabilities
 29 should be raised to meet the high standards expected
 30 from the state of Iowa; NOW THEREFORE,

Page 2

1 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 2 REPRESENTATIVES CONCURRING, That the Iowa General
 3 Assembly express its support of private, nonprofit,
 4 multiple disability, consumer-managed, and community-
 5 based centers for independent living for persons with
 6 disabilities in Iowa.

1 SENATE CONCURRENT RESOLUTION 33

2 By: Deluhery, Fraise, Vilsack, Drake, Tinsman,
 3 Rife, Rittmer, Connolly, Zieman, and Welsh

4 A Concurrent Resolution supporting an upper Missis-
 5 sippi River and Illinois waterway feasi-
 6 bility study.

7 WHEREAS, low-cost and energy-efficient waterway
 8 transportation provides a vehicle for Iowa grain
 9 exports and keeps delivery prices globally
 10 competitive; and

11 WHEREAS, Iowa river-based cities and municipalities
 12 are provided with safe and consistent water intake
 13 supplies; and

14 WHEREAS, the upper Mississippi River provides
 15 recreational opportunities to Iowa residents; and

16 WHEREAS, the river system supports the state's
 17 natural resources, including fish and wildlife, and
 18 the enjoyment of those natural resources; and

19 WHEREAS, 85 percent of the locking structures on
20 the upper Mississippi River are over 50 years old and
21 in some sections approaching capacity in the near
22 future; and
23 WHEREAS, this year the Iowa Corn Growers
24 Association, in conjunction with the National Corn
25 Growers Association, passed a resolution in support of
26 modernization of the upper Mississippi River
27 infrastructure; and
28 WHEREAS, it is to the benefit of Iowa that the
29 continued efficient and reliable functioning of this
30 waterway infrastructure, in tandem with rail and road

Page 2

1 feeder systems, be maintained; NOW THEREFORE,
2 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
3 REPRESENTATIVES CONCURRING, That the Iowa General
4 Assembly supports the efforts of the federal
5 government, through the United States Army Corps of
6 Engineers and in association with the United States
7 Fish and Wildlife Service and the United States
8 Environmental Protection Agency, to engage in the
9 upper Mississippi River and Illinois waterway
10 feasibility study to evaluate the future priority
11 investments for the state's river system.

1 SENATE CONCURRENT RESOLUTION 34
2 By: Riordan, Priebe, Bartz, Banks, Boswell,
3 Fraise, Giannetto, Hedge, Hester, Husak, Judge,
4 McLaren, Palmer, Sorensen, and Ziemann
5 (COMPANION TO LSB 2717HH BY EDDIE)
6 A Concurrent Resolution relating to the research and
7 development of soybean-based industrial and consumer
8 products.
9 WHEREAS, The Iowa soybean industry is one of the
10 major industries in the state of Iowa, generating over
11 \$4 billion in revenue through the production and
12 processing of Iowa soybeans; and
13 WHEREAS, Iowa soybean producers consistently rank
14 first or second in the nation in the production of
15 soybeans, contributing to over 81,000 jobs related to
16 the Iowa soybean industry; and
17 WHEREAS, development of new and expanded uses of
18 soybeans has been a priority of soybean producers in
19 the state of Iowa; and
20 WHEREAS, many of these new products containing
21 soybeans also embody significant environmental
22 benefits by providing viable alternatives to
23 nonrenewable products; and

24 WHEREAS, Iowa soybean producers have, through the
 25 checkoff program of the Iowa Soybean Promotion Board,
 26 funded the research to develop new soybean-based
 27 industrial and consumer products, and the Iowa Soybean
 28 Association has strongly supported private and public
 29 policies and programs to increase the use of these new
 30 products; and

Page 2

1 WHEREAS, research into the commercial potential of
 2 SoyDiesel, supported by soybean farmers in Iowa and
 3 elsewhere in the nation through the soybean checkoff,
 4 has shown great promise for economic and environmental
 5 benefit;

6 WHEREAS, soybean producers have, in order to focus
 7 research and development activities on the potential
 8 posed by SoyDiesel, formed a new marketing and
 9 research organization, the National SoyDiesel
 10 Development Board, devoted solely to the development
 11 of this potential market; and

12 WHEREAS, the development of the potential market
 13 for SoyDiesel could result in the use of millions of
 14 bushels of soybeans grown in Iowa and elsewhere in the
 15 United States; and

16 WHEREAS, in order to qualify SoyDiesel as an
 17 approved fuel meeting environmental standards,
 18 favorable action by the United States Environmental
 19 Protection Agency is necessary to the realization of
 20 this potential market; NOW THEREFORE,

21 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 22 REPRESENTATIVES CONCURRING, That the General Assembly
 23 of the State of Iowa support the development of the
 24 market for new soybean-based products for Iowa soybean
 25 producers and support producer efforts to develop this
 26 significant value-added market.

27 BE IT FURTHER RESOLVED, That the General Assembly
 28 of the State of Iowa encourage the United States
 29 Environmental Protection Agency to give full and fair
 30 consideration to the scientific research which would

Page 3

1 support the commercial use of SoyDiesel.
 2 BE IT FURTHER RESOLVED, That the Secretary of the
 3 Senate forward a copy of this Resolution to each
 4 member of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION 35

2 By: Sturgeon
3 A Concurrent Resolution to honor the memory of Cesar
4 Chavez.
5 WHEREAS, Cesar Chavez was found dead on Friday,
6 April 23, 1993, at the age of 66; and
7 WHEREAS, in 1937, at the age of 10, Cesar Chavez
8 came with his family to California, where he and his
9 family labored as migrant workers; and
10 WHEREAS, Cesar Chavez, despite having never
11 finished high school and having passed through 65
12 different grade schools, rose to leadership with the
13 then newly founded National Farm Workers Association,
14 which organized poorly paid Mexican-American migrant
15 workers; and
16 WHEREAS, in 1965, Cesar Chavez led the National
17 Farm Workers Association, which became the United Farm
18 Workers, in a strike against grape growers in
19 California, resulting in a nationwide boycott of
20 California grapes and eventual agreement between the
21 union and the grape growers in 1970; and
22 WHEREAS, Mr. Bob Vice, of the California Farm
23 Bureau Federation, commented on the life of Cesar
24 Chavez by stating that, "He was a worthy advocate for
25 his cause -- he was no saint, but he certainly changed
26 the face of California agriculture," and Mr. Jim
27 McEntee, director of the Santa Clara County Human
28 Relations Commission, also commented that, "When we
29 talk social justice, when we talk empowerment of
30 people, Cesar has been the model;" NOW THEREFORE,

Page 2

1 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
2 REPRESENTATIVES CONCURRING, That the Iowa General
3 Assembly pay tribute to the memory of the life of
4 Cesar Chavez in acknowledgment of his struggle to
5 better the lives of migrant farm workers.

1 SENATE CONCURRENT RESOLUTION 37

2 By: Committee on Rules and Administration
3 A Senate Concurrent Resolution to provide for
4 adjournment sine die.
5 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
6 That when adjournment is had by the Senate following
7 passage of this concurrent resolution by the Senate,
8 that adjournment constitutes the final adjournment of
9 the Senate for the 1993 Regular Session of the
10 Seventy-fifth General Assembly and when adjournment is

11 had by the House of Representatives, following passage
12 of this concurrent resolution by the House of
13 Representatives that adjournment constitutes the final
14 adjournment of the House of Representatives for the
15 1993 Regular Session of the Seventy-fifth General
16 Assembly. The date of final adjournment of the 1993
17 Regular Session of the Seventy-fifth General Assembly
18 is the date on which the second house adjourns.

GENERAL INDEX

ADDRESSED THE SENATE—

(See also Joint Conventions)

President of the Senate, Michael Gronstal—1

President of the Senate, Leonard L. Boswell—7-9

President pro tempore of the Senate, William D. Palmer—9-10

Majority floor leader of the Senate, Wally E. Horn—1-3

Minority floor leader of the Senate, Jack Rife—3-4

Honorable Neal Smith, United States Congressman—367

Honorable Gerard Collins, member of the Fianna Fail Party of the Parliament of Ireland—648

Lord Richard Acton, British House of Lords—1099

ADMINISTRATIVE RULES REVIEW COMMITTEE—

Senators appointed to—37, 87

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS—

Senators appointed to—37

AGRICULTURE, COMMITTEE ON—

Appointed and appointments to—24

Appointees, investigation of—771, 799

Bills introduced—55, 89, 133, 264, 331, 475, 595, 640, 641, 704, 726

Amendments filed—1098

Investigating committee reports—851, 954

Referred to—787, 855

Resolutions offered—156

AMENDMENTS—

(See also Bills)

Printed after session—1598-2450

ANNOUNCEMENTS AND/OR APPOINTMENTS—

Announced appointments, Senator Horn—24-27, 27, 36-37, 87, 154

Announced appointments, Senator Rife—24-27, 27, 87

Announced appointments, President of the Senate Boswell—36, 38, 121-122, 144, 155, 209, 286, 1308-1309, 1585

Announcement by President Boswell—1143

APPOINTMENTS - GOVERNOR'S—

Letters from the Governor—179-183, 241, 680-691, 692-695, 881-882

Appointees referred to standing committees—196-198, 210-211, 224-225, 266, 771-776

Confirmed—437-439, 667-668, 941-942, 1002-1005, 1051-1053, 1100-1102, 1124-1125, 1132-1139, 1139-1140, 1140-1141, 1141-1142, 1142-1143, 1152-1153, 1154-1155, 1173-1174, 1194, 1195, 1198
 Deferred—1131, 1197
 No recommendation—343
 Referred to Rules and Administration—179-183, 691
 Refused to confirm—1155, 1164, 1193
 Resigned—241, 692-695, 844, 881-882, 1118
 Resolutions relating to gubernatorial appointments:
 Senate Resolution 3- gubernatorial appointments require senate confirmation. S.J. 275, 279, 282 adopted.
 Withdrawn—241, 881-883, 1118

APPOINTEES—

Accountancy Examining, Board of:
 Cain, John C.—692 resigned
 Dunphy, Dorothy R.—680, 774, 805, 956, 1002, 1004-1005
 Erpelding, Thomas L.—692 resigned
 Henze, Daryl K.—692 resigned
 Kruse, Jean E.—692 resigned
 Stave, Paul S.—692 resigned
 Agricultural Development Authority:
 Sievers, Sharon K.—692 resigned
 Alcoholic Beverages Commission:
 Morrell, Richard L., (Administrator)—693 resigned
 Hauan, Philip A.—681, 774, 805, 956, 1002, 1004-1005
 Architectural Examiners, Board of:
 Ecklund, Gwendolyn S.—681, 774, 805, 956, 1051-1053
 Pattschüll, Richard W.—693 resigned
 Rudi, Norman H.—693 resigned
 Schwennsen, Katherine L.—681, 774, 805, 956, 1002, 1004-1005
 Steffen, Kenneth J.—681, 774, 805, 956, 1002, 1004-1005
 Banking, Superintendent of:
 Buenneke, Richard H.—690, 771, 800, 1070, 1101-1102
 Barber Examiners, Board of:
 Barker, Raymond D.—681, 774, 805, 1118, 1152-1154
 Palmer, Suzanne J.—180, 197, 225, 320, 437-439
 Palmer, Suzanne J.—681, 774, 805, 956, 1002, 1004-1005
 Behavioral Science Examiners, Board of:
 Henrich, Thomas J., Dr.—681, 772, 801, 1071, 1100-1102
 Pellegrino, Dominick D.—681, 772, 801, 954, 1002, 1004-1005
 Roberts, Ruth M.—681, 772, 801, 954, 1002, 1005
 Blind, Commission for the:
 Williams, Marian A.—682, 772, 802, 954, 1003, 1004-1005
 Campaign Finance Disclosure Commission:
 Williams, Molly W.—682, 774, 805, 956, 1051-1053

Chiropractic Examiners, Board of:

Kruse, Mark A., Dr.—682, 774, 805, 965, 1196-1197
 Quinlan, John W.—682, 774, 805, 956, 1041, 1131, 1132
 Rowedder, Janis B.—682, 774, 805, 882 resigned

Civil Rights Commission:

Brown, Jewell E., (Director)—182, 196, 211, 241 resigned
 Courtier, Jeffery W.—686, 773, 803, 1147, 1173-1174
 Dial, Orlando Ray—686, 773, 803, 955, 1101-1102
 Rants, Carolyn J.—686, 773, 803, 1147, 1173-1174
 Repass, Dale P.—179, 196, 211, 342, 437-439
 Repass, Dale P.—686, 773, 803, 955, 1003, 1004-1005

Community Action Agencies, Commission on:

Beauvais, Kevin J.—683, 772, 802, 955, 1028
 Evans, Sandra G.—683, 772, 802, 955, 1051-1053
 Nugent, Thomas F.—683, 772, 802, 955, 1003, 1004-1005

Comprehensive Petroleum Underground Storage Tank Fund Board:

Rozendaal, Douglas N.—685, 772, 801, 882 resigned

Corrections, Department of:

Chandler, Sally, (Director)—182, 196, 210, 417, 668
 Elliott, Mildred—681, 773, 803, 955, 1002, 1004-1005
 Overton, Suellen—681, 773, 803, 955, 1002, 1004-1005

Cosmetology Examining Board:

Creighton, David D.—683, 774, 806, 1118, 1152-1154
 Lang, Kenneth M.—683, 774, 806, 956, 1003, 1004-1005
 Lukavsky, Barbara A.—683, 774, 806, 956, 1003, 1004-1005
 Ward, Catherine I.—683, 774, 806, 956, 1003, 1004-1005

County Finance Committee:

Benbow, James E.—693 resigned
 Kirkberg, Jill L.—683, 773, 804, 845, 941-942
 McCrabb, Sharon—182, 196, 211, 266, 437-439, 683, 773, 804,
 845, 941-942

Credit Union Review Board:

Chadwell, Margaret M.—683, 771, 800, 1070, 1100-1102
 Gilson, Ernest W.—683, 771, 800, 1070, 1100-1102

Credit Unions Superintendent:

Forney, James E.—690, 771, 800, 1070, 1101-1102

Criminal and Juvenile Justice Planning Advisory Council:

Moore, Richard G., (Administrator)—680, 773, 803, 1147, 1173,
 1195

Kimes, Gary G.—180, 196, 210, 311, 437-439

Deaf, Commission on the:

Kerr, George B.—683, 772, 802, 955, 1100-1102
 Robinson, Jill M.—683, 772, 802, 955, 1003, 1004-1005
 Webster-Vore, Joan A.—683, 772, 802, 955, 1003, 1004-1005

Dental Examiners, Board of:

Corwin, Marilyn K.—684, 774, 806, 828, 1118, 1152-1154
 Heilman, Bruce C., Dr.—684, 774, 806, 828, 941-942
 May, Marilyn J.—684, 774, 806, 828, 1051-1053

GENERAL INDEX

Dietetic Examiners, Board of:

Buffington, Kathy E.—684, 774, 806, 956, 1051-1053
 Soll, Elvin R.—182, 197, 225, 320, 437-439

Drug Abuse Prevention and Education Advisory:

Jaeger, Loras A.—684, 773, 803, 955, 1003, 1004-1005
 Ricklefs, Connie Sue—684, 773, 803, 955, 1173-1174

Economic Development, Board of:

Bulkeley, Julie J.—685, 773, 804, 988, 1134-1135
 Hagemann, Frederick W.—685, 773, 804, 1152-1154
 Honsey, Harris D.—685, 773, 804, 988, 1132-1133
 Newlin, Owen J.—181, 196, 211, 241 resigned
 Newlin, Owen—694
 Trent, William B.—685, 773, 804, 864, 941-942
 Yanney, Charese E.—181, 196, 211, 343, 1135-1136

Educational Examiners, Board of:

Bruggeman, Judith J.—681, 771, 800, 965, 1051, 1137-1138
 Caldwell, Vickie L.—681, 771, 800, 1071, 1100-1102
 Conrad, Mary—681, 771, 800, 965, 1002, 1004-1005
 Cumpton, Martha J.—681, 771, 800, 965, 1001, 1155 refused
 to confirm, 1199-1200 confirmed
 Martinez, Daniel R.—681, 771, 800, 965, 1002, 1004-1005
 Schmidt, W. Robert, Monsignor—681, 771, 800, 965, 1002, 1004-
 1005
 White, Maureen A.—681, 771, 800, 965, 1002, 1004-1005

Elder Affairs, Commission on:

Elmitt, Alyce M.—682, 772, 802, 954, 1003, 1004-1005
 Gantz, Edwin—682, 772, 802, 954, 1051-1053
 Hightower, Clemmie—682, 772, 802, 954, 1003, 1004-1005

Emergency Response Commission:

Baska, Susan S.—694 resigned

Employment Appeal Board:

Weber, Harrison, (Skip)—680, 771, 799, 828, 941-942

Engineering and Land Surveying Examiners, Board of:

Boeke, Gwendolyn M.—684, 774, 806, 956, 1003, 1004-1005
 Brewer, Kenneth A., Dr.—684, 774, 806, 956, 1003, 1004-1005
 Garber, Dwayne C.—693
 Marr, Richard A.—694
 Richardson, Cheryl J.—694 resigned
 Wight, Harold—684, 774, 806, 1118, 1152-1154

Environmental Protection Commission:

Britt, Verlon L.—684, 772, 801, 1089, 1100-1102
 Ehm, William A.—684, 772, 801, 1089, 1100-1102
 Hartsuck, Richard C.—684, 772, 801, 1089, 1100-1102
 King, Rozanne E.—684, 772, 801, 1089, 1100-1102
 Prah, Margaret M.—684, 772, 801, 1089, 1160, 1193 refused
 to confirm, 1197, 1198-1199 confirmed

Finance Authority:

Crane, James H.—685, 776, 808, 1039, 1100-1102
Krauth, Deborah S.—685, 776, 808, 957, 1173-1174
Yoder, Earl—685, 776, 808, 1039, 1100-1102

First in the Nation in Education Foundation Governing Board:

Byers, Donald C.—684, 771, 800, 965, 1051-1053
Higdon, Barbara J.—684, 771, 800, 965, 1152-1154
Robinson, James L.—684, 771, 800, 1071, 1100-1102

Foster Care Review Board:

Foxhoven, Jerry R.—689, 773, 802, 1071, 1101-1102
Griffin, Glenda—183, 196, 210, 326, 437-439
Griffin, Glenda—689, 773, 803, 1071, 1101-1102
Vande Hoef, Harriet—183, 196, 210, 326, 437-439
Wierson, Stanley S.—183, 196, 210, 384, 668
Youberg, Kathryn M.—689, 773, 802, 955, 1101-1102

General Services, Department of:

Carlstrom, J. Michael, (Director)—680, 774, 806, 956, 1003, 1004-1005

Grain Indemnity Fund Board:

