

State of Iowa

1994

# **JOURNAL OF THE SENATE**

**1994**

## **REGULAR SESSION SEVENTY-FIFTH GENERAL ASSEMBLY**

**Convened January 10, 1994  
Adjourned April 20, 1994**

**Volume II  
April 20**

**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

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ONE HUNDRED FIRST CALENDAR DAY  
SIXTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 20, 1994

The Senate met in regular session at 10:16 a.m., President Boswell presiding.

Prayer was offered by the Honorable Eugene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

## RECESS

On motion of Senator Horn, the Senate recessed at 10:20 a.m., until 1:00 p.m.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The secretary of the senate issued the following certificates of recognition:

Mandy Lorimor and Matt McLaren, Farragut Community Schools — For being selected State of Iowa Scholars. Senator McLaren (4-19-94).

### PRESENTATION OF VISITORS

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

Fifty fifth grade students from BCLUW School, Union, accompanied by Mary Pieper and John Ehn. Senators Jensen and Taylor.



**SUBCOMMITTEE ASSIGNMENTS**

**House File 2433**

**APROPRIATIONS:** Murphy, Chair; Boswell and McLaren

**House File 2435**

**APPROPRIATIONS:** Kersten, Chair; Boswell and Murphy

**REPORTS OF COMMITTEE MEETINGS**

**APPROPRIATIONS**

**Convened:** April 20, 1994, 12:09 a.m.

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

**Members Absent:** Bisigano and Palmer (both excused).

**Committee Business:** Recommended passage of House File 2435.

**Recessed:** 12:10 a.m.

**Reconvened:** April 20, 1994, 12:40 a.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Judge, Kibbie, Kramer, Lind, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack.

**Members Absent:** Bisignano, Husak, Kersten and Palmer (all excused).

**Committee Business;** Recommended passage of House File 2433.

**Adjourned:** 12:45 a.m.

**RULES AND ADMINISTRATION**

**Convened:** April 19, 1994, 8:40 p.m.

**Members Present:** Horn, Chair; Boswell, Vice Chair; Rife, Ranking Member; Gettings, Gronstal, Kramer, Lind and Palmer.

**Members Absent:** Husak (excused).

**Committee Business:** Approved proposed sine die resolutions.

**Adjourned:** 8:42 p.m.

**AMENDMENT FILED**

S—5781

H.F.

2374

Michael E. Gronstal

## AFTERNOON SESSION

The Senate reconvened at 1:08 p.m., President Boswell presiding.

The Journal of Tuesday, April 19, 1994, was approved.

## 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 20, 1994, adopted the following resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 111**, a concurrent resolution urging the passage by the United States Congress of S—1825, the Tax Fairness for Main Street Business Act of 1994 or similar legislation.

**ALSO:** That the House has on April 20, 1994, adopted the conference committee report and passed **House File 2415**, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates.

## 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.

## MOTION TO RECONSIDER ADOPTED

Senator Murphy called up the motion to reconsider Senate File 2330 filed by him on April 20, 1994, found on page 1390 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2330) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluherly	Dieleman	Drake	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kramer	Lind	Maddox	McKean
McLaren	Murphy	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 5:

Dvorsky	Judge	Lloyd-Jones	Palmer
Sturgeon			

The motion prevailed.

Senator Murphy moved to reconsider the vote by which Senate File 2330 went to its last reading, which motion prevailed by a voice vote.

### Senate File 2330

On motion of Senator Murphy, Senate File 2330, a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions, 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 the Senate concurred in House amendment S—5759 as amended to Senate File 2330 on April 20, 1994.

The motion prevailed by a voice vote and House amendment S—5759 as amended 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—5778 to House amendment S—5759 to Senate File 2330 was adopted by the Senate on April 20, 1994.

The motion prevailed by a voice vote and amendment S—5778 by Senators Murphy and McLaren to House amendment S—5759 was taken up for reconsideration.

Senator Murphy offered amendment S—5782 filed by Senators Murphy and McLaren from the floor to amendment S—5778 to House amendment S—5759 and moved its adoption.