Ellingson, Marie G.—685, 771, 799, 851, 1052-1053
Roberts, Carolyn A.—685, 771, 799, 851, 941-942

Health Facilities Council:

Keith, Joni L.—690, 773, 803, 955, 1052-1053
Neely, Marion R.—690, 773, 803, 955, 1052-1053

Hearing Aid Dealers, Board of:

Daggett, Ruth A.—682, 774, 805, 956, 1152-1154
Gourley, Patricia—682, 774, 805, 956, 1051-1053

Higher Education Loan Authority:

Bjorlo, Richard C.—180, 196, 210, 326, 437-439
Bjorlo, Richard C.—685, 771, 800, 965, 1003, 1004-1005

Higher Education Strategic Planning Council:

Anderson, William A.—182, 196, 210, 262, 437-439

Human Services, Council on:

Palmer, Charles, (Director)—684, 772, 802, 955, 1003, 1004-1005
Arnold, Richard D.—683, 772, 802, 955, 1003, 1004-1005
Burchett, Richard S.—683, 772, 802, 955, 1124-1125
Davis, Jim D.—693 resigned
Rotherham, Thomas G.—683, 772, 802, 955, 1051-1053
Williams, Catherine—683
Williams, Catherine—772, 802, 955, 1003, 1004-1005

Indigent Defense Advisory, Commission on:

Blair, David J.—694 resigned
Hummel, Perry K.—694 resigned
Krishna, Gopal T.K.—684, 773, 803, 1147, 1173-1174

IPERS, Advisory Investment Board of:

Benedett, Sandra Lee—685, 775, 806, 956, 1003, 1004-1005
Kahue, Kathy G.—182, 197, 225, 320, 437-439
Stockdale, Joanne L.—685, 775, 806, 956, 1001, 1135

GENERAL INDEX

Job Service Advisory Council:

Houlson, Cynthia S.—183, 196, 210, 373, 437-439
 Houlson, Cynthia S.—686, 771, 799, 911, 941-942
 Menke, Ann M.—686, 771, 799, 911, 1101-1102
 Negley, Jean E.—686, 771, 799, 911, 1003, 1004-1005

Judicial Qualifications, Commission on:

Menke, Lester D.—683, 773, 803, 955, 1152-1154
 Ruark, Virginia E.—690, 773, 804, 955, 1004-1005

Labor Commissioner:

Meier, Allen J.—686, 771, 911, 941-942

Landscape Architectural Examiners, Board of:

Ausenus, Dennis A.—686, 775, 806, 956, 1101-1102
 Jones, Gregory C.—686, 775, 806, 956, 1052-1053
 Vitale, Joan F.—686, 775, 806, 956, 1052-1053

Latino Affairs, Division of:

Tijerina, Sylvia, (Administrator)—182, 197, 225, 320, 437-439

Law Enforcement Academy Council, Iowa:

Day, Jacqueline—685, 776, 808, 828, 941-942
 Lillquist, Thomas C.—685, 776, 808, 965, 1003, 1004-1005

Management, Department of:

Tegeler, Gretchen H., (Director)—confirmation deferred 4-15-92, 1154-1155

Medical Examiners, Board of:

Broich, Edra E.—686, 775, 806, 1118, 1153-1154
 De Haan, Eddie D., Dr.—686, 775, 806, 956, 1004-1005
 Hodges, Mary C.—180, 197, 225, 320, 437-439
 Sentry, Roger F., Dr.—686, 775, 807, 956, 1004-1005

Mental Health and Mental Retardation Commission:

Brown, Joan A.—686, 772, 802, 955, 1101-1102
 Fredericks, Marilee, Dr.—686, 772, 802, 955, 1004-1005
 Hermsen, Frank H.—686, 772, 802, 955, 1004-1005
 Sanderson, Beverly A.—686, 772, 802, 955, 1101-1102

Mortuary Science Examiners, Board of:

Madsen, Shellie L.—687, 775, 807, 956, 1004-1005
 Ohde, Ruth A.—687, 775, 807, 828, 941-942

Natural Resource Commission:

Garrels, Richard E.—180, 196, 211, 326, 437-439
 Monroe, Thomas G.—687, 773, 804, 864, 941-942
 Smalley, Douglas—687, 773, 804, 1052-1053
 Troyna, Lavonne M.—687, 773, 804, 864, 1052-1053

Narcotics Enforcement Advisory Council:

Book, Douglas W.—687, 773, 803, 1147, 1173-1174
 Bradshaw, Judy—687, 773, 803, 955, 1101-1102
 Kenniker, Jackie—687, 773, 803, 955, 1173-1174

Nursing Examiners, Board of:

Bane, Sandra K.—682, 774, 805, 956, 1002, 1004-1005
 Meister, Eugene M.—682, 774, 805, 828, 941-942
 Oetker, Cherie—682, 774, 805, 956, 1002, 1004-1005

- Nursing Home Administrators, Board of:
Bossard, Karen L.—689, 775, 808, 1118, 1153-1154
Koos, David E.—180, 197, 225, 437-439
Merryman, Naomi O.—689, 775, 808, 957, 1052
- Optometry Examiners, Board of:
Crouch, Donovan L., Dr.—687, 775, 807, 1118, 1153-1154
Hicks, Larry W., Dr.—687, 775, 807, 828, 1004-1005
Mahood, Sharon M.—182, 197, 225, 320, 438-439
- Parole, Iowa Board of:
Jackson, Robert, Sr.—682, 773, 803, 1147, 1173-1174
Lorence, Joanne C.—682, 773, 803, 955, 1002, 1004-1005
- Pharmacy Examiners, Board of:
Mitchell, Mary P.—687, 775, 807, 957, 1052-1053
Olson, Phyllis A.—687, 775, 807, 957, 1004-1005
Osterhaus, Matthew C.—687, 775, 807, 957, 1101-1102
- Physical and Occupational Therapy Examiners, Board of:
Eilers, Kathryn D.—687, 775, 807, 1118, 1173-1174
Mack, Daniel L.—687, 775, 807, 957, 1153-1154
Mehlhop, Deborah J.—687, 775, 807, 1118, 1153-1154
- Physician Assistant Examiners, Board of:
Crews, William W.—682, 772, 801, 954, 1051-1053
Skinner, Donald L., Dr.—682, 772, 801, 954, 1003, 1004-1005
- Podiatry Examining Board:
Lee, Ronald D., Dr.—687, 775, 807, 957, 1101-1102
Semerad, Cheryl A.—687, 775, 807, 1118, 1153-1154
- Prevention of Disabilities Policy Council:
Cox, Billy S.—688, 772, 802, 955, 1004-1005
Ellis, Mary L.—695 resigned
Welte, Verna L.—688, 772, 802, 955, 1153-1154
Zlatnik, Frank J.—688, 772, 802, 955, 1052-1053
- Product Development Corporation, Iowa:
Clemens, David L.—179, 197, 211, 342, 655, 1136
Garrett, Carol—686, 774, 804, 1071, 1101-1102
Hansen, Doris A.—686, 774, 804, 1071, 1101-1102
Parks, John B.—686, 774, 804, 1138-1139
- Psychology Examiners, Board of:
Gerken, Kathryn C.—688, 775, 807, 1118, 1172, 1195-1196
Jones, Robert D., Dr.—688, 775, 807, 957, 1052-1053
McGuire, Madonna J.—688, 775, 807, 957, 1004-1005
- Public Defender:
Wegman, William L.—690, 773, 804, 955, 1052-1053
- Racing and Gaming Commission:
Blair, David J.—179, 197, 225, 321, 1140-1141
Sealock, Rita D.—690, 775, 808, 957, 1142-1143
Van Horn, Del—690, 775, 808, 1044, 1197 deferred, 1198
- Railway Finance Authority, Iowa:
Johnson, Catherine J.—180, 197, 320, 668

Real Estate Commission:

Knapp, John E.—688, 775, 807, 828, 941-942
 Loffredo, Theresa A.—688, 775, 807, 1118, 1153-1154

Respiratory Care Advisory Committee:

Hicklin, Greg A., Dr.—688, 775, 807, 1118, 1173-1174
 Treirwieler, Joan M.—688, 775, 807, 957, 1052-1053

Real Estate Examining Board:

Harris, Lyle Craig—688, 775, 807, 1118, 1153-1154
 Paca, Dianne L.—688, 775, 807, 957, 1101-1102
 Perry Lil M.—688, 775, 807, 957, 1004-1005
 Rohret, Earlis—695 resigned

Regents, Board of:

Newlin, Owen J.—689, 772, 801, 965, 1004-1005
 Pellett, Nancy C.—689, 772, 801, 965, 1004-1005
 Pomerantz, Marvin A.—689, 772, 801, 1145, 1164 refused to confirm

Renewable Fuel Advisory, Committee on:

Cooper, A.H. Junior—688, 772, 801, 1089, 1101-1102
 Horan, William J.—688, 772, 801, 1089, 1101-1102
 Luppess, Loren E.—180, 196, 210, 383, 438-439
 Paulin, Ramone M.—685, 772, 801, 1118 resigned

School Budget Review Committee:

Perkins, Marilyn J.—688, 772, 965, 1004-1005

Small Business Advisory Council:

Graves, Donald R., II—689, 774, 804, 864, 941-942
 Junker, Christine R.—179, 197, 211, 274, 668
 Philiph, Eugene H.—689, 774, 804, 864, 1101-1102
 Phillips, Max A.—689, 774, 804, 1052-1053
 Ricks, Patrick A.—689, 774, 804, 844 resigned

Social Work Examining, Board of:

Buchanan, Bruce D.—689, 775, 808, 1118, 1173-1174
 Franklin, Raymond E.—689, 775, 808, 957, 1004-1005

Soil Conservation Committee:

Applegate, Linda D.—690, 771, 799, 954, 1004-1005
 Emerson, Oliver J.—690, 771, 799, 851, 941-942
 Faris, Everett Lee—690, 771, 799, 851, 941-942

Speech Pathology and Audiology Examining Board:

Kunkel, Colette J.—689, 775, 808, 957, 1052-1053
 Miller, Jill M.—689, 775, 808, 957, 1153-1154
 Ralston, Michael D.—695 resigned

Status of African-Americans, Commission on:

Lawson, Gary L., (Administrator)—681, 774, 805, 828, 941-942

Tax Review, Board of:

Nichols, Virginia—695 resigned
 Peebler, Richard G.—689, 776, 808, 957, 1052-1053
 Scieszinski, Annette—183, 197, 320, 438-439

Title Guaranty Division Board:

DeCook, Robert W.—690, 771, 800, 1070, 1101-1102

Friedrich, Robert—690, 771, 800, 1070, 1101-1102

Transportation Commission:

Clarke, Lloyd—690, 776, 808, 846, 941-942

Dunn, M. Catherine—690, 776, 808, 965, 1101-1102

Transportation, Department of:

Rensink, Darrel, (Director)—684, 776, 808, 966, 1142

Utilities Board:

Boyd, Nancy S.—690, 772, 801, 1089, 1101-1102

Nagel, Dennis—682, 772, 801, 1117, 1122, 1194

Veterans Affairs:

Renaud, Dale L., (Executive Director)—181, 197, 225, 320, 438-439

Allan, Muriel E.—181, 197, 225, 320, 655, 1138

Dawson, Mildred R.—181, 197, 225, 320, 438-439

Likens, Valore—181, 197, 225, 320, 438-439

O'Neel, Mitchell L.—181, 197, 225, 320, 438-439

Steben, Robert O.—180, 197, 225, 320, 438-439

Veterans Home, Iowa:

Dack, Jack J., (Commandant)—181, 197, 225, 320, 438-439

Veterinary Medicine Examiners, Board of:

Eberle, Michael K.—685, 775, 806, 828, 941-942

Lyon, Norma D.—685, 775, 806, 956, 1051-1053

Wallace Technology Transfer Foundation of Iowa:

Chapin, Perry J.—181, 196, 211, 274, 438-439

Gurdin, Lois E.—680, 774, 805, 1052-1053

Lamb, Gary D.—691, 774, 805, 864, 941, 1139-1140

Newton, Wayne T.—181, 196, 211, 342, 941-942

Teig, Russell W.—181, 196, 211, 342, 438-439

Tomes, Nancy J.—181, 196, 211, 274, 655

Tomes, Nancy J.—691, 774, 805, 864, 1141-1142

Well Contractors' Council:

Harrison, Judith E.—691, 773, 804, 864, 1102

Maurer, Hillary B.—691, 773, 804, 864, 941-942

Nilles, Stan N.—691, 773, 804, 1102

Shawver, Gary R.—691, 773, 804, 1102

En Bloc Confirmation Calendar

Appointees listed called up—437-438, 667-668, 941-942, 1002-1004,

1051-1052, 1100-1102, 1124-1125, 1152, 1153, 1154, 1173

Confirmation—437-439, 667-668, 941-942, 1002-1004, 1051-1053, 1100-

1102, 1124-1125, 1132-1139, 1139-1140, 1140-1141, 1141-1142,

1142-1143, 1152, 1153-1154, 1173-1174, 1194, 1195, 1198

Placement on—262, 266, 274, 311, 320, 326, 342, 373, 383, 417, 828,

845-846, 851, 864, 911, 954-957, 965, 988, 1039, 1070-1071, 1089,

1117-1118, 1147

Removal from—655, 957, 1001, 1028, 1041, 1051, 1122, 1160, 1172, 1173

Placement on automatically, without recommendation—Pomerantz, Marvin A., 1145

Reports recommending appointments be confirmed—262, 266, 274, 311, 320-321, 326, 342-343, 373, 383-384, 417, 828, 845-846, 864, 911, 954-957, 965, 1147

Individual Confirmation Calendar, Senate Rule 59

Appointees listed called up—1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1142-1143, 1154, 1155, 1164, 1193, 1194, 1195, 1196, 1197

Confirmation—1132, 1132-1133, 1133-1134, 1134-1135, 1135-1136, 1136-1137, 1137-1138, 1138-1139, 1139-1140, 1140-1141, 1142, 1142-1143, 1154, 1155, 1194, 1195, 1196, 1196-1197, 1198, 1199, 1200

Deferred—1131, 1197

Investigating Committee Reports—321, 343, 988, 1044

Placement on by Senators:

Allan, Muriel E., by Senator Rife—655
 Beauvais, Kevin J., by Senator Rife—1028
 Brueggeman, Judith J., by Senator Horn—1051
 Clemens, David L., by Senator Rife—655
 Cumpton, Martha J., by Senator Horn—1001
 Gerken, Kathryn C., by Senator Rife—1172
 Lamb, Gary D., by Senator Rife—941
 Moore, Richard G., by Senator Rife—1173
 Nagel, Dennis, by Senator Rife—1122
 Prah, Margaret, by Senator Rife—1160
 Quinlan, John W., by Senator Lind—1041
 Sealock, Rita D., by Senator Lind—957
 Stockdale, Joanne L., by Senator Rife—1001
 Tomes, Nancy J., by Senator Rife—655

Placement on by Standing Committees:

321, 343, 865, 965, 966, 988, 1044, 1133, 1134

Refused to confirm—1155, 1164, 1193

Reports recommending appointments be confirmed—262, 274, 311, 342, 373, 383, 417, 828, 845-846, 864, 865, 911, 954-957, 965, 1044, 1147

Reports without recommendation—343

APPOINTMENTS - LEGISLATIVE COUNCIL COMMITTEES—

Administration Committee, Senators Palmer, Buhr and Tinsman—155

Capital Projects Committee, Senators Murphy, Husak, Palmer, McLaren and Jensen—155

- Fiscal Committee, Senators Murphy, Dieleman, Boswell, McLaren and Bennett—155
 International Relations Committee, Senators Riordan, Horn, Welsh, Rife and McLaren—155
 Service Committee, Senators Horn, Gettings and Rife—155
 Studies Committee, Senators Horn, Boswell, Husak, Rife and Lind—155

APPOINTMENTS - REAPPOINTMENTS, STATUTORY - SENATORS—

Appointments:

- Ad Hoc Committee on the Prevention of HIV Infection, at the request of Christopher Atchison, Dir. of Public Health, Senators Szymoniak and Kramer—36
 Administrative Rules Review Board, Senator Rittmer—87
 Administrative Rules Review Committee, Senator Palmer—37
 Advisory Commission on Intergovernmental Relations, Senator Sorensen—37
 Agricultural Energy Management Council, Senator Fink—144
 Boundary Commission, Senator Sturgeon—144
 Children, Youth and Families, Commission on, Senator Bartz—286
 Children, Youth and Families, Commission on, Senator Riordan—155
 Commission on Interstate Cooperation, Senators Fink, Giannetto, Judge, Borlaug, Hester, and ex officio non-voting member, Senator Horn—140
 Commission on the Status of Women, Senator Szymoniak—36
 Communications Review Commission, Senator Kersten—286
 Communications Review Commission, Senator Varn—144
 Communications Review Commission, Senator Welsh—155
 Compensation Board, Kasey Kincaid—87
 Drought Task Force, Senator Gettings—36
 Energy Fund Disbursement Council, Senator Rosenberg—155
 Energy Fund Disbursement Council, Senator Borlaug—286
 Ethics Interim Study Committee, Senator Rosenberg—36
 Health Data Commission, Senator Varn—36
 Iowa Criminal & Juvenile Justice Advisory Council, Senator Maddox—286
 Legislative Council, Senators Horn, Boswell, Palmer, Murphy, Husak, Buhr, Gettings, Rife, McLaren, Lind, Tinsman and Jensen—37
 Legislative Council and Studies Committee of the Legislative Council, Senator Murphy—37
 Public Retirement Systems Committee, Senators Kibbie, Gronstal, Dieleman, Drake and Rittmer—140
 Rural Development Council, Senator Vilsack—155
 Rural Development Council, Senator Bennett—286
 Rural Health Advisory Board, Senator Judge—144
 Swine Production Study Committee, Senators Priebe, Husak, and Kibbie—37

Title XX Advisory Council, Senator Fink—209
 Title XX Advisory Council, Senator Kramer—286
 Wallace Technology Transfer Foundation Board of Directors, Senator
 Palmer—122
 Wallace Technology Transfer Board, Senator Banks—286

APPROPRIATIONS, COMMITTEE ON—

Appointed and appointments to—24
 Bills introduced—218, 237, 251, 508, 513, 579, 916, 1252, 1338, 1426, 1476,
 1533
 Amendments filed—799, 912, 1049, 1146
 Referred to—233, 1242
 Committee and subcommittees appointed—24, 26-27

APPROPRIATIONS, COMMITTEE ON - SUBCOMMITTEES—

Appointed—26-27
 Administration
 Appointments to—26
 Agriculture/Natural Resources
 Appointments to—26
 Claims
 Appointments to—26
 Economic Development
 Appointments to—26
 Education
 Appointments to—27
 Health and Human Rights
 Appointments to—27
 Human Services
 Appointments to—27
 Justice System
 Appointments to—27
 Regulation
 Appointments to—27
 Transportation and Safety
 Appointments to—27

ASSISTANT MAJORITY FLOOR LEADERS—

Husak, Emil J.—Senator Thirtieth District
 Buhr, Florence—Senator Thirty-fifth District
 Fraise, Eugene—Senator Fiftieth District

ASSISTANT MINORITY FLOOR LEADERS—

Hedge, H. Kay—Senator Forty-eighth District
 Kramer, Mary E.—Senator Thirty-seventh District
 Lind, Jim—Senator Thirteenth District
 Tinsman, Maggie—Senator Twenty-first District

BANKS, BRAD—Senator Second District

Bills introduced—264, 282, 289, 297, 331, 489, 496, 576, 620, 640
 Amendments filed—159, 249, 253, 554, 609, 874, 938, 958, 1098, 1165, 1166,
 1272, 1326
 Amendments offered—249, 253, 609, 1165
 Amendments withdrawn—1166, 1326
 Committee appointments—28, 286, 538, 1431
 Reports—1127, 1530, 1591-1592
 Standing committees and subcommittees appointed to—24, 25, 26

BARTZ, MERLIN—Senator Tenth District

Bills introduced—55, 73, 74, 215, 264, 282, 289, 330, 475, 496
 Amendments filed—66, 159, 252, 278, 365, 376, 433, 434, 530, 535, 645, 646,
 737, 753, 789, 866, 884, 914, 958, 967, 1024, 1083, 1086, 1250, 1256,
 1272, 1312, 1393, 1475
 Amendments offered—111, 252, 530, 793, 835, 836, 859, 873, 891, 1024, 1086,
 1220, 1250, 1320, 1324
 Amendments withdrawn—891, 1086, 1250
 Committee appointments—28, 286, 1431
 Petitions presented—452, 521
 Reports—1530, 1589, 1590, 1592, 1593-1594
 Resolutions offered—107
 Standing committees and subcommittees appointed to—24, 25, 27

BENNETT, WAYNE D.—Senator Sixth District

Bills introduced—185, 331, 377, 508
 Amendments filed—159, 528, 610, 625, 879, 938, 967, 1272, 1309, 1319, 1370,
 1516
 Amendments offered—1245, 1319, 1346, 1370, 1542
 Amendments withdrawn—1319, 1346, 1399
 Committee appointments—28, 155, 286
 Reports—1591-1592
 Resolutions offered—202, 1252
 Standing committees and subcommittees appointed to—25, 26, 27

BILLS—

(See also Resolutions, Action on Senate Joint Resolutions, Senate Files, House
 Joint Resolutions and House Files listed in Legislative Index Volume)
 Approved (Signed by Governor)—311, 383, 469, 522, 617, 699, 884, 1000,
 1040, 1129, 1184, 1202, 1291, 1354-1355, 1375, 1433
 Approved after session—1578, 1579, 1580, 1581
 Item Veto messages—1202, 1573
 Item Veto messages after session—1582-1583, 1584
 Motion to override Governor's Veto:
 Senate File 232—1275
 Placed on Calendar—55, 89, 90, 91, 100, 133, 156, 186, 202, 218, 228, 233-
 234, 264, 279, 289, 296, 297, 307, 323-324, 331, 332, 349, 368, 378, 389,
 415, 420, 428, 429, 475-476, 476, 480, 489, 490, 508, 525, 531, 532, 556,

- 575, 576, 579, 585, 594, 595, 596, 602, 608, 621, 624, 640, 641-642, 651, 652, 666, 667, 673, 677, 679, 704-705, 705, 708, 719, 720, 721, 723, 726, 727, 732, 738, 739, 748, 754, 770, 880, 964, 970, 1041
- Placed on Appropriations Calendar—218, 237, 251, 508, 513, 579, 916, 1252, 1338, 1426, 1476, 1533
- Placed on Unfinished Business Calendar—1200
- Placed on Ways and Means Calendar—90, 123, 188, 255, 321, 323, 457, 462, 532, 666, 667, 723, 726-727, 727, 737, 748, 749, 770, 964, 1167, 1172, 1201, 1239, 1288, 1289, 1306, 1310, 1338, 1470, 1474, 1476, 1508
- Referred to committee—23, 45, 58, 65, 78, 89, 100, 113, 125, 134, 144, 157, 191, 203, 217, 236, 257, 258, 266, 267, 280, 300, 312, 321, 334, 335, 364, 378, 392, 393, 417, 435, 460, 478, 491, 510, 533, 557, 568, 601, 622, 623, 643, 674, 678, 709, 777, 797, 842, 851, 883, 990, 1041, 1271, 1392, 1542
- Returned to Calendar—937, 1532, 1533
- Sent to Governor—287, 372, 417, 451-452, 505, 589, 616-617, 844-845, 1000, 1069, 1117, 1226, 1291, 1335, 1354, 1458-1459, 1512, 1573
- Sent to secretary of state—1573
- Substituted—355, 598, 706, 855, 856, 1022, 1115, 1223, 1316, 1401, 1419, 1442, 1468
- Veto message after session—1585
- Withdrawn—233, 357, 358, 599, 707, 856, 857, 872, 1026, 1116, 1210, 1224, 1400, 1401, 1419, 1444

BILLS SENT TO GOVERNOR—

(See Bills)

BISIGNANO, TONY—Senator Thirty-fourth District

- Bills introduced—215, 297, 518, 611
- Amendments filed—516, 517, 637, 798, 799, 824, 866, 897, 902, 926, 981, 984, 1009, 1185, 1257, 1338, 1356, 1384, 1385, 1405, 1488, 1489, 1501
- Amendments offered—516, 517, 637, 869, 906, 981, 1384, 1405, 1488
- Amendments withdrawn—981, 1560
- Committee appointments—28, 1323, 1470
- Escorted Senator Boswell to the rostrum—7
- Petitions presented—1473
- Reports—1374, 1525
- Standing committees and subcommittees appointed to—24, 25, 26

BOARDS, COMMISSIONS, COMMITTEES AND/OR COUNCILS—

(See Appointees and/or Appointments and/or Communications, subheading Reports and/or individual headings)

BORLAUG, ALLEN—Senator Fifteenth District

- Bills introduced—116, 264, 282, 289, 518, 531, 595, 651
- Amendments filed—159, 433, 516, 517, 823, 874, 933, 1041, 1079
- Amendments offered—516
- Committee appointments—16, 28, 140, 286

Reports—42

Resolutions offered—202

Standing committees and subcommittees appointed to—24, 25, 26

BOSWELL, LEONARD L.—Senator Forty-fourth District, President of the Senate

Addressed the Senate—7-9

Bills introduced—116, 156, 161, 204, 259, 388, 666

Amendments filed—1488, 1489

Announced appointments—36, 38, 121-122, 144, 155, 209, 286, 1308, 1585

Assignment of bills—45, 58, 65, 78, 89, 100, 113, 125, 134, 144, 157, 191, 203, 217, 235-236, 257-258, 266-267, 280, 300, 311-312, 321-322, 334-335, 348, 364, 378, 392-393, 417, 435, 460, 478, 491, 510, 516, 533, 557, 568, 601, 622-623, 643, 674, 678, 709, 777, 797, 842, 883-884, 911-912, 931, 966-967, 990, 1017, 1029, 1041, 1044, 1069, 1089, 1231, 1255, 1271, 1284, 1308, 1337, 1355, 1373, 1392, 1460, 1478, 1485, 1518, 1533, 1542

Committee appointments—28, 37, 155

Elected President of the Senate—7

Escorted to the rostrum, took oath of office by Chief Justice Arthur McGiverin and was presented the gavel—7

Presided at joint convention—1130-1131

Presided at sessions of the Senate—43, 46, 47, 54, 60, 67, 68, 73, 80, 82, 89, 90, 100, 101, 102, 107, 108, 110, 115, 123, 126, 133, 135, 142, 146, 156, 157, 158, 170, 185, 193, 202, 204, 215, 219, 228, 238, 239, 240, 246, 249, 250, 252, 253, 259, 263, 268, 279, 281, 289, 296, 297, 304, 305, 323, 330, 336, 348, 350, 354, 366, 367, 377, 380, 388, 394, 415, 420, 428, 435, 443, 457, 461, 466, 475, 479, 489, 495, 496, 508, 514, 515, 517, 527, 536, 559, 604, 609, 624, 626, 627, 636, 638, 647, 649, 666, 677, 704, 723, 726, 738, 754, 779, 786, 810, 825, 831, 849, 851, 853, 860, 868, 872, 886, 892, 896, 915, 924, 939, 945, 959, 968, 970, 981, 993, 997, 1002, 1012, 1019, 1033, 1035, 1042, 1050, 1055, 1063, 1077, 1079, 1099, 1124, 1130, 1131, 1144, 1151, 1154, 1162, 1172, 1187, 1194, 1197, 1205, 1213, 1230, 1242, 1246, 1258, 1273, 1286, 1287, 1293, 1303, 1310, 1343, 1346, 1351, 1357, 1376, 1394, 1417, 1423, 1424, 1427, 1442, 1460, 1463, 1464, 1467, 1484, 1490, 1504, 1507, 1508, 1510, 1518, 1524, 1530, 1532, 1536, 1542, 1546, 1566

Presented Governor Branstad, who delivered the condition of the state and budget address—48

Presented Chief Justice McGiverin, who delivered the condition of the Iowa Judiciary message—69

Presented the Honorable William Palmer, President pro tempore of the Senate, who welcomed the Pioneer Lawmakers—1130

Presented the Honorable Mary Lundby, Speaker pro tempore of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House of Representatives—1130

Presented the Honorable Adolph Elvers, former member of the Senate—1130

Welcomed ten youth exchange students from Russia, they were accompanied by Ludmila Bednik, teacher—455

- Welcomed the Honorable Lee W. Holt, former member of the House and Senate—547
- Welcomed the Honorable Adolph Elvers, former member of the Senate—547
- Welcomed the Honorable Seeley Lodwick, former member of the Senate—569
- Welcomed the Honorable Arthur L. Gratias, former member of the Senate—569
- Welcomed Mr. and Mrs. Tannan, visiting Rotarians from India—1185
- Welcomed the Honorable Edgar H. Holden, former member of the Senate—1271
- Welcomed the Honorable Lee Holt, former member of the Senate—1271
- Welcomed the Honorable James D. Wells, former member of the Senate—1335
- Welcomed the Honorable Cliff Burroughs, former member of the Senate—1458
- Reports—1588
- Rulings—433, 434, 467, 530, 671, 672, 826-827, 875, 903, 906, 922, 934, 963, 977, 978, 983, 1006, 1007, 1014, 1085, 1156, 1188, 1197, 1214, 1221, 1245, 1246, 1261, 1279, 1280, 1294, 1299, 1345, 1346, 1376, 1384, 1385, 1442, 1467, 1557
- Standing committees and subcommittees appointed to—24, 25, 26

BRANSTAD, GOVERNOR TERRY E.—
(See Governor Branstad, Terry E.)

BUDGET MESSAGE—
(See Condition of the State and Budget Address Message)

BUHR, FLORENCE—Senator Thirty-fifth District, Assistant Majority Leader

Bills introduced—331

Amendments filed—530, 798, 877, 879, 1320, 1356, 1385, 1483, 1488, 1516, 1545, 1557.

Amendments offered—877, 879, 1320, 1557, 1560

Amendments withdrawn—1320

Called up appointees on Individual Confirmation Calendar—1154

Committee appointments—4, 28, 37, 155

Presided at sessions of the Senate—1301, 1305

Reports—5

Resolutions offered—156, 263

Standing committees and subcommittees appointed to—24, 25, 26, 27

BUSINESS AND LABOR RELATIONS, COMMITTEE ON—

Appointees, investigation of—196, 771, 799-800, 811

Bills introduced—323, 525, 621, 624

Amendments filed—623

Investigating committee reports—373, 828

Referred to—597

Standing committees and subcommittees appointed to—24

Subcommittee assignments, governor's appointments—210

CANVAS OF VOTES—

Of State Senators—5-6

CERTIFICATES OF ELECTION—

Of State Senators—5-7

CERTIFICATES OF EXCELLENCE—

Senate Pages—1524

CERTIFICATES OF RECOGNITION—38-39, 106, 113, 141, 144-145, 184, 226,
274-275, 286, 318, 353, 441, 459-460, 472-473, 484, 507, 589, 616, 622, 643,
699, 795, 866, 911, 1017, 1044, 1170, 1472-1473, 1514, 1586

CHAPLAINS—

Committee on, appointed—17

Resolution relating to compensation, SCR 2 - S.J. 100, 102, 103, 105 adopted
and msgd., 146 - H.J. 84, 85, 89-90, 97, 104, 106, 122 adopted and msgd.

**CHIEF JUSTICE OF THE SUPREME COURT, The Honorable Arthur A.
McGivern—**

(See Supreme Court of Iowa)

CLAIMS—

(See also Management, Department of)

(See also State Appeal Board)

Claims filed—See House Journal Pages 283-310

Claims approved—See House Journal Pages 285-310

Claims denied—See House Journal Pages 283-285

COMMERCE, COMMITTEE ON—

Appointees, investigation of—771, 800

Bills introduced—429, 585, 594, 596, 667, 721

Amendments filed—513, 593, 830, 937, 1057, 1058

Investigating committee reports—1070

Referred to—754, 849, 861, 1372, 1409

Standing committees and subcommittees appointed to—24

COMMISSION ON STATUS OF WOMEN—

Senators appointed to—36

COMMISSIONS, COMMITTEES, BOARDS AND/OR COUNCILS

(See Appointees and/or Appointments and/or Communications, subheading
Reports and/or individual headings)

COMMITTEE ON THE PREVENTION OF HIV INFECTION (AD HOC)—
Senators appointed to—36

COMMITTEE MEETING REPORTS—

Agriculture—64, 94, 138, 175, 207, 272, 310, 340, 409, 483, 566, 612, 653,
728, 862, 986, 1119

Appropriations—80, 223, 243-244, 260, 352, 502-503, 520, 587, 820-821, 929-
930, 1067, 1270, 1355, 1455, 1573-1574

Subcommittees:

Administration—75, 92, 117, 136, 151, 205, 221, 241, 270, 308,
337, 371, 422, 452, 552

Agriculture/Natural Resources—92, 117, 136, 205, 242, 337, 351,
371, 452

Economic Development—75, 92, 117, 136, 151, 205, 221, 242,
270, 283, 308, 337-338, 351, 407-408, 423, 453

Education—75, 92-93, 118, 137, 151-152, 206, 221, 242, 270, 283,
308-309, 338

Health and Human Rights—76, 93, 118, 137, 152, 206, 221-222,
243, 271, 283-284, 309, 338, 351, 408, 423, 453, 482

Human Services—93, 137, 152, 206, 222, 243, 271, 284, 309,
338, 352, 453, 482-483

Justice System—76, 93, 118, 222, 271, 339, 545-546

Natural Resources—422, 1334

Regulation—76, 118-119, 137-138, 152-153, 206-207, 222, 243,
271-272, 284, 309, 339-340, 352, 371, 408, 423, 453-454

Transportation and Safety—76-77, 94, 119, 138, 153, 207, 223,
340, 353, 408-409, 423-424

Business and Labor Relations—64, 94, 194, 325, 469, 546, 628-629, 842, 930,
1481

Commerce—64, 129, 194, 424, 503, 520, 587, 697, 728, 842-843, 950, 1067
Communications and Information Policy—65, 94-95, 153, 207-208, 223, 272,
409, 503, 566, 588, 653, 697, 750, 1119, 1411, 1455, 1563

Education—65, 129, 153-154, 208, 244, 272-273, 284-285, 310, 340-341, 372,
409, 454, 483, 521, 566-567, 654, 697, 728-729, 821, 986, 1119, 1270,
1563

Environment and Energy Utilities—119, 154, 208, 273, 341, 410, 454, 503-
504, 567, 612, 654, 729, 862, 930, 1120

Ethics—80-81, 454-455, 483-484, 521, 567, 612, 654, 729, 821, 950, 1120, 1270,
1290, 1411

Human Resources—56-57, 154, 208-209, 223-224, 273, 341, 410, 567-568, 613,
655, 729, 750, 862, 950, 1067-1068, 1120-1121, 1392, 1411

Human Services—504

Judiciary—77, 113, 165, 224, 285, 310, 352-353, 372, 410, 424, 504, 613, 697-
698, 730, 843, 951, 1121

Local Government—77, 138-139, 209, 273-274, 341-342, 410-411, 504-505,
546, 629, 750, 863, 951, 1068, 1121

Natural Resources—77, 95, 139, 194, 260, 325, 382, 546, 629, 851, 863, 986,
1068

- Rules and Administration—57, 119, 139, 175, 195, 285, 469-470, 568, 730, 796-797, 931, 1192-1193, 1527
- Small Business and Economic Development and Tourism—78, 95, 209, 274, 342, 411, 568, 655, 730, 863, 987, 1121-1122, 1334, 1456, 1563
- State Government—57, 95-96, 139, 195, 325, 382-383, 484, 588, 698, 731, 843, 951, 1122, 1226, 1456, 1564
- Transportation—78, 96, 176, 224, 285, 353, 424-425, 505, 588, 698, 843, 987, 1068
- Ways and Means—57-58, 120, 130, 176, 195, 260-261, 326, 383, 455, 470, 547, 629, 797, 863-864, 893, 987, 1044, 1226, 1253, 1290, 1456, 1481, 1527

COMMITTEE REPORTS—

- Agriculture—58, 87, 130, 155, 261, 333, 470, 548, 590-591, 632-633, 643-644, 701, 709, 732, 846-847, 1071-1072, 1089-1090, 1412, 1515
- Appropriations—217, 236, 251, 510-511, 577-578, 797, 912, 928, 1045-1046, 1146, 1159, 1244, 1254, 1337-1338, 1426, 1482-1483, 1564
- Business and Labor Relations—328, 526, 617, 622, 633, 1473-1474
- Communications and Information Policy—236, 569-570, 592-593, 633-634, 662, 674-675, 701, 710-711, 1090, 1457, 1548
- Commerce—425, 511-512, 591-592, 674, 709, 828-829, 937, 1057-1059
- Education—141, 203, 236-237, 275, 287, 297, 333, 392, 477, 487, 512, 557, 570, 644, 675, 732-735, 953, 1072-1074, 1254-1255, 1418, 1564-1565
- Environment and Energy Utilities—334, 386, 491, 578, 601-602, 644-645, 662-663, 675, 701, 711-712, 1090-1092
- Ethics—1283-1284
- Human Resources—217-218, 266, 328-329, 334, 386-387, 491-492, 548, 593, 602, 634, 701-702, 712, 751, 1059-1060, 1074-1075, 1092, 1169, 1291-1292
- Judiciary—218, 301-302, 312, 365, 375, 418, 425, 441, 593, 617-618, 618-619, 663, 702, 712-713, 714-715, 735, 751-752, 966, 1092-1094, 1127-1129, 1159-1160
- Local Government—266, 414, 487-488, 492-493, 534, 634, 735, 752-753, 776, 928, 1046-1047, 1094
- Natural Resources—387, 534-535, 634-635, 1047-1048
- Rules and Administration—56, 105, 108, 160-161, 275, 458, 548, 716-718, 913, 1496
- Small Business and Economic Development and Tourism—96, 392, 645, 663-664, 736, 1307, 1434, 1528-1529
- State Government—134, 190, 375, 378, 470-471, 477, 664, 675, 703, 736, 822-823, 929, 1075-1076, 1094-1097, 1203, 1434-1435
- Transportation—168, 226, 348-349, 425-426, 493, 523, 578-579, 718-719, 736, 829-830, 1048, 1060-1061
- Ways and Means—109, 122, 125, 191, 258, 321, 329, 435, 459, 471, 535, 776-777, 847, 882-883, 953-954, 966, 1039, 1169-1170, 1184-1185, 1203-1204, 1228, 1255, 1292, 1307-1308, 1338, 1412-1414, 1474, 1509-1510