Amendment S—5782 was adopted by a voice vote.

Senator Murphy moved the adoption of amendment S—5778 as amended to House amendment S—5759, which motion prevailed by a voice vote.

Senator Lind offered amendment S—5783 filed by Senators Lind and Murphy from the floor to page 3 of House amendment S—5759 and moved its adoption.

Amendment S—5783 was adopted by a voice vote.

Senator Murphy moved 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. 2330) the vote was:

Ayes, 41:

Bartz	Bennett	Bisignano	Boswell
Buhr	Connolly	Deluhery	Dieleman
Dvorsky	Fink	Fraise	Freeman
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McLaren
Murphy	Palmer	Pate	Priebe

Redfern  
Rosenberg  
Welsh

Rensink  
Sorensen

Riordan  
Szymoniak

Rittmer  
Vilsack

Nays, 8:

Banks  
Rife

Borlaug  
Taylor

Drake  
Tinsman

McKean  
Zieman

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.

Senator Horn asked and received unanimous consent that **Senate File 2330** be immediately messaged to the House.

## CONFERENCE COMMITTEE REPORT ADOPTED

### House File 2415

Senator Bisignano called up the conference committee report on House File 2415, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates, filed on April 19, 1994, 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 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. 2415) the vote was:

Ayes, 46:

Banks  
Borlaug  
Deluhery  
Fink

Bartz  
Boswell  
Dieleman  
Fraise

Bennett  
Buhr  
Drake  
Freeman

Bisignano  
Connolly  
Dvorsky  
Gettings

Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lloyd-Jones
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Riordan	Rittmer	Rosenberg	Sorensen
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, 3:

Lind	Maddox	Rife
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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.

Senator Horn asked and received unanimous consent that **House File 2415** be immediately messaged to the House.

## SECOND CONFERENCE COMMITTEE RECEIVED (Senate File 2314)

A second conference committee report signed by the following Senate and House members was filed April 20, 1994, on Senate File 2314, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees:

On the Part of the Senate:

LARRY MURPHY, Chair  
BRAD BANKS  
EMIL J. HUSAK  
DERRYL McLAREN  
BERL E. PRIEBE

On the Part of the House:

RON CORBETT, Chair  
SANDY GREINER  
JAMES HAHN  
DON SHOULTZ

## CONFERENCE COMMITTEE REPORT ADOPTED

**Senate File 2314**

Senator Murphy called up the conference committee report on

Senate File 2314, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, filed on April 20, 1994, 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 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. 2314) the vote was:

Ayes, 49:

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

Nays, 1:

Riordan

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 2314** be immediately messaged to the House.

The Senate stood at ease at 2:24 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:52 p.m., President Boswell presiding.



## HOUSE MESSAGES RECEIVED

The following messages 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 20, 1994, adopted the conference committee report and passed **Senate File 2314**, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees.

**ALSO:** That the House has on April 20, 1994, 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 2330**, a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions.

### ADOPTION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 116.

#### **Senate Concurrent Resolution 116**

On motion of Senator Horn, Senate Concurrent Resolution 116, a Senate concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Horn moved the adoption of Senate Concurrent Resolution 116, which motion prevailed by a voice vote.

### AMENDMENTS FILED

S-5782	S.F.	2330	Larry Murphy Derryl McLaren
S-5783	S.F.	2330	Jim Lind Larry Murphy
S-5784	H.F.	2374	Merlin E. Bartz

The Senate stood at ease at 3:28 p.m. until the fall of the gavel.

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 adjournment of the 1994 Regular Session of the Seventy-fifth General Assembly, will be considered to have **failed**:

**SENATE FILE 414**, a bill for an act providing for ex officio, nonvoting membership on the state board of regents and for related matters. (Failed to pass the Senate on March 21, 1994.) Motion filed by Senator Bartz on March 22, 1994.

**HOUSE FILE 455**, a bill for an act relating to placement of political yard signs on agricultural land, property leased to a corporation by a private individual, or property leased by a corporation to a private individual. (Senate passed April 18, 1994). Motion filed by Senator Bartz on April 18, 1994.