COMMITTEES, SPECIAL—

- Notify Governor and report—10, 16, 1574
- Notify and escort Governor Terry E. Branstad—47, 48, 73
- Notify and escort Chief Arthur A. McGiverin—47, 69, 73
- Notify House and report—10, 16, 1574
- From House—13, 47, 67, 1574
- Escort Pioneer Lawmakers—1130

COMMUNICATIONS AND INFORMATION POLICY, Committee on—

- Bills introduced—233, 575, 576, 595, 640, 667, 673, 704, 705
- Amendments filed—1090, 1457
- Referred to—639, 1353
- Standing committees and subcommittees appointed to—24

COMMUNICATIONS FROM—**Correspondence:**

- Appeal Board, State Claims—House Journal Pages 283-310
- Election Contest: Joseph M. Kremer, Contestant and Larry Murphy, Incumbent—19-22
- Governor Terry E. Branstad, appointments—179-183, 241, 680-691, 692-695, 844, 1118
- Secretary of Agriculture, Dale M. Cochran—691

Reports:

- Agricultural Safety and Health, Iowa's Center for—1572
- Auditor of State(2)—83, 84, 85
- Blind, Department of—85
- Business Council, Iowa—86
- Citizens' Aide/Ombudsman, Iowa—85, 1571
- Civil Rights Commission—1571
- College Aid Commission—1571
- Commerce, Department of—84, 1571
- Community Action Agencies, Commission on—166
- Disabilities Policy Council, Prevention of—84
- Economic Development, Department of—167, 168, 1571
- Education, Department of—167, 168, 1570, 1571
- Elder Affairs, Department of—166, 1570
- Employment Services, Department of—166, 1571
- Energy, Center of—1573
- General Services, Department of—301, 1571
- Governor's Alliance on Substance Abuse—85, 1571
- Head Injury Advisory Council—1571
- Health Data Commission—85, 166
- Higher Education Loan Authority—165
- Human Rights, Department of—84, 301
- Human Services, Department of—84, 301, 1571
- Industrial Services, Division of—166

Inspections and Appeals, Department of—86
 International Network on Trade Inc.—166
 Justice, Department of—84, 167
 Law Enforcement Academy, Iowa—85
 League of Municipalities—166
 Management, Department of—85, 86, 165
 Natural Resources, Department of—83, 84, 85, 165
 Personnel, Department of—86, 167, 168, 1571
 Preserves Advisory Board—167
 Pseudorabies (PRV) Advisory Committee—167
 Public Health, Department of—83, 84, 86, 166, 1570, 1571
 Public Library Statistics—1570
 Public Safety, Department of—166
 Railway Finance Authority—1570
 Regents, Board of—167, 300
 Revenue and Finance, Department of—87, 166, 1572
 School Boards Association—166
 Transportation, Department of—83, 85, 86, 167, 1571
 University of Northern Iowa—84
 Utilities, Board of—83, 85
 Wallace Technology Transfer Foundation—86, 347

Supreme Court:

Appointments of members of Ethic committee—27, 36

COMPANION BILLS—

(List of Senate and House Companion Bills listed in Legislative Index Volume)

COMPENSATION, EXPENSES, AND SALARIES FOR ELECTED STATE OFFICIALS, IOWA COMMISSION ON:

Appointed to—38, 87

CONDITION OF THE IOWA JUDICIARY MESSAGE—

Delivered by Chief Justice McGiverin—68-73

Resolution relating to, HCR 2 - H.J. 14 adopted and msgd. - S.J. 43, 43-44 adopted, 44 - H.J. 56.

CONDITION OF THE STATE AND BUDGET ADDRESS MESSAGE—

Delivered by Governor Terry E. Branstad—48-54

Resolution relating to, HCR 1 - H.J. 13-14 adopted and msgd. - S.J. 17 adopted, 44 - H.J. 47.

CONFERENCE COMMITTEES—

Appointed:

Senate File 11—1431

Senate File 233—1282

Senate File 266—1323
 Senate File 266(2nd)—1470
 House File 22—255

Reports Received:

Senate File 11—1530
 Senate File 233—1554
 Senate File 266—1374
 Senate File 266(2nd)—1525
 House File 22—382

Reports called up:

Senate File 11—1530 adopted
 Senate File 233—1554 adopted
 Senate File 266(2nd)—1525-1526 adopted
 House File 22—389 adopted

Reports filed:

Printed after session—2452-2463

CONGRESS OF THE UNITED STATES—

(See President of the United States, Congress, and/or Federal Agencies)

CONNOLLY, MIKE—Senator Eighteenth District

Bills introduced—416, 418, 428, 450, 462, 476, 525, 611
 Amendments filed—66, 145, 214, 513, 539, 552, 558, 786, 814, 823, 830, 848,
 852, 867, 895, 898, 963, 1007, 1010, 1011, 1012, 1014, 1171, 1256, 1257,
 1285, 1356, 1370, 1427, 1429, 1463, 1486, 1488
 Amendments offered—157, 229, 539, 552, 671, 872, 877, 898, 934, 996, 1009,
 1012, 1014, 1297, 1302, 1314, 1427, 1429, 1486
 Amendments withdrawn—123, 1007, 1011, 1399, 1430
 Appointed to—255
 Called up appointees on Individual Confirmation Calendar—1164
 Committee appointments—10, 29, 255
 Investigating committee reports—382
 Presided at sessions of the Senate—1437, 1476, 1486
 Resolutions offered—107, 156, 202
 Standing committees and subcommittees appointed to—24, 25, 26, 27

CORNING, JOY C., Lieutenant Governor

COUNCIL ON RURAL DEVELOPMENT—

Appointed to—38

CREDENTIALS, COMMITTEE ON—

Committee appointed—4
 Reports—5

DELUHERY, PATRICK J.—Senator Twenty-second District

Bills introduced—161, 215, 297, 415, 429, 440, 475, 500, 596
 Amendments filed—737, 754, 981, 1245, 1246, 1256, 1257, 1309

Amendments offered—739, 754, 1181, 1241, 1245, 1246
 Amendments withdrawn—1345
 Committee appointments—29
 Escorted Senator Palmer to the rostrum—9
 Presented Catharine Lemkau, Miss Iowa from Davenport, Iowa—290
 Presented Lee Heung-Hwan, staff writer from Seoul, Korea—417
 Resolutions offered—202, 296
 Standing committees and subcommittees appointed to—24, 25, 26

DIELEMAN, WILLIAM W. (Bill)—Senator Twenty-ninth District
 Bills introduced—46, 142, 161, 186, 280, 297, 368, 475, 518, 550, 621
 Amendments filed—109, 248, 262, 355, 433, 552, 563, 635, 722, 884, 932,
 938, 957, 1006, 1079, 1083, 1228, 1279, 1280, 1285, 1320, 1329, 1393,
 1422, 1488, 1490, 1529, 1532, 1565
 Amendments offered—110, 248, 355, 357, 552, 563, 584, 996, 997, 998, 999,
 1006, 1079, 1083, 1298, 1404, 1422
 Amendments withdrawn—109, 433
 Called up appointees on Individual Confirmation Calendar—1142
 Committee appointments—17, 29, 47, 140, 155
 Presented Dwayne Faidley, 1992-93 State FFA president from Colfax—
 311
 Standing committees and subcommittees appointed to—25, 26

DRAKE, RICHARD F.—Senator Twenty-fourth District
 Bills introduced—215, 282, 289, 440, 620
 Amendments filed—159, 253, 349, 433, 528, 530, 635, 665, 777, 798, 1001,
 1041, 1309, 1405, 1463
 Amendments offered—253, 530, 743, 981, 984, 1293, 1294, 1405
 Amendments withdrawn—433
 Committee appointments—27, 29, 140
 Petitions presented—521
 Standing committees and subcommittees appointed to—25, 26, 27

DROUGHT TASK FORCE—
 Senators appointed to—36

EDUCATION, COMMITTEE ON—
 Appointees, investigation of—196, 771-772, 800-801
 Bills introduced—202, 279, 289, 297, 332, 389, 476, 480, 508, 556, 575, 641,
 719, 721, 723, 727, 737
 Amendments filed—141, 236, 335, 676, 722, 1076
 Investigating committee reports—262, 326, 965, 1071
 Referred to—265, 649, 861, 1259, 1532
 Standing committees and subcommittees appointed to—25

EDUCATION, COMMISSION OF—
 Senators appointed to—1585

ELECTION CONTEST COMMITTEE—

- Committee to investigate—22
- Report—60-61
- Statement to Senate Committee—61-62

EMPLOYEES OF THE SENATE

- Appointment of permanent officers and employees—11-13
- Appointment of secretaries—13-15
- Pages—15
- Pay grades and steps, list of—148-150
- Resolutions relating to—SCR 2 - compensation of chaplains, officers and employees of the seventy-fifth g.a. S.J. 100, 102, 105, 103 adopted & msgd., 146 - H.J. 84, 85, 89-90, 97, 104, 106-122 adopted & msgd.
- Special presentation to Senate Pages—429
- Took oath of office—13, 15

EN BLOC CONFIRMATION CALENDAR—

(See Appointments - Governor's)

ENVIRONMENT AND ENERGY UTILITIES, COMMITTEE ON—

- Appointees, investigation of—196, 772, 801
- Bills introduced—332, 579, 602, 641, 652, 666, 720
- Amendments filed—676, 722, 1090, 1091
- Investigating committee reports—383, 1089, 1117
- Referred to—360, 1050, 1077, 1409
- Standing committees and subcommittees appointed to—25

ETHICS, COMMITTEE ON—

- Amendments filed—938
- Appointed and appointments to—27, 36
- Resolutions relating to—Senate Resolution 10, Senate rules governing lobbyists. S.J. 1282, 1283, 1293 as amended, adopted, 1308, 1384.
- Senate Resolution 11, Senate Code of Ethics. S.J. 1283, 1284, 1293, 1294 as amended, adopted, 1308, 1384.

ETHICS INTERIM STUDY COMMITTEE—

- Senator appointed to—36

EXPLANATIONS OF VOTES—

- Senate File 3 - Senator Bartz—1336
- Senate File 3 - Senator Judge—1337
- Senate File 8 - Senator Tinsman—822
- Senate File 11 - Senator Szymoniak—120
- Senate File 20 - Senator Tinsman—412
- Senate File 26 - Senator Tinsman—412
- Senate File 38 - Senator Connolly—796
- Senate File 38 - Senator Tinsman—822

- Senate File 48 - Senator Tinsman—412
- Senate File 59 - Senator Judge—472
- Senate File 63 - Senator Bartz—472
- Senate File 63 - Senator Judge—1473
- Senate File 74 - Senator Tinsman—412
- Senate File 80 - Senator Judge—472
- Senate File 97 - Senator Tinsman—412
- Senate File 117 - Senator Tinsman—1457
- Senate File 119 - Senator Bartz—472
- Senate File 121 - Senator Bartz—472
- Senate File 125 - Senator Tinsman—412
- Senate File 127 - Senator Bartz—472
- Senate File 130 - Senator Pate—753
- Senate File 140 - Senator Hedge—822
- Senate File 141 - Senator Tinsman—412
- Senate File 163 - Senator Judge—1473
- Senate File 192 - Senator Maddox—577
- Senate File 192 - Senator Judge—588
- Senate File 196 - Senator Judge—1432
- Senate File 206 - Senator Bartz—1336
- Senate File 206 - Senator Judge—1337
- Senate File 218 - Senator Pate—753
- Senate File 225 - Senator Tinsman—822
- Senate File 226 - Senator Tinsman—822
- Senate File 227 - Senator Szymoniak—533
- Senate File 227 - Senator Priebe—533
- Senate File 227 - Senator Murphy—533
- Senate File 232 - Senator Murphy—533
- Senate File 239 - Senator Pate—753
- Senate File 239 - Senator Zieman—753
- Senate File 254 - Senator Pate—753
- Senate File 258 - Senator Connolly—796
- Senate File 258 - Senator Tinsman—822
- Senate File 260 - Senator Pate—753
- Senate File 271 - Senator Tinsman—822
- Senate File 275 - Senator Tinsman—822
- Senate File 277 - Senator Bartz—1336
- Senate File 278 - Senator Connolly—796
- Senate File 278 - Senator Tinsman—822
- Senate File 278 - Senator Judge—1473
- Senate File 286 - Senator Tinsman—822
- Senate File 288 - Senator Pate—753
- Senate File 293 - Senator Connolly—796
- Senate File 293 - Senator Tinsman—822
- Senate File 294 - Senator Tinsman—822
- Senate File 295 - Senator Connolly—796
- Senate File 295 - Senator Tinsman—822

Senate File 296 - Senator Hedge—822
Senate File 312 - Senator Tinsman—822
Senate File 314 - Senator Hedge—822
Senate File 315 - Senator Tinsman—822
Senate File 319 - Senator Connolly—796
Senate File 319 - Senator Tinsman—822
Senate File 320 - Senator Connolly—796
Senate File 320 - Senator Tinsman—822
Senate File 326 - Senator Tinsman—822
Senate File 327 - Senator Tinsman—822
Senate File 342 - Senator Hedge—822
Senate File 347 - Senator Hedge—822
Senate File 364 - Senator Tinsman—822
Senate File 371 - Senator Tinsman—822
Senate File 374 - Senator Tinsman—822
Senate File 387 - Senator Hedge—822
Senate File 424 - Senator Tinsman—1528
Senate Joint Resolution 3 - Senator Judge—472
House File 22 - Senator Sturgeon—393
House File 83 - Senator Judge—1473
House File 101 - Senator Tinsman—412
House File 111 - Senator Tinsman—412
House File 113 - Senator Bartz—472
House File 193 - Senator Bartz—1336
House File 193 - Senator Judge—1337
House File 360 - Senator Bartz—1336
House File 360 - Senator Judge—1337
House File 388 - Senator Judge—1473
House File 400 - Senator Rittmer—1414
House File 400 - Senator Judge—1473
House File 409 - Senator Bartz—1336
House File 409 - Senator Judge—1337
House File 501 - Senator Pate—753
House File 501 - Senator Zieman—753
House File 533 - Senator Judge—1473
House File 579 - Senator Bartz—1336
House File 579 - Senator Judge—1337
House File 635 - Senator Judge—1432
House File 644 - Senator Judge—1432
House Joint Resolution 5 - Senator Bartz—472
House Concurrent Resolution 8 - Senator Judge—472
House Concurrent Resolution 9 - Senator Judge—472

FEDERAL AGENCIES—

(See President of the United States, Congress and/or Federal Agencies)

FINK, BILL- Senator Forty-fifth District

Bills introduced—161, 450, 462

Amendments filed—885, 991, 1223, 1326, 1393

Amendments offered—1106, 1157, 1210, 1326, 1396

Called up appointees on Individual Confirmation Calendar—1137, 1155

Committee appointments—29, 68, 140, 209, 1130

Presided at sessions of the Senate—1326, 1467

Resolutions offered—107, 202, 263, 1143

Standing committees and subcommittees appointed to—25, 26

FRAISE, EUGENE—Senator Fiftieth District, Assistant Majority Leader

Bills introduced—54, 55, 146, 161, 193, 263, 289, 389, 518, 576, 605

Amendments filed—433, 434, 852, 938, 958, 963, 991, 1256, 1285, 1320, 1382

Amendments offered—433, 960, 963, 1174, 1359, 1382

Amendments withdrawn—997, 1359

Committee appointments—29

Escorted Senator Boswell to the rostrum—7

Resolutions offered—202, 330

Standing committees and subcommittees appointed to—24, 25, 26, 27

FUHRMAN, LINN—Senator Fifth District

Bills introduced—55, 255, 518, 651

Amendments filed—159, 349, 762, 777, 789, 870, 932, 958, 1001, 1018, 1171, 1188, 1204, 1255, 1256, 1330, 1339, 1393, 1465, 1478, 1510

Amendments offered—671, 762, 782, 789, 994, 1021, 1188, 1266, 1312, 1330, 1465, 1510

Committee appointments—29, 68

Presented Miss Shawna Kasner of Kingsley, 1993 Iowa Young Woman of the Year—698

Resolutions offered—263

Standing committees and subcommittees appointed to—24, 25, 26

GENERAL ASSEMBLY - SENATE—

(See also Rules and Administration and/or President of the United States, Congress, Federal Agencies and/or Study Committees in this General Index and/or Senate Concurrent Resolutions, Senate Resolutions, and House Concurrent Resolutions listed in Legislative Index Volume)

Resolutions relating to:

Senate Concurrent Resolution 2, Compensation of chaplains, officers, and employees of the seventy-fifth g.a. S.J. 100, 102, 105, 103 adopted & msgd., 146 - H.J. 84, 85, 89-90, 97, 104, 106-122 adopted and msgd.

Senate Concurrent Resolution 37, Final adjournment, Saturday, May 1, 1993 Regular Session of the Seventy-fifth General Assembly. S.J. 1496, 1562 adopted & msgd., 1567 - H.J. 1988, 2008 adopted.

- Senate Resolution 1, Permanent rules of the Senate. S.J. 46, 59, 66, 123-124 adopted.
- Senate Resolution 3, Gubernatorial appointments require confirmation. S.J. 275, 279, 282 adopted.
- Senate Resolution 5, Amend the rules of the Senate by providing deadline for time of committee passage & consideration of bills. S.J. 548, 550, 551 adopted.
- Senate Resolution 6, Amend Senate Rule 12 regarding amendments. S.J. 910, 913, 917 adopted.
- Senate Resolution 10, Senate rules governing lobbyists. S.J. 1282, 1283, 1293 as amended, adopted, 1308, 1384.
- Senate Resolution 11, Senate Code of Ethics. S.J. 1283, 1284, 1293, 1294 as amended, adopted, 1308, 1384.
- Senate Resolution 12, Daily operations of the Senate. S.J. 1495, 1496 adopted.
- House Concurrent Resolution 1, Joint convention, Tuesday, January 12, 1993, 10:00 a.m.; Governor Terry E. Branstad deliver his condition of the state and budget message. H.J. 13-14 adopted & msgd. - S.J. 17 adopted, 44 - H.J. 44.
- House Concurrent Resolution 2, Joint convention, Thursday, January 14, 1993 at 10:00 a.m.; Chief Justice McGiverin present his message of the condition of the judicial department. H.J. 14 adopted & msgd. - S.J. 43, 43-44 adopted, 44 - H.J. 56.
- House Concurrent Resolution 8, Biennial memorial session, Tuesday, April 13, 1993, 7:30 p.m. H.J. 279, 311 adopted, 312. - S.J. 348, 426, 458, 464 adopted - H.J. 489.
- House Concurrent Resolution 9, Pioneer Lawmakers program, Tuesday, April 13, 1993, 1:30 p.m. H.J. 280, 311 adopted, 312 - S.J. 348, 426, 458, 464 adopted - H.J. 489.
- House Concurrent Resolution 16, Joint rules. H.J. 450, 460-465 as amended, adopted, 488 - S.J. 495, 510, 544, 1459.

GETTINGS, DONALD E.—Senator Forty-seventh District

- Bills introduced—161, 518
- Amendments filed—524, 636, 981, 1079, 1320, 1462, 1463, 1464
- Amendments offered—636, 742, 1315, 1316, 1464
- Amendments withdrawn—636, 1463
- Appointed to Senate Ethics committee—27
- Committee appointments—4, 30, 36, 37, 155, 1323
- Petitions presented—616
- Reports—5, 1374, 1591
- Standing committees and subcommittees appointed to—24, 25, 26, 27

GIANNETTO, RANDAL JOHN—Senator Thirty-Second District

- Bills introduced—161, 331, 354, 450, 462, 595, 596, 666
- Amendments filed—349, 830, 852, 870, 903, 913, 932, 938, 958, 967, 1098, 1282, 1356, 1425, 1551

Amendments offered—817, 870, 1022, 1425, 1551
 Amendments withdrawn—859
 Committee appointments—30, 68, 140
 Presided at sessions of the Senate—1321
 Reports—1593, 1594-1595
 Standing committees and subcommittees appointed to—24, 25, 26, 27

GOVERNOR BRANSTAD, TERRY E.—

Addressed joint convention—48
 Bills signed by—311, 383, 469, 522, 617, 699, 884, 1000, 1040, 1129, 1184,
 1202, 1291, 1354-1355, 1375, 1433
 Bills signed after session—1578, 1579, 1580, 1581
 Condition of the State and Budget Message—48-54
 Committees to notify and/or report—10, 16, 47, 1574
 Committees to escort—48, 68
 Communications from—179-183, 241, 522, 680-691, 844, 881-882, 1000, 1354-
 1355
 Item veto messages—1202, 1573
 Item veto messages after session—1582-1583, 1584
 Veto messages after session—1585
 Resolution relating to State and Budget Message, HCR 1 - H.J. 13-14 adopted
 & msgd. - S.J. 17 adopted, 44 - H.J. 47.
 Resolution relating to Condition of the Judicial Department, HCR 2 - H.J.
 14 adopted & msgd. - S.J. 43, 43-44 adopted, 44 - H.J. 56.
 Closing message—1575-1576

GRONSTAL, MICHAEL E., PRESIDENT OF THE SENATE:

Called to order 1993 Regular Session of the Seventy-fifth General Assembly—
 1
 Opening remarks—1
 Presided at sessions—1, 5

GRONSTAL, MICHAEL E.—Senator Forty-second District

Bills introduced—170, 219, 250, 265, 476, 594, 596, 720, 970
 Amendments filed—248, 607, 609, 619, 625, 626, 737, 753, 879, 895, 903,
 961, 991, 1005, 1006, 1098, 1112, 1123, 1171, 1178, 1245, 1256, 1272,
 1276, 1277, 1278, 1279, 1280, 1285, 1309, 1324, 1338, 1356, 1393, 1443,
 1475, 1516, 1565
 Amendments offered—248, 607, 764, 858, 946, 961, 972, 1005, 1006, 1010,
 1178, 1236, 1245, 1276, 1277, 1278, 1279, 1300, 1305, 1324, 1369, 1370,
 1388, 1443, 1503, 1520
 Amendments withdrawn—1112, 1209, 1279, 1399, 1442, 1503, 1560
 Called up appointees on Individual Confirmation Calendar—1142
 Committee appointments—16, 30, 140
 Presided at sessions of the Senate—1, 5
 Reports—42
 Resolutions offered—202, 263, 639, 1050
 Standing committees and subcommittees appointed to—24, 25, 26, 27

HEALTH DATA COMMISSION—

Senators appointed to—36

HEDGE, H. KAY—Senator Forty-eighth District, Assistant Minority Leader

Bills introduced—264, 282, 289, 297, 641

Amendments filed—159, 623, 754, 932, 1082, 1510

Amendments offered—754, 1510

Committee appointments—30, 1323

Petitions presented—1458

Presented Amy Vroom, Queen of the Fifty-eighth Annual Tulip Time

Festival and members of her court—1286

Reports—1591

Resolutions offered—202, 1333

Standing committees and subcommittees appointed to—24, 25, 26, 27

HESTER, JACK W.—Senator Forty-first District

Bills introduced—282, 289, 415, 518

Amendments filed—159, 625, 798

Amendments offered—839

Committee appointments—30, 47, 140

Resolutions offered—73, 263, 910, 1333

Standing committees and subcommittees appointed to—24, 25, 26

HORN, WALLY E.—Senator Twenty-seventh District, Majority Leader

Bills introduced—161, 1038, 1262, 1372, 1391, 1542

Amendments filed—1562

Amendments offered—1562

Announced appointments—36-37, 38, 140, 154

Called up appointees on En Bloc Confirmation Calendar—437-438, 667-668,
941-942, 1002, 1003, 1004, 1051-1052, 1100-1102, 1124, 1152, 1153-1154,
1173

Committee appointments—30, 37, 140, 155

Invited the Senate Pages to the well of the Senate and thanked them for
serving in the Iowa Senate, presented them with a Certificate of
Recognition and a Page group picture—1524

Nominated Senator Boswell for office of President of the Senate—7

Presented the Honorable Tom Harkin, U.S. Senator—280

Presented the Honorable Neal Smith, U.S. Congressman—367

Resolutions offered—202, 330, 910

Standing committees and subcommittees appointed to—24, 25

HOUSE AMENDMENTS FILED—

Senate File 3, S-3570—1272

Senate File 16, S-3060—420

Senate File 18, S-3022—238

Senate File 63, S-3607—1338

Senate File 94, S-3591—1287

Senate File 97, S-3114—559
Senate File 117, S-3673—1423
Senate File 142, S-3640—1357
Senate File 163, S-3658—1390
Senate File 174, S-3549—1243
Senate File 191, S-3544—1243
Senate File 205, S-3738—1492
Senate File 206, S-3545—1243
Senate File 220, S-3603—1322
Senate File 221, S-3513—1205
Senate File 232, S-3244—832
Senate File 233, S-3515—1213
Senate File 245, S-3633—1352
Senate File 266, S-3486—1151
Senate File 267, S-3300—910
Senate File 268, S-3560—1272
Senate File 271, S-3528—1230
Senate File 278, S-3657—1390
Senate File 287, S-3590—1287
Senate File 290, S-3670—1416
Senate File 320, S-3520—1225
Senate File 326, S-3625—1341
Senate File 335, S-3543—1243
Senate File 342, S-3768—1537
Senate File 347, S-3487—1157
Senate File 349, S-3525—1230
Senate File 350, S-3624—1340
Senate File 370, S-3592—1287
Senate File 372, S-3634—1352
Senate File 374, S-3488—1152
Senate File 376, S-3526—1230
Senate File 380, S-3606—1322
Senate File 387, S-3716—1476
Senate File 389, S-3739—1492
Senate File 394, S-3527—1230
Senate File 398, S-3638—1352
Senate File 409, S-3626—1346
Senate File 410, S-3715—1471
Senate File 418, S-3714—1471
Senate File 422, S-3749—1507
Senate File 425, S-3766—1537
Senate Concurrent Resolution 5, S-3289—886
House File 83, S-3656—1391
House File 144, S-3623—1340
House File 210, S-3605—1322
House File 319, S-3723—1485
House File 360, S-3676—1426

House File 382, S-3671—1416
 House File 429, S-3213—797
 House File 496, S-3604—1322
 House File 623, S-3602—1318
 House File 637, S-3694—1454
 House File 644, S-3770 to H-4258—1540
 House File 660, S-3778 to H-4320—1552

HUMAN RESOURCES, COMMITTEE ON—

Appointees, investigation of—196, 772-773, 801-803
 Bills introduced—264, 490, 585, 596, 624, 704, 708, 719, 723, 726, 739
 Amendments filed—335, 798, 1060, 1076
 Investigating committee reports—326, 383, 954-955, 1071
 Referred to—1305, 1325, 1368
 Standing committees and subcommittees appointed to—25

HUSAK, EMIL J.—Senator Thirtieth District, Assistant Majority Leader

Bills introduced—73, 161, 250, 297, 515, 518, 621
 Amendments filed—754, 792, 793, 824, 866, 885, 932, 958, 983, 1079, 1165,
 1272, 1285, 1293, 1294, 1309, 1320, 1330, 1462, 1486, 1532
 Amendments offered—792, 1165, 1441, 1486
 Amendments withdrawn—1330
 Appointed to Senate Ethics committee—27
 Committee appointments—10, 81, 155, 1431
 Presented John Rocarek, dev. dir. of the National Czeck and Slovak Museum
 and Library, Cedar Rapids, Ia. and his daughter Ann—731
 Presided at sessions of the Senate—1325
 Reports—1530
 Standing committees and subcommittees appointed to—24, 25, 26, 27

INDIVIDUAL CONFIRMATION CALENDAR, Senate Rule 59—

(See Appointments - Governor's)

INTERIM COMMITTEES—

(See Legislative Council and/or Study Committees)

INTRODUCTIONS—

(See Addressed the Senate and/or Presentations)

INVESTIGATING COMMITTEES—Governor's Appointments—

(See Appointments - Governor's)

JENSEN, JOHN W.—Senator Eleventh District

Bills introduced—46, 115, 135, 146, 185, 186, 202, 215, 234, 280, 289, 518,
 621
 Amendments filed—159, 376, 528, 530, 593, 798, 885, 902, 938, 981, 983,
 1079, 1320, 1462, 1488, 1490

Amendments offered—920, 1220
 Amendments withdrawn—960
 Appointed to Capitol Planning Commission—1309
 Committee appointments—16, 31, 37, 155
 Petitions presented—1433
 Presented Ms. Chin-Ning Chu, president of Asian Marketing Consultants,
 Inc. from Mill Valley, California—311
 Reports—42, 1593, 1594-1595
 Resolutions offered—202, 263
 Standing committees and subcommittees appointed to—24, 25, 26, 27
 Statutory appointments—1309

JOINT CONVENTIONS—

Condition of the State and Budget Message of Governor Terry E. Branstad
 —47-54
 Condition of the Iowa Judiciary Message of Chief Justice Arthur A.
 McGiverin—68-73
 Pioneer Lawmakers program—1130-1131
 Resolutions relating to:
 House Concurrent Resolution 1, Joint convention, Tuesday, January
 12, 1993, 10:00 a.m.; Governor Terry E. Branstad deliver his
 condition of the state and budget message. H.J. 13-14 adopted
 & msgd. - S.J. 17 adopted, 44 - H.J. 47.
 House Concurrent Resolution 2, Joint convention, Thursday, January
 14, 1993, at 10:00 a.m.; Chief Justice McGiverin present his
 message of the condition of the judicial department. H.J. 14
 adopted & msgd. - S.J. 43, 43-44 adopted, 44 - H.J. 56.
 House Concurrent Resolution 8, Biennial memorial session, Tuesday,
 April 13, 1993, 7:30 p.m. H.J. 279, 311 adopted, 312 - S.J. 348,
 426, 458, 464 adopted - H.J. 489.
 House Concurrent Resolution 9, Pioneer Lawmakers program,
 Tuesday, April 13, 1993, 1:30 p.m. H.J. 280, 311 adopted, 312
 - S.J. 348, 426, 458, 464 adopted - H.J. 489.

JOINT RULES—

Resolution relating to:
 House Concurrent Resolution 16, Joint rules. H.J. 450, 460-465 as amended,
 adopted, 488 - S.J. 495, 510, 544, 1459

JUDGE, PATTY—Senator Forty-Sixth District

Bills introduced—161
 Amendments filed—355, 703, 753, 788, 798, 884, 903, 967, 976, 1223, 1250,
 1255, 1467, 1475, 1560
 Amendments offered—355, 787, 788, 976, 977, 1223, 1359, 1376, 1467, 1560
 Amendments withdrawn—1376
 Called up appointees on Individual Confirmation Calendar—1141
 Committee appointments—31, 140

Presided at sessions of the Senate—1340
 Reports—1591
 Resolutions offered—263
 Rulings—1342
 Standing committees and subcommittees appointed—24, 25, 26

JUDICIARY, COMMITTEE ON—

Appointees, investigation of—196, 311, 773
 Bills introduced—218, 296, 307, 368, 415, 420, 429, 596, 608, 667, 679, 720,
 721, 726, 727, 738
 Amendments filed—365, 722, 966
 Investigating committee reports—342, 417, 955
 Referred to—754, 861, 1064, 1087
 Standing committees and subcommittees appointed to—25

KERSTEN, JIM—Senator Seventh District

Bills introduced—23, 89, 112, 282, 289, 480, 518, 531, 575, 621
 Amendments filed—159, 376, 433, 528, 786, 824, 848, 870, 897, 960, 977,
 983, 984, 1032, 1079, 1268, 1356, 1387, 1475, 1501, 1523, 1532
 Amendments offered—528, 870, 897, 1268, 1504
 Amendments withdrawn—1387, 1501, 1523
 Committee appointments—31, 286
 Standing committees and subcommittees appointed to—24, 25, 26, 27

KIBBIE, JOHN P.—Senator Fourth District

Bills introduced—43, 55, 59, 103, 124, 161, 204, 216, 251, 319, 389, 415,
 429, 440, 450, 489, 508, 515, 518, 621
 Amendments filed—145, 539, 602, 672, 824, 852, 884, 885, 958, 976, 1032,
 1041, 1076, 1097, 1098, 1272, 1285, 1435, 1486, 1488, 1501
 Amendments offered—292, 539, 605, 672, 888, 976, 1189, 1486
 Amendments withdrawn—1460, 1560
 Appointed to—255
 Called up appointees on Individual Confirmation Calendar—1132, 1135, 1136
 Committee appointments—22, 31, 37, 140, 255, 1282
 Investigating committee reports—382
 Petitions presented—1028
 Presented Carla Kerber, Miss Shamrock, a senior at Emmetsburg High
 School—648
 Presented the Honorable Gerard Collins, member of the Fianna Fail Party
 of the Parliament of Ireland—648
 Reports—60-61, 1554, 1592
 Resolutions offered—107, 202
 Standing committees and subcommittees appointed to—24, 25, 26, 27

KRAMER, MARY E.—Senator Thirty-seventh District, Assistant Minority Leader

Bills introduced—282, 289, 621
 Amendments filed—376, 517, 737, 799, 814, 823, 848, 866, 867, 903, 914,
 1009, 1080, 1085, 1256, 1430, 1478, 1545

- Amendments offered—816, 877, 907, 908, 1080, 1108, 1430, 1478
- Amendments withdrawn—1491
- Appointed to—255
- Called up appointees on Individual Confirmation Calendar—1195
- Committee appointments—31, 36, 255, 1282
- Introduced Jerry Hadley, a professional tenor who has worked with world renowned artists and is the son-in-law of Senator Drake—1170
- Investigating committee reports—382
- Presented 1993 winners of the essay contest sponsored by the Iowa Commission on the Status of Women, Iowa Department of Education and the Iowa State Historical Society to "Write Women Back Into History" in celebration of Women's History Month: Sixth and Seventh Grade: First place: Rosina Hendrickson, Second Place: Mandy Davenport, Third Place: Dung Huynk. Eighth and Ninth Grade: First place: Jenny Tindall, Second place: Cara Moothart, Third place: Molly Marie Dankert. Edith Sackett Memorial Award: Meghan Frommelt, Prairiefire Award: Blair Hansen—464
- Resolutions offered—202, 263
- Standing committees and subcommittees appointed to—24, 25, 26, 27

LEGISLATIVE COUNCIL COMMITTEES—

- (See also Study Committees)
- Senators appointed to—37, 155
- Reports—404-407
- Resolution—395

LEGISLATIVE EMPLOYEES—

- (See Officers and Employees)

- LIND, JIM—Senator Thirteenth District, Assistant Minority Leader
 - Bills introduced—23, 133, 188, 279, 282, 289, 304, 305, 331, 354, 368, 428, 480, 489, 550, 594
 - Amendments filed—102, 159, 467, 517, 535, 540, 786, 793, 799, 823, 874, 888, 932, 982, 996, 1035, 1041, 1098, 1223, 1256, 1257, 1375, 1459, 1486, 1487, 1488, 1515, 1532
 - Amendments offered—102, 540, 888, 996, 1020, 1035, 1420, 1487, 1503, 1504
 - Amendments withdrawn—982, 1035
 - Appointed to—255
 - Called up appointees on Individual Confirmation Calendar—1140
 - Committee appointments—23, 32, 37, 155, 255, 1282
 - Investigating committee reports—382
 - Resolutions offered—107, 156, 202, 279, 330
 - Standing committees and subcommittees appointed to—24, 25, 26, 27

LLOYD-JONES, JEAN—Senator Twenty-third District

- Bills introduced—133, 161, 264, 330, 331, 489
- Amendments filed—786, 823, 859, 866, 870, 933, 981, 1001, 1171, 1188, 1204, 1215, 1221, 1228, 1265, 1309, 1319, 1393, 1427, 1459, 1486, 1557

Amendments offered—859, 1035, 1163, 1188, 1192, 1207, 1215, 1220, 1265, 1427, 1486, 1501
 Amendments withdrawn—1035, 1207
 Called up appointees on Individual Confirmation Calendar—1133, 1135
 Committee appointments—16, 32
 Petitions presented—1433
 Presented Konstantin Savelyevich, head physician of the Russian Clinical Sanatorium and his son Georgii—569
 Presented Boiko Doitchinov, Borislav Borissov, Radoul Kovatchev and Krassen Kralev from Bulgaria, guests of the Iowa Peace Institute and the United States Information Agency—952
 Presented Lord Richard Acton from the British House of Lords who addressed the Senate with brief remarks—1099
 Presided at sessions—1466
 Reports—42
 Resolution offered—202, 250, 263
 Standing committees and subcommittees appointed to—25, 26, 27