### 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 20, 1994, adopted the following resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 116**, a senate concurrent resolution to provide for adjournment sine die.

### REPORTS OF THE SECRETARY OF THE SENATE

**MR. PRESIDENT:** Pursuant to Senate Rule 21, I report that in enrolling Senate File 2057, the following corrections were made:

1. Page 4, line 27, the words "association, limited liability company, were changed to the words "association, limited liability company,".

2. Page 18, line 6, the words and numbers "Sections 8 and 14" were changed to the words and numbers "Sections 8 and 15".

3. Page 18, line 14, the words and numbers "Sections 15 and 510" were changed to the words and numbers "Sections 14 and 16".

4. Page 18, line 17, the word and number "Section 31" were changed to the word and number "Section 32".

5. Page 18, line 19, the words and numbers "Sections 25, 26, and 29" were changed to the words and numbers "Sections 26, 27, and 30".

ALSO: That in enrolling Senate File 2219, the following correction was made:

1. Page 32, line 1, the word and number "Section 41" were changed to the word and number "Section 46".

ALSO: That in enrolling Senate File 2223, the following corrections were made:

1. Page 17, lines 18, 23, 24, 27, 29, 31 and 35 the word "acknowledgement" was changed to the word "acknowledgment".

2. Page 18, lines 5 and 6, the word "acknowledgement" was changed to the word "acknowledgment".

ALSO: That in enrolling Senate File 2282, the following correction was made:

1. Page 33, line 6, the word and number "Section 101" were changed to the word and number "Section 6".

ALSO: That in enrolling Senate File 2311, the following correction was made:

1. Page 37, lines 15 and 16, the words "AMENDMENT OF ADMINISTRATIVE RULES -- SERVICE FACILITY REGULATORY REQUIREMENTS" were changed to the words "Amendment of Administrative Rules -- Service Facility Regulatory Requirements".

ALSO: That in enrolling Senate File 2314, the following correction was made:

1. Page 29, lines 27 and 28, the word and numbers "sections 2, 22, 200, 25, 26, 39, 40, 41, 42, 43" were changed to the word and numbers "Sections 2, 26, 28, 30, 31, 47, 48, 49, 50, 51".

ALSO: That in enrolling Senate File 2318, the following corrections were made:

1. Page 5, line 20, the word and number "section 600" were changed to the word and number "section 17".

2. Page 10, lines 12 and 13, the words and numbers "Sections 100, 200, 300, and 400" were changed to the words and numbers "Sections 12, 13, 14, and 15".

ALSO: That in enrolling Senate File 2319, the following corrections were made:

1. Page 10, line 4, the word "new" was added before the word "subsection".
2. Page 20, line 12, a comma was added after "Code 1993".
3. Page 32, line 2, the figure "232.192" was corrected to the figure "232.191".

ALSO: That in enrolling Senate File 2330, the following corrections were made:

1. Page 1, line 17, the word and number "Section 4" were changed to the word and number "Section 2".
2. Page 1, line 18, the word and number "Section 5" were changed to the word and number "Section 3".
3. Page 1, line 20, the words and numbers "Sections 4, 5, 6, and 7" were changed to the words and numbers "Sections 2, 3, 4, and 5".
4. Page 7, line 21, the word and number "Section 11" were changed to the word and number "Section 8".
5. Page 9, line 17, the words and numbers "Sections 14, 16, 500, 17, and 18" were changed to the words and numbers "Sections 11, 13, 14, and 15".
6. Page 24, line 31, the word and number "Section 43" were changed to the word and number "Section 39".
7. Page 26, line 21, the word and number "section 401" were changed to the word and number "section 58".
8. Page 27, lines 15 and 16, the words and numbers "sections 59, 60, 401, 402, and 61 and 111" were changed to the words and numbers "sections 56, 57, 58, 59, and 60 and 61".
9. Page 27, line 17, the word and number "section 61" were changed to the word and number "section 60".
10. Page 27, lines 19 and 20, the words and numbers "Sections 59, 60, 401, 402, and 61 and 111" were changed to the words and numbers "Sections 56, 57, 58, 59, and 60 and 61".
11. Page 30, line 23, the word and number "Section 74" were changed to the word and number "Section 75".

JOHN F. DWYER  
Secretary of the Senate

**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 20th day of April, 1994:

Senate Files 2038, 2049, 2051, 2053, 2057, 2060, 2071, 2074, 2089, 2091, 2107, 2109, 2126, 2157, 2169, 2186, 2196, 2203, 2215, 2216, 2219, 2223, 2226, 2230, 2234, 2264, 2268, 2273, 2277, 2279, 2282, 2287, 2297, 2300, 2307, 2311, 2314, 2318, 2319, 2322, 2326, 2329 and 2330.

**JOHN F. DWYER**  
Secretary of the Senate

### **CERTIFICATE OF RECOGNITION**

The secretary of the senate issued the following certificate of recognition:

Hazel Schroedel, West Des Moines — For 22 legislative sessions of dedicated service in the Iowa Senate as Secretary to Senators Schwengels, Scott and Rittmer. Senator Rittmer (4-20-94).

### **COMMUNICATIONS RECEIVED**

The following communications were received and placed on file in the office of the Secretary of the Senate:

#### **IOWA COLLEGE STUDENT AID COMMISSION**

An affirmative action summary required by Iowa Code Section 261.25, subsection 5.

#### **LOTTERY DIVISION** Department of Revenue & Finance

A copy of the Audit Report dated December 31, 1993.

#### **IOWA DEPARTMENT OF PUBLIC HEALTH**

Council on chemically exposed infants and children. Executive summary and annual report pursuant to Iowa Code Chapter 235.c.3(7).

#### **IOWA DEPARTMENT OF NATURAL RESOURCES**

Iowa Biomass Energy Plan.

## 1993 IOWA SUBSTANCE ABUSE REPORT

A document by the Departments of Corrections, Public Health, Education, and the Governor's Alliance on Substance Abuse serving as an annual appraisal of how each office is working toward mutual goals, given separate missions, mandates and restrictions. The document satisfies individual requirements placed upon the department of Public Health and the Governor's Alliance on Substance Abuse by both state and federal law to annually report activities and data concerning the programs and funding administered by the office to the Governor, General Assembly, and the public.

Pursuant to 42USC SEC.4573.

## DEPARTMENT OF EMPLOYMENT SERVICES

The 1994 Annual Status Report on the Unemployment Compensation Trust Fund to the Seventy-sixth Iowa General Assembly, 1994 session. Submitted in accordance with Iowa Code Section 96.35, by the division of Job Service of the Department of Employment Services.

## IOWA DEPARTMENT OF NATURAL RESOURCES

Groundwater program status report for the period from July 1, 1992, to June 30, 1993.

## 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 116.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Szymoniak, Chair; Dieleman and Rife.

## 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 116.

The motion prevailed by a voice vote and the Chair appointed as such committee Senator Gettings, Chair; Husak and Jensen.

## 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 Gettings 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 Szymoniak 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 Senate Concurrent Resolution 116, duly adopted, the day of April 20, 1994, having arrived, President Boswell declared the 1994 Regular Session of the Seventy-fifth General Assembly adjourned sine die.

### MESSAGE FROM THE GOVERNOR

May 11, 1994

The Honorable Leonard L. Boswell  
President of the Senate  
State Capitol Building  
LOCAL

Dear Mr. President:

During the 1994 session of the Iowa General Assembly, the actions we took will result in an improved quality of life for so many deserving Iowans. While we did, indeed, make progress; there were some issues that remained unresolved by the close of the legislature. I look forward to working with the General Assembly next session on these issues.

The men and women of this General Assembly have reason to be proud. They passed legislation that will provide 750 prison beds at Clarinda, extend the cap on property taxes, safer schools, tougher juvenile laws, and establish a governing board of the Iowa Communications Network as well as initiate completion of Phase Three to every school district in Iowa. Accomplishments that will leave their mark in the annals of Iowa history.