LOCAL GOVERNMENT, COMMITTEE ON—

Bills introduced—415, 489, 490, 532, 640, 748, 754, 770
 Amendments filed—488, 928, 1049
 Appointees, investigation of—196, 773
 Investigating committee reports—845
 Referred to—1206, 1409
 Standing committees and subcommittees appointed to—25

MADDOX, O. GENE—Senator Thirty-eighth District

Bills introduced—282, 289, 297, 531, 621
 Amendments filed—159, 799, 823, 848, 885, 914, 1009, 1545
 Amendments offered—908, 1009
 Amendments withdrawn—908, 1008
 Committee appointments—32, 286
 Petitions presented—1433
 Presided at sessions of the Senate—1416
 Resolutions offered—202
 Standing committees and subcommittees appointed to—24, 25, 26

MAJORITY FLOOR LEADER, Wally E. Horn, Senator Twenty-seventh District (See Horn, Wally E.—Senator Twenty-seventh District, Majority Leader)

MAJORITY FLOOR WHIP, Richard Varn—Senator Twenty-fifth District (See Varn, Richard—Senator Twenty-fifth District, Majority Floor Whip)

MANAGEMENT, DEPARTMENT OF—

Claims filed—See House Journal Pages 283-310
 Claims approved—See House Journal Pages 285-310
 Claims denied—See House Journal Pages 283-285

McKEAN, ANDREW J., (ANDY)—Senator Twenty-eighth District

Bills introduced—228, 255, 264, 282, 289, 330, 595, 608, 739

Amendments filed—159, 347, 349, 554, 637, 790, 824, 834, 852, 914, 932,
958, 1001, 1007, 1041, 1272, 1276, 1280, 1350, 1377, 1429, 1459, 1475

Amendments offered—447, 554, 637, 790, 935, 997, 1007, 1008, 1053, 1276,
1280, 1330, 1331, 1350, 1377, 1425

Amendments withdrawn—875

Appointed to Senate Ethics committee—27

Called up appointees on Individual Confirmation Calendar—1138

Committee appointments—4, 32, 68

Reports—5

Resolutions offered—263

Standing committees and subcommittees appointed to—25, 26, 27

MCLAREN, DERRYL—Senator Forty-third District

Bills introduced—216, 264, 282, 289, 305, 319, 496

Amendments filed—66, 159, 239, 246, 252, 517, 528, 551, 552, 636, 637, 823,
824, 866, 867, 903, 958, 960, 967, 983, 1001, 1171, 1250, 1393, 1443,
1463, 1489, 1532, 1545

Amendments offered—239, 246, 252, 637, 903

Amendments withdrawn—554, 961

Called up appointees on Individual Confirmation Calendar—1131

Committee appointments—32, 37, 155

Presented Dr. Kiselev from Russia with a gift of an Iowa pin and a tin
of caramels—796

Reports—1588

Standing committees and subcommittees appointed to—24, 26

MEMORIALS—

Committee appointed—538

Committee reports—1127

In memoriam list—1149-1150

Joint Memorial Service—1147-1150

Resolution relating to, HCR 8 - H.J. 279, 311 adopted, 312 - S.J. 348, 426,
458, 464 adopted - H.J. 489.

Memorials—1148, 1588-1595

Senate memorial committee—538

MESSAGES—

(See also Communications, Joint Conventions and Addressed the Senate)

From House—16-17, 43, 101, 115, 146, 219, 238, 263, 268, 281, 304, 323,
336, 348, 366, 380, 388, 394, 420, 443-444, 461, 479, 514-515, 525, 536-
537, 537-538, 559-560, 574, 581, 582, 604-605, 607, 647, 648, 677, 679,
810-811, 831-832, 853-855, 886-887, 909-910, 915-916, 924, 926-927, 934,
936, 959-960, 968-969, 970-971, 985, 993-994, 1011-1012, 1015, 1019,
1026-1027, 1037, 1042, 1050, 1063, 1064, 1078-1079, 1151, 1152, 1201,
1205-1206, 1225, 1230, 1231, 1239, 1242-1243, 1252, 1258, 1269, 1273,

1282, 1287, 1288-1289, 1317-1318, 1321-1322, 1322, 1323, 1340-1341,
 1349, 1352, 1353, 1357-1358, 1372, 1389, 1390, 1391, 1409-1410, 1416,
 1417, 1423, 1425-1426, 1430, 1453-1454, 1454, 1470, 1471, 1476, 1484,
 1485, 1492, 1507, 1510-1511, 1532-1533, 1536-1537, 1539-1540, 1552,
 1553, 1561, 1562, 1566-1567, 1567

From Governor Terry E. Branstad, closing—1575-1576

From Governor Terry E. Branstad, item veto—1202, 1573, 1582-1583, 1584

From Governor Terry E. Branstad, veto—1585

MILAGE, COMMITTEE ON—

Committee appointed—16

Reports—41-42

MINORITY FLOOR LEADER, Jack Rife—Senator Twentieth District

(See Rife, Jack—Senator Twentieth District, Minority Leader)

MOTION OUT OF ORDER—

Senate File 219, S-3091—838

Senate File 398—1115

Senate File 424—1552

MOTION TO OVERRIDE GOVERNOR'S VETO—

Filed:

Senate File 232—1274

Lost:

Senate File 232—1275

MOTIONS TO RECONSIDER AND RULINGS—

Motions to reconsider—

Filed:

Senate File 81—255

Senate File 103(2)—432

Senate File 117(2)—472

Senate File 165, S-3315—925

Senate File 211—900

Senate File 219, S-3091—798

Senate File 219, S-3091—822

Senate File 226—777

Senate File 227(3)—533

Senate File 232—530

Senate File 253—929

Senate File 266, S-3140—638

Senate File 266, S-3139—643

Senate File 277, S-3538—1255

Senate File 277, S-3539—1308

Senate File 281—952

Senate File 286(2)—777

Senate File 308(2)—1029
Senate File 308, S-3162—1041
Senate File 319—753
Senate File 350, S-3173—859
Senate File 354—912
Senate File 354, S-3302—912
Senate File 358, S-3320—1000
Senate File 358—1017
Senate File 398(2)—952
Senate File 399—912
Senate File 413, S-3695—1465
Senate File 422, S-3749(2)—1514
Senate File 424(2)—1482
Senate File 425, S-3734—1491
Senate Joint Resolution 9(2)—441
Confirmation of Martha J. Cumpton—1160
Confirmation of Margaret Prah!—1197
Confirmation of Martha J. Cumpton—1199
Confirmation of Martha J. Cumpton—1200
Confirmation of Dennis Nagel—1204
Senate Resolution 10—1308
Senate Resolution 11—1308
House File 136, S-3439—1308
House File 210—1191
House File 361—1561
House File 382—1122
House File 388, S-3622—1393
House File 388, S-3646—1399
House File 419—1228
House File 430, S-3314—1559
House File 430, S-3369A—1560
House File 518, S-3425A—1084
House File 623—1170
House File 652—1337
House File 652, S-3483—1514

Prevailed:

Senate File 142, S-3640—1427
Senate File 165, S-3315—925
Senate File 211—900
Senate File 219, S-3091—838
Senate File 266, S-3140—638
Senate File 266, S-3139—649
Senate File 350, S-3173—860
Senate File 358—1055
Senate File 398—1113-1114
Senate File 399—972-973
Senate File 413, S-3695—1465

Senate File 422, S-3749—1534
 Senate File 424—1550
 Senate File 425, S-3734—1491
 Confirmation of Martha J. Cumpton—1199
 House File 210—1191
 House File 388, S-3646—1399
 House File 430—1559
 House File 430, S-3314—1560
 House File 430, S-3369A—1560
 House File 652—1519
 House File 652, S-3483—1520

Lost:

Senate File 103—767
 Senate File 226—1566
 Senate File 232, S-3093—530
 Senate File 253—1566
 Senate File 277, S-3528—1301
 Senate File 308—1037
 Senate File 358, S-3320—1011
 House File 518, S-3425A—1085

Ruled out of order (motions to reconsider filed):

Senate File 219, S-3091—838
 Senate File 398—1115
 Senate File 422, S-3749—1536
 Senate File 424—1552

Ruled well taken (motions to reconsider filed):

Confirmation of Margaret Prah—1197

Withdrawn:

Senate File 81—476
 Senate File 117(2)—770
 Senate File 227(3)—538
 Senate File 277, S-3539—1332
 Senate File 281—964
 Senate File 286(2)—945
 Senate File 319—769
 Senate File 354(2)—1190
 Senate Joint Resolution 9—476
 Confirmation of Martha J. Cumpton—1167
 Senate Resolution 10—1384
 Senate Resolution 11—1384
 House File 361—1561
 House File 382—1177
 House File 623—1201

MURPHY, LARRY—Senator Fourteenth District

Bills introduced—215, 264, 279, 331, 450, 475, 509, 560, 594, 608, 610, 666,
 667, 673, 720, 786, 811, 849, 970

Amendments filed—433, 517, 552, 553, 607, 619, 874, 879, 932, 958, 960,
961, 963, 1013, 1256, 1257, 1274, 1285, 1329, 1356, 1429, 1430, 1435,
1485, 1486, 1488, 1489, 1516, 1544, 1546, 1560, 1565
Amendments offered—552, 961, 1013, 1261, 1274, 1314, 1331, 1345, 1429,
1442, 1485, 1488, 1489, 1544, 1546
Amendments withdrawn—1490
Appointed to—255
Election contest—20-22
Committee appointments—32, 37, 155, 255, 1282
Investigating committee reports—382
Reports—1554
Resolutions offered—202
Standing committees and subcommittees appointed to—24, 25, 26

NATURAL RESOURCES, COMMITTEE ON—

Appointees, investigation of—196, 773
Bills introduced—389, 531, 532, 640
Amendments filed—991
Investigating committee reports—326, 864
Referred to—1409
Standing committees and subcommittees appointed to—25

NOMINATIONS—

For President pro tempore of the Senate—9-10
For permanent officers and employees of the Senate—11-13

OATH OF OFFICE—

By President of the Senate, Senator Leonard L. Boswell—7
By President pro tempore, Senator William D. Palmer—9
By newly elected Senators—5-7
By Secretary of the Senate—4
By Officers of the Senate—11-15

OFFICERS AND EMPLOYEES OF THE SENATE:

Pages appointed and took oath of office—15
Permanent officers appointed and took oath of office—11-13
Secretaries appointed and took oath of office—13-15
Senate employees, classification, grades and steps—148-151

PAGES—

Appointment of—15
Special presentation to—1524

PALMER, WILLIAM D.—Senator Thirty-third District, President Pro Tempore

Addressed the Senate—9-10

Bills introduced—202, 319, 331, 389, 880

Amendments filed—376, 427, 488, 737, 848, 859, 932, 940, 967, 981, 1085,
1257, 1356, 1385, 1488

GENERAL INDEX

Amendments offered—448, 497, 859, 979, 1105, 1111, 1421
 Amendments withdrawn—1085
 Appointed to Wallace Technology Transfer Foundation Board of Directors—
 122
 Committee appointments—32, 37, 155, 538, 1431
 Elected President Pro Tempore of the Senate—9
 Escorted to the rostrum of the Senate and took oath of office—9
 Introduced Ms. Jamie Solinger, Miss Teenage U.S.A., and her father, Jeff
 Solinger from Altoona—1472
 Presided at sessions of the Senate—59, 116, 123, 291, 305, 574, 581, 594,
 620, 860, 1026, 1043, 1086, 1267, 1315, 1365, 1445, 1462, 1476, 1501
 Reports—1127, 1530
 Rulings—1316, 1324, 1366, 1462
 Standing committees and subcommittees appointed to—24, 25, 26, 27
 Welcomed the Pioneer Lawmakers on behalf of the Senate—1130

PATE, PAUL D.—Senator Twenty-sixth District

Bills introduced—133, 282, 289, 296, 518, 595
 Amendments filed—159, 607, 609, 610, 625, 799, 1098
 Amendments offered—610, 625
 Amendments withdrawn—625
 Called up appointees on Individual Confirmation Calendar—1196
 Committee appointments—33
 Escorted Senator Palmer to the rostrum—9
 Resolutions offered—202, 263
 Standing committees and subcommittees appointed to—24, 25, 26, 27

PIONEER LAWMAKERS ASSOCIATION OF IOWA:

Called to order by President of the Senate, Leonard Boswell—1130
 Senator William Palmer, President pro tempore of the Senate welcomed
 the Pioneer Lawmakers on behalf of the Senate—1130
 The Honorable Mary Lundby, Speaker pro tempore of the House of
 Representatives who welcomed the Pioneer Lawmakers on behalf of
 the House— 1130
 Addressed by Geneva Overholser, Vice President and Editor for the Des
 Moines Register—1131
 Resolution relating to, HCR 9 - H.J. 280, 311 adopted, 312 - S.J. 348, 426,
 458, 464 adopted - H.J. 489.

POINTS OF ORDER RAISED AND RULINGS—

Senate File 8, S-3151 - Senator Gettings—743
 Senate File 114, pursuant to Joint Rule 13, subsection 7, not in order
 - Senator Taylor—298
 Senate File 117, S-3075 - Senator Buhr—467
 Senate File 142, S-3064 - Senator Varn—433
 Senate File 142, if federal govt. repeals law, then section 1 of the
 act would be repealed July 1 - Senator Drake—433

- Senate File 142, should be referred to Ways & Means - Senator Varn—
434
- Senate File 196, S-3653 - Senator Lind—1384
- Senate File 206, S-3097 - Senator Connolly—671
- Senate File 206, S-3156 - Senator Rife—672
- Senate File 232, S-3094 - Senator Lloyd-Jones—530
- Senate File 233, S-3108 - Senator Murphy—551
- Senate File 233, S-3109A - Senator Murphy—554
- Senate File 266, if a Senator votes "present" they must state their
conflict of interest - Senator Varn—650
- Senate File 266, Senator needed to be more specific concerning his
conflict - Senator Varn—650
- Senate File 266, S-3564 - Senator Connolly—1261
- Senate File 266, S-3555 to S-3486 - Senator Gronstal—1276
- Senate File 266, S-3555 to S-3486 - Senator Gronstal—1279
- Senate File 317, S-3241 - Senator Priebe—920
- Senate File 325, S-3403 - Senator Riordan—1033
- Senate File 326, S-3172 - Senator Connolly—761
- Senate File 358, S-3393 - Senator Welsh—1006
- Senate File 358, S-3388 - Senator Welsh—1007
- Senate File 358, S-3402 - Senator McKean—1013
- Senate File 358, S-3404 - Senator Gronstal—1014
- Senate File 373, S-3219 - Senator Lind—934
- Senate File 398, refer to Judiciary - Senator Sturgeon—839
- Senate File 405, S-3330 - Senator Gronstal—1245
- Senate File 405, S-3550 - Senator Bennett—1246
- Senate File 405, S-3587 - Senator Gronstal—1345
- Senate File 405, S-3559 - Senator Gronstal—1346
- Senate File 413, refer to Approps. under Rule 38 - Senator Bartz—
1465
- Senate File 426, S-3769 - Senator Lind—1542
- Senate Concurrent Resolution 5, S-3289 - Senator Gronstal—1116
- House File 22, S-3017 - Senator Connolly—159
- House File 22 - Senator Lind—255
- House File 83, S-3498 - Senator Sturgeon—1342
- House File 83, S-3499 - Senator Sturgeon—1342
- House File 83, S-3479 - Senator Taylor—1342
- House File 354, S-3329 - Senator Lloyd-Jones—1220
- House File 384, S-3547 as amended - Senator Taylor—1314
- House File 400, S-3457 - Senator Vilsack—1304
- House File 400, S-3635 - Senator Vilsack—1364
- House File 400, S-3663 - Senator Welsh—1402
- House File 418, S-3636 - Senator Rosenberg—1541
- House File 429, S-3250 - Senator Lind—877
- House File 429, S-3217 - Senator Murphy—877
- House File 430, S-3369B - Senator Lind—977
- House File 623, S-3496 - Senator Murphy—1165
- House File 652, S-3546 - Senator Gronstal—1324

Ruled in order:

Senate File 142, S-3064—433
Senate File 196, S-3653—1384
Senate File 266, S-3564—1261
Senate File 266, S-3555—1276
Senate File 266, S-3555 as amended to S-3486—1279
Senate File 358, S-3388—1007
Senate File 373, S-3219—934
Senate File 405, S-3550—1246
House File 83, S-3479—1342
House File 354, S-3329—1220
House File 623, S-3496—1165
House File 652, S-3546—1324

Ruled out of order:

Senate File 8, S-3151—743
Senate File 117, S-3075—467
Senate File 206, S-3097—671
Senate File 206, S-3156—672
Senate File 325, S-3403—1033
Senate File 326, S-3172—761
Senate File 358, S-3402—1013
Senate File 358, S-3404 as amended—1014
Senate File 405, S-3330 as amended—1245
Senate File 405, S-3587—1345
Senate File 405, S-3559A—1346
Senate File 426, S-3769—1542
House File 22, S-3017—159
House File 83, S-3498—1342
House File 83, S-3499—1342
House File 400, S-3457—1304
House File 400, S-3635—1364
House File 418, S-3636—1541
House File 429, S-3250—877
House File 429, S-3217—877
House File 430, S-3369B—977

Ruled not germane:

Senate Concurrent Resolution 5, S-3289—1166

Ruled well taken:

Senate File 232—530
Senate File 266—650

Ruled not well taken:

Senate File 114—298
Senate File 142—434
House File 22—255

Withdrawn:

Senate File 317—920
Senate File 413—1465
House File 384—1314

PRESENTATIONS—

(See also Addressed the Senate)

Senators Horn, Palmer and Rife joined President Boswell in the well to hang the picture of the newly inaugurated President of the United States, William Jefferson Clinton—90

Senator Horn presented the Honorable Tom Harkin, United States Senator from Iowa—280

Senator Deluhery presented Catharine Lemkau, Miss Iowa from Davenport, Iowa—290

Senator Dieleman presented Dwayne Faidley, 1992-93 State FFA president from Colfax—311

Senator Jensen presented Ms. Chin-Ning Chu, president of Asian Marketing Consultants, Inc. from Mill Valley, California—311

Senator Horn presented the Honorable Neal Smith, U.S. Congressman from Iowa, who was accompanied by his wife Bea—367

Senator Riordan along with Senators Welsh, Rife, Horn, Kramer, Lloyd-Jones and McLaren welcomed thirty-three members and six chaperones of Shchedryk Childrens Choir from Kiev, Ukraine—411

Senator Riordan welcomed five faculty members of the Stavropol State Pedagogical Institute from Stavropol, Russia—411

Senator Deluhery presented Lee Heung-Hwan, staff writer from Seoul, Korea—417

President Boswell welcomed ten youth exchange students from Russia, accompanied by Ludmila Bednik, teacher—455