Next session, however, I want to do more than mark history...I want to change our future for the best. By passing the property tax exemption on new manufacturing machinery and equipment and Subchapter S, communities, large and small, will welcome more jobs with quality wages.

Iowa will be even stronger this time next year, if we maintain our conservative fiscal management and spending reforms. And after we address health care reform and stricter crime legislation, Iowans will breathe easier.

I firmly believe through the combined accomplishments of this General Assembly and the next, we can thrust Iowa further into the national spotlight with exceptional economic growth, exemplary health care, and unsurpassed quality of life.

Sincerely,  
TERRY E. BRANSTAD  
Governor



**SUPPLEMENT  
TO THE  
SENATE JOURNAL**

**Seventy-fifth General Assembly  
1994 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 1994 Regular Session:

- S.F. 2038 — To provide for the destruction of state department of transportation records. Approved May 10.
- S.F. 2049 — Relating to the use of mobile radio transmitters for hunting or the tracking of dogs or birds of prey, and providing a penalty. Approved May 4.
- S.F. 2051 — Relating to access to founded child abuse information by child day care resource and referral agencies. Approved May 5.
- S.F. 2053 — Relating to the regulation of prescribing of drugs by certain registered nurses, and making penalties applicable. Approved May 2.
- S.F. 2057 — Relating to the procedures, requirements, liability, and penalties for the imposition and collection of state taxes, refund and credit claims, and state finances and providing effective and retroactive applicability date provisions. Approved May 10.
- S.F. 2060 — Relating to county hospital provisions involving the pecuniary interest of a county hospital trustee and establishing procedures for a memorial hospital or county hospital supported by revenue to become a county hospital supported by a tax levy. Approved May 2.
- S.F. 2066 — Providing for the effectiveness of provisions relating to farm assistance programs, including provisions authorizing the attorney general to contract with organizations to provide mediation services and legal assistance to farmers. Approved April 25.
- S.F. 2071 — Relating to the taking of fur-bearing animals for the protection of public or private property. Approved May 4.
- S.F. 2074 — Exempting from state income taxation pension income earned by a nonresident of the state and providing a retroactive applicability date. Approved May 4.

- S.F. 2086 — Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Approved April 25.
- S.F. 2089 — Relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date. Approved May 18.
- S.F. 2091 — Relating to energy conservation including making appropriations of petroleum overcharge funds. Approved May 10.
- S.F. 2092 — Relating to the college student aid commission loan reserve account and the osteopathic forgivable loan program, and creating an osteopathic loan revolving fund. Approved April 25.
- S.F. 2107 — Relating to the jurisdiction of district associate judges. Approved April 28.
- S.F. 2109 — Relating to temporary licensure of nurses. Approved April 28.
- S.F. 2126 — Relating to payment by clerks of the district court of amounts less than one dollar. Approved April 28.
- S.F. 2133 — Relating to rent reimbursement claims for low-income persons and providing an effective and applicability date provision. Approved April 28.
- S.F. 2157 — Relating to electric transmission line franchises. Approved May 2.
- S.F. 2169 — Relating to teacher licensure terms and endorsements. Approved April 28.
- S.F. 2172 — Relating to vocational rehabilitation. Approved April 25.
- S.F. 2186 — Relating to water districts by authorizing a city to grant a franchise to a rural water district to qualify for federal funding, by authorizing a franchise for sewer services, and by providing for membership in a federated association. Approved May 2.
- S.F. 2190 — Relating to the regulation, location, and taxation of mobile, modular, and manufactured homes. Approved April 25.
- S.F. 2196 — Relating to medical assistance provisions involving the medical assistance advisory council and services to persons with disabilities. Approved May 4.