Senator Kramer presented 1993 winners of the essay contest "Write Women Back Into History" in celebration of Women's History Month: Sixth and Seventh Grade: First Place: Rosina Hendrickson, Second Place: Mandy Davenport, Third Place: Dung Huynk, Eighth and Ninth Grade: First Place: Jenny Tindall, Second Place: Cara Moothart, Third Place: Molly Marie Dankert, Edith Sackett Memorial Award: Meghan Frommelt, Prairiefire Award: Blair Hansen—464

President Boswell welcomed the Honorable Lee W. Holt, former member of the House and Senate—547

President Boswell welcomed the Honorable Adolph Elvers, former member of the Senate—547

Senator Slife presented 13 Russian students studying education—547

Senator Lloyd-Jones presented Konstantin Savelyevich, head physician of the Russian Republic Basic Clinical Sanatorium and his son Georgii—569

President Boswell welcomed the Honorable Seeley Lodwick, former member of the Senate—569

President Boswell welcomed the Honorable Arthur L. Gratias, former member of the Senate—569

Senator Kibbie presented the Honorable Gerard Collins, member of the Parliament of Ireland—648

Senator Kibbie presented Carla Kerber, Miss Shamrock, a senior at Emmetsburg High School—648

- Senator Fuhrman presented Miss Shawna Kasner of Kingsley, 1993 Iowa Young Woman of the Year—698
- Senator Husak presented John Rocarek, dev. dir. of the National Czeck and Slovak Museum and Library, Cedar Rapids, Iowa and his daughter Ann—731
- Senator Riordan presented Dr. Leonid Kiselev, President of the Russian Institute of Agriculture in Balashika, Russia; Tatiana Severnaya from Moscow, an MBA student at Fairfield, Iowa; and their host, Mr. Charles Borden—796
- Senator McLaren presented Dr. Kiselev from Russia with a gift of an Iowa pin and a tin of caramels—796
- Senator Riordan introduced the Akatombo Children's Chorus from Kofu, Japan—883
- Senators Riordan and Lloyd-Jones presented Boiko Doitchinov, Borislav Borissov, Radoul Kovatchev and Krassen Kralev from Bulgaria, guests of the Iowa Peace Institute and the United States Information Agency—952
- Senator Szymoniak presented guests from Iowa's sister state, Baoding, Hebei, China who were visiting Iowa representing business interests in China—1017
- Senator Riordan presented a delegation of nine agricultural policy experts from the Social Democratic Party of the Bavarian State Legislature visiting the United States through the U.S. Information Agency—1069
- Senator Lloyd-Jones introduced Lord Richard Acton from the British House of Lords—1099
- President Boswell presented the Honorable William Palmer, President pro tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate—1130
- President Boswell presented the Honorable Mary Lundby, Speaker pro tempore of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House—1130
- President Boswell presented the Honorable Adolph Elvers, former member of the Senate—1130
- Senator Kramer introduced Jerry Hadley, a professional tenor who has worked with world renowned artists and is the son-in-law of Senator Drake, also present were his wife, pianist Cheryl Drake Hadley and two children—1170
- President Boswell welcomed Mr. and Mrs. Tannan, visiting Rotarians from India—1185
- President Boswell welcomed the Honorable Edgar H. Holden, former member of the Senate—1271
- President Boswell welcomed the Honorable Lee Holt, former member of the Senate—1271
- Senator Riordan presented Dr. Bill Higdon president of Graceland College in Lamoni, and Dr. Barbara Higdon, past president of Graceland College and their guests from the Ukraine; Dr. Anatoly Mazaraki, Rector of the Kiev Institute of Trade and Economics and his interpreter, Tatiana Chaiseen—1283

- Senator Hedge presented Amy Vroom, Queen of the Fifty-eighth Annual Tulip Time Festival and members of her court—1286
- President Boswell welcomed the Honorable James D. Wells, former member of the Senate—1335
- President Boswell welcomed the Honorable Cliff Burroughs, former member of the Senate—1458
- Senator Palmer introduced Ms. Jamie Solinger, Miss Teenage U.S.A., who was accompanied by her father, Jeff Solinger of Altoona, Iowa—1472
- Senator Riordan welcomed eleven members of the Hebei Banking Delegation and their interpreter from Hebei, China—1514

PRESIDENT OF THE SENATE—Leonard L. Boswell, Senator Forty-fourth District
 (See Boswell, Leonard L.—Senator Forty-fourth District, President of the Senate)

PRESIDENT OF THE UNITED STATES, CONGRESS, AND/OR FEDERAL AGENCIES—

Resolutions relating to:

- Senate Concurrent Resolution 4, Pay tribute to the memory of retired Supreme Court Justice Thurgood Marshall. S.J. 156, 157, 160, 161 adopted & msgd., 1552 - H.J. 133, 146, 1962-1963 adopted & msgd.
- Senate Concurrent Resolution 6, Honor Rosa Parks, mother of the civil rights movement, on her 80th birthday, February 4, 1993. S.J. 202, 203, 217, 226, 220 adopted, 233 msgd. - H.J. 190, 204.
- Senate Concurrent Resolution 9, Condemn the atrocities of systematic rape of women and abandonment of children in Bosnia. S.J. 263, 267, 277, 386, 44 adopted, 886 - H.J. 475, 535, 856 adopted.
- Senate Concurrent Resolution 14, Prohibit the establishment of a repository for the disposal of nuclear waste, including monitored retrievable storage facility. S.J. 380, 393, 426, 787 as amended, adopted - H.J. 818, 852, 954, 1146, 1529.
- Senate Concurrent Resolution 22, Support investigation into govt. guaranteed ag. loans, supporting a moratorium on FHA's debt collection ability, request congressional hearings be held with st. of Ia. S.J. 840-841, 846, 1106 adopted - H.J. 1218, 1277.
- Senate Concurrent Resolution 26, Support the expansion of the Fitzsimons Army Medical Center. S.J. 910, 931, 1089, 1092, 1200, 1240 adopted, 1242 - H.J. 1441.
- Senate Concurrent Resolution 34, Research and development of soybean-based industrial and consumer products. S.J. 1333, 1355, 1392, 1412, 1445 adopted, 1484 - H.J. 1819, 1853 adopted & msgd.
- House Concurrent 14, Request Ia. delegation to Congress annually appear before joint session of g.a. to discuss problems relating to unfunded fed. mandates. H.J. 425, 510 adopted - S.J. 537, 557, 660.

House Concurrent Resolution 20, Flag labeling of U.S. products. H.J.
600, 628, 686, 689-690, 872 adopted - S.J. 915, 1054, 1055 adopted
- H.J. 1150.

**PRESIDENT PRO TEMPORE OF THE SENATE—SENATOR WILLIAM D.
PALMER**

(See PALMER, WILLIAM D.—Senator Thirty-third District)

PRESS, MEMBERS OF

Assignment of desks in press gallery—10-11

PRIEBE, BERL E.—Senator Eighth District

Bills introduced—23, 107, 161, 250, 265, 319, 331, 354, 475, 489, 515, 550,
595

Amendments filed—110, 467, 524, 530, 623, 754, 759, 763, 786, 792, 798,
826, 895, 932, 958, 967, 982, 991, 1009, 1013, 1076, 1079, 1216, 1221,
1250, 1256, 1268, 1279, 1320, 1326, 1365, 1463, 1486, 1489

Amendments offered—110, 467, 672, 763, 786, 792, 944, 982, 1009, 1013,
1033, 1165, 1216, 1221, 1279, 1301, 1345, 1362, 1365, 1486, 1489

Amendments withdrawn—982, 1490, 1491

Committee appointments—33, 37, 538, 1431

Escorted Senator Palmer to the rostrum—9

Reports—1127, 1530, 1589, 1590, 1592, 1593-1594

Standing committees and subcommittees appointed to—24, 25, 26

REAPPOINTMENTS—

(See Appointments - Reappointments, Statutory - Senators)

RENSINK, WILMER—Senator Third District

Bills introduced—216, 282, 289, 319

Amendments filed—159, 636, 938, 1018, 1041, 1082, 1489

Amendments offered—1033, 1082

Amendments withdrawn—1033

Committee appointments—10, 33, 1130, 1323

Petitions presented—1354

Standing committees and subcommittees appointed to—24, 25, 27

REPORTS—

(See Communications and/or individual headings)

RESIGNATIONS—

Senators—35, 36

RESOLUTIONS—

(See also Legislative Index Volume)

Assigned to committee—78, 203, 258, 267, 280, 312, 335, 393, 491, 510, 601,
623, 643, 884, 931, 1029, 1069, 1089, 1146-1147, 1255, 1284, 1337, 1355,
1434, 1518

- Introduction, Senate Concurrent Resolutions—73, 100, 107, 156, 185, 202, 250, 263, 279, 296, 330, 377, 380-381, 489, 500, 574, 620, 639, 841, 852, 855, 861, 910, 1015, 1050, 1062, 1079, 1252, 1323, 1333, 1417, 1495, 1510, 1533
- Introduction, Senate Resolutions—46, 156, 279, 550, 910, 1064, 1143, 1243, 1282, 1284, 1495
- Placed on calendar—46, 100, 156, 185, 279, 550, 574, 841, 910, 1062, 1064, 1284, 1495, 1510
- Referred from Regular Calendar to Rules and Administration—107, 157, 378
- Resolutions printed after session—2466-2564
- Substituted—430, 582, 1054
- Withdrawn—355, 430, 582, 1054-1055
- RIFE, JACK**—Senator Twentieth District, Minority Leader
- Bills introduced—215, 297, 331, 388, 480, 1038, 1262, 1372, 1391, 1542
- Amendments filed—159, 551, 759, 981
- Amendments offered—159, 551, 759
- Committee appointments—33, 37, 155, 1470, 1574
- Invited the Senate Pages to the Well of the Senate and thanked them for serving in the Iowa Senate, presented them with a Certificate of Recognition and a Page group picture—1524
- Reports—1525, 1574
- Resolution offered—202, 296
- Standing committees and subcommittees appointed to—25
- RIORDAN, JAMES R.**—Senator Thirty-ninth District
- Bills introduced—161, 234, 518
- Amendments filed—66, 431, 432, 635, 777, 823, 859, 884, 898, 914, 932, 933, 967, 976, 991, 1086, 1123, 1272, 1329, 1356, 1393, 1475, 1479, 1489, 1545
- Amendments offered—230, 431, 432, 445, 873, 874, 908, 961, 1086, 1407, 1489
- Amendments withdrawn—1329, 1346, 1479
- Called up appointees on Individual Confirmation Calendar—1134, 1139
- Committee appointments—10, 33, 155
- Presided at sessions of the Senate—73, 1449, 1471
- Presented members of the Shchedryk Childrens Choir from Kiev, Ukraine and their six chaperones—411
- Presented Dr. Leonid Kiselev, President of the Russian Institute of Agriculture in Balashika, Russia, Tatiana Severnaya from Moscow, an MBA student in Fairfield, Ia. and their host Charles Borden—796
- Introduced the Akatombo Childrens Chorus from Kofu, Japan—883
- Presented Boiko Doitchinov, Borislav Borissov, Radoul Kavatchev and Krassen Kralev from Bulgaria, guests of the Iowa Peace Institute and the U.S. Information Agency—952

Presented delegation of nine agriculture policy experts from the Social Democratic Party of the Bavarian State Legislature visiting the United States through the U.S. Information Agency—1069

Presented Dr. Bill Higdon, president of Graceland College in Lamoni, and Dr. Barbara Higdon, past president of Graceland College, and their guests from the Ukraine; Dr. Anatoly Mazaraki, Rector of the Kiev Institute of Trade and Economics and his interpreter, Tatiana Chaiseen—1283

Welcomed five faculty members of the Stavropol State Pedagogical Institute from Stavropol, Russia—411

Welcomed eleven members of the Hebei Banking Delegation and their interpreter from Hebei, China—1514

Reports—1588

Standing committees and subcommittees appointed to—24, 25, 26

RITTMER, SHELDON—Senator Nineteenth District

Bills introduced—215, 282, 331, 415, 440, 496, 525, 620

Amendments filed—132, 159, 824, 866, 914, 1486, 1516, 1565

Amendments offered—873, 922

Amendments withdrawn—922

Committee appointments—33, 140

Escorted Senator Boswell to the rostrum—7

Petitions presented—616, 865, 1433

Resolutions offered—296

Standing committees and subcommittees appointed to—25, 26, 27

Statutory appointments—87

ROSENBERG, RALPH—Senator Thirty-first District

Bills introduced—74, 186, 239, 428, 429, 444, 450, 462, 531, 532, 595, 610, 720, 970

Amendments filed—110, 111, 291, 362, 391, 474, 607, 609, 619, 747, 786, 791, 834, 925, 932, 958, 981, 1062, 1098, 1228, 1246, 1339, 1344, 1462, 1465, 1486, 1556

Amendments offered—110, 111, 291, 362, 391, 609, 647, 747, 783, 791, 834, 925, 943, 944, 981, 1182, 1233, 1246, 1344, 1368, 1462, 1465, 1556

Amendments withdrawn—1114, 1462, 1501

Appointed to Senate Ethics committee—27

Called up appointees on Individual Confirmation Calendar—1194

Committee appointments—22, 33, 68

Petitions presented—1227

Reports—60-61

Resolutions offered—156, 202, 263

Standing committees and subcommittees appointed to—24, 25, 26, 27

RULES—

Rules invoked—

Rule 13 (returned to calendar):

Senate File 398—937
Senate File 417—1533

Rule 21 (Secretary's report in engrossment):

Senate File 81—261
Senate File 190—882
Senate File 221—1336
Senate File 232—547
Senate File 233—577
Senate File 266—664-665
Senate File 267—628
Senate File 268—893
Senate File 268—1512-1513
Senate File 349—865
Senate File 350—882
Senate File 354—1227
Senate File 389—865
Senate File 422—1457
House File 576—1527-1528
House File 623—1227

Rule 21 (Secretary's report in Enrolling)

Senate File 80—1373
Senate File 206—1472
Senate File 225—1336
Senate File 232—1117
Senate File 233—1568
Senate File 266—1568
Senate File 267—1284
Senate File 349—1372
Senate File 350—1472
Senate File 371—1472
Senate File 387—1568
Senate File 406—987-988
Senate File 422—1568
Senate File 425—1569

Rule 24 (Motions to reconsider-reconsideration)

Senate File 226—1566
Senate File 253—1566

Rule 28 (introduction, reading and form of bills and resolutions):

Senate File 74—218
Senate File 75—218
Senate File 81—237
Senate File 125—321
Senate File 142—349
Senate File 153—378

Senate File 170—418
Senate File 232—513
Senate File 233—513
Senate File 265—579
Senate File 266—579
Senate File 267—579
Senate File 290—602
Senate File 362—719
Senate File 363—719
Senate File 364—719
Senate File 365—720
Senate File 366—720
Senate File 367—720
Senate File 368—720
Senate File 369—720
Senate File 370—720
Senate File 371—720
Senate File 372—721
Senate File 373—721
Senate File 374—721
Senate File 375—721
Senate File 376—721
Senate File 377—721
Senate File 388—737
Senate File 389—737
Senate File 390—737
Senate File 424—1474
Senate Concurrent Resolution 2—100
Senate Concurrent Resolution 29—1062
Senate Resolution 1—46
Senate Resolution 11—1284

Rule 59 (confirmation of appointments):

Subcommittee assignments, Governor's appointments—197-198, 210-211, 224-225, 799-808
Confirmation of Governor's appointments—437-439, 667-668, 941-942, 1002-1005, 1051-1053, 1100-1102, 1124-1125, 1139-1140, 1140-1141, 1142, 1142-1143, 1152-1154, 1154-1155, 1173-1174, 1194, 1195-1197

Ruled out of order (amendments, etc.):

Senate File 3, S-3038, S-3194—827
Senate File 43, S-3081, S-3087, S-3119—1316
Senate File 142, S-3053, S-3062, S-3068—434
Senate File 196, S-3631, S-3652—1385
Senate File 232, S-3090, S-3094—530
Senate File 232, S-3358—963
Senate File 266, S-3564—1279

Senate File 266, S-3554—1280
 Senate File 266, S-3576, S-3577, S-3584—1280
 Senate File 311, S-3371—983
 Senate File 331, S-3279, S-3318—1467
 Senate File 335, S-3270, S-3218—875
 Senate File 357, S-3271, S-3272, S-3290—903
 Senate File 358, S-3393, S-3392—1006
 Senate File 358, S-3402—1013
 Senate File 358, S-3383—1014
 Senate File 359, S-3294—978
 Senate File 367, S-3311, S-3212—922
 Senate File 399, S-3243—906
 Senate File 405, S-3559A, S-3586—1346
 Senate File 413, S-3690—1462
 Senate File 419, S-3661—1442
 House File 79, S-3073—1156
 House File 136, S-3439—1366
 House File 210, S-3390, S-3494—1188
 House File 214, S-3364—1214
 House File 267, S-3365—1376
 House File 354, S-3507—1221
 House File 360, S-3561—1294
 House File 361, S-3752, S-3757, S-3596—1557
 House File 361, S-3506, S-3517, S-3536, S-3597—1557
 House File 409, S-3428—1299
 House File 429, S-3286—879
 House File 430, S-3185—977
 House File 518, S-3472, S-3464—1085

RULES

(See also Joint Rules)

Temporary rules adopted—4

Resolutions relating to permanent rules:

Senate Resolution 1, Permanent rules of the Senate. S.J. 46, 56, 59, 66, 123-124 adopted.

Senate Resolution 5, Amend the rules of the Senate by providing deadline for time of committee passage & consideration of bills. S.J. 548, 550, 551 adopted.

Senate Resolution 6, Amend Senate Rule 12 regarding amendments. S.J. 910, 913, 917 adopted.

Senate Resolution 10, Senate rules governing lobbyists. S.J. 1282, 1283, 1293 as amended, adopted, 1308, 1384.

House Concurrent Resolution 16, Joint rules. H.J. 450, 460-465 as amended, adopted, 448 - S.J. 495, 510, 544, 1459.

RULES AND ADMINISTRATION, COMMITTEE ON—

Appointed and appointments to—25

Bills introduced—720

- Amendments filed—913
- Appointees referred to—179-183, 691
- Appointees referred to standing committees—196-197, 771-776
- Appointees placed on En Bloc Confirmation calendar—262, 266, 274, 311, 320, 326, 342, 373, 383, 417, 828, 845-846, 851, 864, 911, 954-957, 965, 988, 1039, 1070-1071, 1089, 1117-1118, 1147
- Reports, administration—11-13, 39-41, 81, 148-150, 151, 176-179, 196-197, 771-776
- Resolutions offered—46, 100, 279, 550, 910, 1495, 1510
- Resolutions relating to:
 - Senate Resolution 1, Permanent rules of the Senate. S.J. 46, 56, 59, 66, 123-124 adopted.
 - Senate Resolution 3, Gubernatorial appointments require Senate confirmation. S.J. 275, 279, 282 adopted.
 - Senate Resolution 5, Amend the rules of the Senate by providing deadline for time of committee passage & consideration of bills. S.J. 548, 550, 551, adopted.
 - Senate Resolution 6, Amend Senate Rule 12 regarding amendments. S.J. 910, 912, 917 adopted.
 - Senate Resolution 12, Daily operations of the Senate. S.J. 1495, 1496 adopted.
 - Senate Concurrent Resolution 2, Compensation of chaplains, officers and employees of the seventy-fifth g.a. S.J. 100, 102, 105, 103 adopted & msgd., 146 - H.J. 84, 85, 89-90, 97, 104, 106 - 122 adopted & msgd.
 - Senate Concurrent Resolution 37, Final adjournment, Saturday May 1, 1993 Regular Session of the seventy-fifth g.a. S.J. 1496, 1510, 1562, adopted & msgd., 1567 - H.J. 1988, 2008 adopted.

SEATS—

- Assignments of seats in press gallery—10-11
- Selection of members—17-19

SECRETARY OF STATE, Elaine Baxter—

- Certificate of election—5-7
- Communication from—5-7
- Senate Joint Resolution 3, sent to—1573

SECRETARY OF THE SENATE, John F. Dwyer—

- Acknowledgment of communications—7
- Assignment of seats to press—10-11
- Communications received and on file—19-22, 83-87, 165-168, 179-183, 241, 347, 680-691, 692-695, 699, 844, 881-882, 1000, 1040, 1291, 1570-1573
- Elected temporary Secretary of Senate—4
- Election of—4
- Oath of office—4

- Reports, Certificates of Recognition—38-39, 106, 113, 141, 144-145, 184, 226,
274-275, 286, 318, 353, 441, 459-460, 472-473, 484, 507, 589, 616, 622,
699, 795, 866, 911, 1017, 1040, 1044, 1472-1473, 1514, 1573
- Reports on corrections in engrossment, Senate Rule 21—261, 547, 577, 628,
664-665, 865, 882, 893, 1227, 1336, 1457, 1512-1513, 1527-1528
- Reports on corrections in enrollment, Senate Rule 21—987-988, 1117, 1284,
1336, 1373, 1472, 1568, 1569
- Resolutions relating to:
Senate Resolution 12, Daily operations of the Senate. S.J. 1495, 1496
adopted.

SENATE CONCURRED—

- Senate File 3, S-3570—1296
Senate File 16, S-3060—430
Senate File 18, S-3022—290
Senate File 63, S-3607—1396
Senate File 97, S-3114—917
Senate File 117, S-3673—1424
Senate File 142, S-3640—1428
Senate File 163, S-3658—1397
Senate File 174, S-3549—1367
Senate File 191, S-3544 as amended—1266
Senate File 205, S-3738—1493
Senate File 206, S-3545 as amended—1297
Senate File 220, S-3603—1347
Senate File 221, S-3513—1249
Senate File 232, S-3244—963
Senate File 245, S-3633—1371
Senate File 267, S-3300 as amended—1179
Senate File 268, S-3560—1461
Senate File 271, S-3528—1262
Senate File 278, S-3657—1395
Senate File 287, S-3590—1311
Senate File 288, S-3420—1240
Senate File 290, S-3670—1448
Senate File 320, S-3520—1247
Senate File 326, S-3625—1358
Senate File 335, S-3543—1260
Senate File 342, S-3768—1547
Senate File 347, S-3487—1232
Senate File 349, S-3525—1281
Senate File 350, S-3624—1364
Senate File 370, S-3592 as amended—1328
Senate File 372, S-3634—1360
Senate File 376, S-3526—1259
Senate File 380, S-3606—1363
Senate File 387, S-3716—1502

Senate File 389, S-3739—1492
 Senate File 394, S-3527 as amended—1361
 Senate File 398, S-3638—1381
 Senate File 409, S-3626—1383
 Senate File 410, S-3715—1494
 Senate File 418, S-3714—1477
 Senate File 422, S-3749—1535
 Senate File 425, S-3766 as amended—1546
 House File 83, S-3656—1398
 House File 144, S-3623—1379
 House File 210, S-3605 to H-4005—1348
 House File 319, S-3723 to H-4279—1522
 House File 360, S-3176 to H-4164—1439
 House File 382, S-3671 to H-3992—1450
 House File 496, S-3604 to H-3991—1452
 House File 623, S-3602 to H-4011—1318
 House File 644, S-3770 to H-4258—1540
 House File 660, S-3778 to H-4320—1553

SENATE INSISTS—

House File 22—254

SENATE RECEDES—

House File 111—1447
 House File 348—1438
 House File 632—1500
 House File 669—1505

SENATE REFUSED TO CONCUR—

Senate File 11, S-3529—1264
 Senate File 94, S-3591 as amended—1326
 Senate File 142, S-3640—1423
 Senate File 233, S-3515—1240
 Senate File 266, S-3486—1281
 Senate File 422—1508

SLIFE, HARRY—Senator Twelfth District

Bills introduced—188, 264, 282, 289, 621
 Amendments filed—159, 376, 393, 517, 541, 551, 552, 784, 798, 888, 1257,
 1272, 1285, 1486, 1501
 Amendments offered—430, 541, 551, 552, 784
 Amendments withdrawn—430, 551
 Committee appointments—4, 22, 33, 1470
 Presented 13 Russian students studying education—547
 Reports—5, 1525, 1593
 Resolutions offered—156, 279
 Resolution withdrawn—430
 Standing committees and subcommittees appointed to—24, 25, 26, 33

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM, COMMITTEE ON—

- Appointed and appointments to—25
- Appointees, investigation of—196-197, 343, 773-774
- Bills introduced—90, 651, 666, 727
- Amendments filed—392, 646, 1076
- Investigating committee reports—274, 342, 864, 865, 1071
- Referred to—627, 1511
- Standing committees and subcommittees appointed to—25

SORENSEN, ALBERT— Senator Fortieth District

- Bills introduced—186, 450, 605
- Amendments filed—530, 762, 1272, 1285, 1356
- Amendments offered—780, 1108, 1213, 1294, 1324
- Called up appointees on Individual Confirmation Calendar—1138
- Committee appointments—34, 37
- Petitions presented—1227
- Presided at sessions of the Senate—54, 60, 1423, 1495
- Resolutions offered—202, 489, 1333
- Standing committees and subcommittees appointed to—24, 25, 26, 27
- Statutory appointments—1309

STANDING COMMITTEES AND SUBCOMMITTEES—

- Standing committees appointed—24-26
- Chairpersons listed—24-26
- List of appointments to—24-27
- Senators and respective committees—28-35
- Subcommittees appointed and appointments to—26-27

STATE APPEAL BOARD—

- Michael L. Fitzgerald, Chairperson—
- Communications from, stating claims filed—See House Journal Pages 283-310
- Claims approved—See House Journal Pages 285-310
- Claims disapproved—See House Journal Pages 283-285

STATE GOVERNMENT, COMMITTEE ON—

- Appointed and appointments to—26
- Appointees, investigation of—197, 774-775, 805-808
- Bills introduced—133, 186, 378, 475, 667, 677, 704, 705, 723
- Amendments filed—722, 824, 929, 1094, 1095, 1096
- Investigating committee reports—320, 321, 828, 956-957, 965, 1044, 1117-1118
- Referred to—769, 849, 1144, 1191, 1194, 1532
- Resolutions offered—185
- Standing committees and subcommittees appointed to—26, 225

STATE HUMAN INVESTMENT POLICY (SHIP) COUNCIL—

Appointments to—38

STATUTORY APPOINTMENTS AND REAPPOINTMENTS TO COMMISSIONS, COMMITTEES, COUNCILS AND ADVISORY BOARDS—

(See Appointments - Reappointments, Statutory - Senators)

STUDY BILLS IN COMMITTEES—

Agriculture—45, 58, 98, 127, 163, 174, 212, 256, 257, 314, 315, 451, 519, 542, 565, 614, 630, 696

Appropriations—79, 88, 140, 173, 198, 212, 235, 261, 501, 881, 1145, 1254, 1334, 1432

Business and Labor Relations—163, 212, 314, 451, 614

Commerce—128, 129, 501, 502, 630, 655, 656, 1016

Communications and Information Policy—127, 129, 276, 343, 384, 422, 543, 586, 630, 658, 695, 696

Education—96, 120, 174, 175, 198, 256, 261, 262, 343, 364, 451, 482, 519, 566, 656, 695, 696

Environment and Energy Utilities—79, 173, 256, 276, 313, 314, 327, 369, 407, 469, 565, 586, 630

Human Resources—65, 120, 127, 140, 256, 257, 276, 315, 370, 384, 407, 482, 519, 565, 586, 630, 656

Judiciary—97, 98, 120, 121, 128, 163, 198, 199, 275, 276, 343, 344, 384, 481, 482, 542, 586, 656, 657, 696

Local Government—235, 315, 370, 407, 422, 502, 542, 657, 658, 695, 696

Natural Resources—313, 315, 327, 565

Small Business, Economic Development and Tourism—66, 129, 199, 407, 542, 696

State Government—127, 128, 173, 174, 256, 364, 369, 370, 451, 469, 543, 586, 614, 655, 657

Transportation—163, 211, 276, 312, 343, 407, 543, 565, 566, 818

Ways and Means—88, 121, 175, 300, 312, 315, 369, 451, 613, 818, 845, 1028, 1168, 1432

STUDY COMMITTEES—

Resolutions relating to:

Senate Concurrent Resolution 13, Reform structure and operations of st. govt., cmte. to study. S.J. 377, 378, 426.

Senate Concurrent Resolution 17, Interim cmte. to review the issue of open enrollment & its impact on funding & desegregation efforts by Iowa's schools. S.J. 570, 574, 787, 818.

Senate Concurrent Resolution 25, Impact of petroleum-contaminated property on the viability of rural small businesses and rural communities, cmte. to study. S.J. 861, 884, 894.

Senate Concurrent Resolution 28, Licensing fee structure for professional licensure, cmte. to study. S.J. 1050, 1069, 1070.

Senate Concurrent Resolution 33, Support an upper Mississippi River and Illinois waterway feasibility study. S.J. 1323, 1337, 1373, 1434.

Senate Concurrent Resolution 38, Iowa comprehensive petroleum underground storage tank program, cmte. to study. S.J. 1533.

Senate Resolution 4, Export of agricultural goods, including raw and processed commodities, and the functions of dept. and programs involved in the export of goods, cmte to study. S.J. 548, 550, 787, 818.

Senate Resolution 7, Use of debit cards and the appropriate fee structure for the use of such cards. S.J. 1064, 1072, 1099, 1513.

House Concurrent Resolution 34, Adoption reform, establish cmte. to study. H.J. 1850, 1858 adopted & msgd. - S.J. 1484, 1485, 1513.

STURGEON, AL—Senator First District

Bills introduced—161, 202, 216, 264, 388, 475, 620, 673

Amendments filed—507, 789, 925, 933, 983, 1085, 1098, 1272, 1356, 1408, 1462, 1465

Amendments offered—748, 925, 1156, 1238, 1342, 1408, 1462

Amendments withdrawn—926, 1022, 1462

Called up appointees on Individual Confirmation Calendar—1195

Committee appointments—34

Reports—1591-1592

Resolutions offered—156, 202, 263, 1252, 1417

Standing committees and subcommittees appointed to—24, 25, 27

SUBCOMMITTEE APPOINTMENTS—

Appropriations subcommittees, listed and members of—26-27

Assignments for governor's appointments—197-198, 210-211, 224-225, 799-808

SUBCOMMITTEE ASSIGNMENTS—

Assignments—56, 66, 79, 87-88, 98-100, 106, 121, 130, 131, 132, 140-141, 164-165, 183-184, 199-201, 212-214, 226-227, 235, 244-245, 257, 262, 277, 278, 287-288, 300, 315, 316, 317, 318, 327-328, 344, 345, 346, 347, 353, 373-375, 385, 412-413, 426, 455-456, 473-474, 484-487, 505-507, 522-523, 543-545, 571-573, 589-590, 614, 615, 616, 630, 631, 632, 658, 659, 660, 661, 662, 699, 700, 731, 732, 795, 796, 818, 819, 820, 845, 881, 894-895, 911, 931, 932, 952-953, 1016, 1030-1032, 1039-1040, 1045, 1070, 1089, 1122, 1145, 1146, 1160, 1168, 1185, 1228, 1254, 1271-1272, 1283, 1308, 1336, 1373-1374, 1392, 1412, 1432, 1458, 1513, 1514

Reassigned subcommittee assignments—288, 486, 522, 845, 931, 1045

SUPREME COURT OF IOWA—

(Chief Justice of Supreme Court, The Honorable Arthur A. McGiverin)

Condition of the Iowa Judiciary Message—68-73

Resolution relating to the Condition of the Iowa Judiciary Message:

House Concurrent Resolution 2, H.J. 14 adopted & msgd. - S.J. 43, 43-44 adopted, 44 - H.J. 56.

SWINE PRODUCTION STUDY COMMITTEE:

Senators appointed to—37

SZYMONIAK, ELAINE—Senator Thirty-sixth District

Bills introduced—91, 161, 185, 255, 305, 330, 462, 489, 531, 621

Amendments filed—467, 593, 665, 762, 798, 799, 830, 866, 873, 885, 914, 958, 974, 1009, 1032, 1087, 1098, 1223, 1309, 1421, 1488, 1545, 1557
Amendments offered—467, 670, 793, 835, 839, 872, 873, 906, 973, 1020, 1087, 1223, 1421, 1545

Amendments withdrawn—974, 1539

Committee appointments—10, 34, 36

Presented guests from Iowa's sister state, Baoding, Hebei, China who were visiting Iowa representing business interests in China—1017

Resolutions offered—156, 202, 263, 500, 850, 1252

Standing committees and subcommittees appointed to—25, 26

TAYLOR, RAY—Senator Ninth District

Bills introduced—116, 133, 142, 188, 228, 250, 282, 289, 366, 377, 518, 651, 827

Amendments filed—378, 433, 457, 607, 609, 610, 623, 625, 626, 722, 754, 761, 798, 823, 830, 885, 903, 932, 983, 991, 1079, 1320, 1339, 1356, 1393, 1435, 1488, 1490

Amendments offered—625, 626, 761, 837, 906, 1342, 1488, 1490, 1541

Amendments withdrawn—983, 1490, 1541

Committee appointments—10, 34, 538, 1574, 1585

Reports—1127, 1574, 1589, 1590, 1594, 1594-1595

Resolutions offered—263

Standing committees and subcommittees appointed to—24, 25, 26

TINSMAN, MAGGIE—Senator Twenty-first District, Assistant Minority Leader

Bills introduced—23, 116, 215, 255, 265, 297, 331, 440, 500, 531, 595, 620, 666

Amendments filed—159, 555, 726, 798, 866, 867, 877, 879, 903, 938, 967, 991, 1007, 1010, 1014, 1325, 1350, 1356, 1486

Amendments offered—555, 726, 826, 1007, 1008, 1010, 1245, 1350, 1486

Amendments withdrawn—877, 1325

Committee appointments—23, 34, 37, 155

Petitions presented—1354

Resolutions offered—263, 296, 1252, 1323

Standing committees and subcommittees appointed to—24, 25, 27

TRANSPORTATION, COMMITTEE ON—

Appointees, investigation of—776, 808

Bills introduced—228, 349, 428, 719, 721, 737

Amendments filed—168, 524, 579, 830, 991, 1061
Investigating committee reports—828, 846, 965, 966
Referred to—743, 838
Standing committees and subcommittees appointed to—26, 27

VARN, RICHARD—Senator Twenty-fifth District, Majority Floor Whip

Bills introduced—46, 59, 89, 610
Amendments filed—494, 619, 646, 665, 759, 793, 798, 814, 830, 878, 895,
904, 977, 992, 1017, 1018, 1080, 1082, 1083, 1085, 1086, 1245, 1256,
1356, 1361, 1393, 1430, 1486, 1489, 1516, 1532, 1560
Amendments offered—498, 793, 814, 878, 904, 905, 920, 978, 1079, 1082,
1083, 1085, 1086, 1361, 1364, 1402, 1430, 1489, 1499, 1532
Amendments withdrawn—1080, 1560
Appointed to—36
Committee appointments—4, 34, 36
Standing committees and subcommittees appointed to—24, 25, 27

VILSACK, TOM—Senator Forty-ninth District

Bills introduced—133, 282, 429, 518
Amendments filed—122, 306, 347, 349, 637, 737, 825, 860, 867, 885, 932,
958, 984, 1328, 1486, 1489, 1510, 1542, 1565
Amendments offered—306, 636, 637, 889, 903, 1328, 1489, 1542
Amendments withdrawn—825, 860, 984, 1489
Committee appointments—35, 47, 1323, 1470
Presided at sessions of the Senate—1162
Reports—1374, 1525
Resolutions offered—202, 263, 1323
Standing committees and subcommittees appointed to—24, 25, 27

WALLACE TECHNOLOGY TRANSFER FOUNDATION—

Senators appointed to—122, 286

WAYS AND MEANS, COMMITTEE ON—

Appointees, investigation of—197, 776, 808
Bills introduced—123, 188, 255, 321, 323, 457, 462, 532, 880, 964, 1167, 1172,
1201, 1239, 1288, 1305, 1310, 1470, 1474, 1508
Amendments filed—109, 191, 958, 1204, 1413
Investigating committee reports—320, 957, 1039
Referred to—107, 435, 739, 746, 787, 792, 1064, 1167, 1206, 1259
Standing committees and subcommittees appointed to—26

WELSH, JOE J.—Senator Seventeenth District—

Bills introduced—556, 576, 621, 704
Amendments filed—433, 524, 529, 798, 826, 848, 902, 947, 958, 977, 983,
1056, 1079, 1080, 1097, 1245, 1256, 1257, 1261, 1272, 1277, 1279, 1356,
1370, 1463, 1501, 1532, 1565

Amendments offered—466, 529, 813, 826, 833, 890, 897, 902, 947, 977, 983,
1009, 1080, 1189, 1261, 1277, 1279, 1300, 1301, 1304, 1370, 1463, 1498,
1501

Amendments withdrawn—433, 1010, 1056, 1279, 1300, 1370, 1399, 1545

Called up appointees on Individual Confirmation Calendar—1193, 1197

Committee appointments—35, 1282, 1470

Reports—1525, 1554

Resolutions offered—107, 1323

Standing committees and subcommittees appointed to—24, 25, 26, 27

ZIEMAN, LYLE E.—Senator Sixteenth District

Bills introduced—282, 289, 416, 496

Amendments filed—159, 573, 1079, 1185

Committee appointments—35

Resolutions offered—1323, 1333

Standing committees and subcommittees appointed to—24, 25, 26