- S.F. 2203 — Relating to health care facilities by providing for special classifications of care and by determining the application of licensing requirements to adult day care and respite care services. Approved May 4.
- S.F. 2206 — Relating to the licensing of nonresident hunters of deer and turkey and providing effective and applicability date provisions. Approved April 25.
- S.F. 2215 — Updating the Iowa Code references to the federal Internal Revenue Code, except those references to the taxation of social security benefits, striking a provision for a moving expense deduction, striking state provisions for disallowing private club expenses, and providing retroactive applicability and effective dates. Approved May 10.
- S.F. 2216 — Allowing recovery of hazardous substances cleanup costs by governmental subdivisions. Approved May 5.
- S.F. 2219 — Relating to the office of secretary of state and ethics and campaign disclosure board, the conduct of elections and voter registration in the state, changing the threshold reporting level for ballot issues, and relating to corrective and technical changes to Iowa's election and campaign finance laws. Approved May 16.
- S.F. 2223 — Relating to voter registration, implementing the federal National Voter Registration Act, and providing penalties and an effective date. Approved May 11.
- S.F. 2226 — Relating to the collection of a document management fee by the county recorder on each recorded transaction. Approved May 2.
- S.F. 2230 — Relating to the numbers of and facilities for officers of the judicial department; permitting an increase in the number of district associate judges in certain counties; and permitting the use of available funds for offices for judges on the court of appeals. Approved April 28.
- S.F. 2234 — Relating to educational finances, activities, and procedures administered by or through the department of education. Approved May 13.
- S.F. 2250 — Relating to the department of human services by establishing debt liens based upon the inappropriate obtaining of benefits from the department of human services and reporting of assets and income of a medical assistance recipient by a conservator. Approved April 25.
- S.F. 2263 — Providing for the storage of bulk grain by producers owning the grain. Approved April 25.

- S.F. 2264 — Relating to the establishment of supplemental needs trusts for persons with disabilities. Approved May 5.
- S.F. 2268 — Relating to funeral processions. Approved May 2.
- S.F. 2272 — Relating to prize promotions by creating criminal and civil penalties and creating a private cause of action. Approved May 18.
- S.F. 2273 — Relating to the investment authority of state banks. Approved May 2.
- S.F. 2277 — Relating to social studies requirements in the schools. Approved May 4.
- S.F. 2279 — Amending the Uniform Commercial Code relating to negotiable instruments, and bank deposits and collections, and repealing sections, and providing an effective date. Approved May 10.
- S.F. 2282 — Relating to the regulation of insurance including provisions concerning the disclosure of confidential information, the standard valuation of certain insurance policies and contracts and annuities and endowments, and the disclosure of certain transactions of insurers domiciled in this state, and providing an effective date. Approved May 13.
- S.F. 2287 — Establishing requirements for disclosure of psychological test material. Approved May 5.
- S.F. 2288 — Amending statutory provisions involving the council on human investment and the federal-state family investment and job opportunities and basic skills programs in accordance with federal requirements and providing an effective date. Approved April 25.
- S.F. 2297 — Relating to a home and community-based waiver for persons with brain injury. Approved May 5.
- S.F. 2300 — Requiring the environmental protection commission to codify the special waste authorization program and relating to solid waste. Approved May 13.
- S.F. 2307 — Relating to probate including the exclusion of revocable trusts from the restrictions on agricultural land ownership, the creation of standby conservatorships, and the creation and establishment of separate trusts in certain circumstances. Approved May 4.
- S.F. 2311 — Relating to services for persons with mental illness, mental retardation or other developmental disability, or brain injury. Approved May 11.

- S.F. 2314 — Relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees and effective dates. Item Vetoed and approved May 13. See Governor's Item Veto Messages.
- S.F. 2318 — Relating to state budget processes and providing effective dates. Approved May 16.
- S.F. 2319 — Relating to juvenile justice by establishing or enhancing penalties for delinquent acts which may be committed by juveniles, establishing or enhancing penalties for public offenses relating to juvenile justice, authorizing searches of students lockers in a school without advance notice under certain circumstances, delaying the repeal of the interception of communications law, providing for the commitment of persons determined to be sexually violent predators, and making related appropriations and providing effective dates. Approved May 12.
- S.F. 2322 — Relating to the definition of little cigar for purposes of state cigarette and tobacco taxation, and providing an effective date. Vetoed May 4. See Governor's Veto Message.
- S.F. 2326 — Relating to capital project financing through the funding of a capitol complex renovation program and through the issuance of bonds by the state board of regents, including bonds for college education financing, and making a standing appropriation and providing an effective date. Item Vetoed and approved May 10. See Governor's Item Veto Message.
- S.F. 2329 — Making an appropriation for the Iowa communications network fund for the fiscal year beginning July 1, 1994. Approved May 2.
- S.F. 2330 — Relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions. Item Vetoed and approved May 13. See Governor's Item Veto Messages.

## GOVERNOR'S ITEM VETO MESSAGES

May 10, 1994

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
LOCAL

Dear Madam Secretary:

I hereby transmit Senate File 2326, a bill for an act relating to capital project financing through the funding of a capitol complex renovation program and through the issuance of bonds by the state board of regents, including bonds for college education financing, and making a standing appropriation and providing an effective date.

Senate File 2326 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Section 1, subsection 3 and Section 2, in their entirety. Section 1, subsection 3 establishes a Capitol Complex Renovation Fund and authorizes payments out of the fund for Capitol renovation projects performed pursuant to lease-purchase contracts. Section 2 appropriates up to \$4.2 million per year of use tax dollars to the Capitol complex renovation fund established in Section 1, subsection 3. With the veto of these two sections, the financing necessary to lease-purchase contract for renovation of the Capitol cannot proceed. Section 1, subsection 2, which authorizes lease-purchase contracting for the renovation of the Capitol, is left intact to avoid any impact a veto of that provision might have on the Regents' bonding authorized in Section 3.

By making the amount authorized in section 3 for Regents' bonding a percentage of the amount authorized in Section 1, subsection 2, the legislature has attempted to circumvent the Governor's constitutional authority to veto separate items in an appropriations bill. In tying the items relating to Capitol renovation and Regent's bonding together, the legislature has tried by specific draftsmanship to "coerce" me into either approving both items or disapproving both, but not approving one and disapproving the other. The legislature has never been so bold in its effort to evade the Governor's item veto power, and in so doing, utilizing a drafting strategy the Iowa courts would certainly reject.

In taking the action that I have on Senate File 2326, I have effectively approved the authorization necessary for the Board of Regents to bond for the capital needs of higher education in the amount of \$30,750,018. At the same time, I have disapproved funding to finance Capitol renovation projects through lease-purchase contracting. My action today is consistent with my earlier stated position in which I indicated my belief that Capitol renovation projects are more appropriately paid for on a "pay as you go" basis.

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 2326 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

May 13, 1994

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2314, an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees and effective dates.

Senate File 2314 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Sections 26 and 27, in their entirety. These provisions would restrict executive branch agencies from entering into lease-purchase agreements. These provisions, like those included in other appropriations bills, are overly restrictive and do not allow agencies to respond to unforeseen circumstances, therefore they cannot be approved.

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 2314 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

May 13, 1994

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2330, an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions.

Senate File 2330 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 26, in its entirety. This provision would restrict payment of tax refunds in FY 1994 to persons who are entitled to refunds under recent court decisions if general fund revenues do not



exceed a certain amount. Not only would it be unfair to postpone payment of the refunds to those entitled to receive them, but it is also not good practice for the state to defer obligations into future years.

I am unable to approve the designated portion of Section 32, subsection 2, paragraph b. One of the unfortunate results of last summer's disastrous flooding was the extensive damage caused to levees along farmland. Created in this bill is a program to provide financial assistance to farmers to repair and reconstruct agricultural levees damaged by the flood. If the purposes of the program are not to be frustrated, then adequate funding must be available to assist those farmers who could benefit from the program.

I am unable to approved the item designated as Section 42, in its entirety. This provision would restrict the Department of Human Services from reallocating funds from one mental health institution to another. The department should retain the flexibility to reallocate funds as needed among the institutions.

I am unable to approve the items designated as Sections 51 and 84, in their entirety. These provisions would establish the Iowa Medical and Classification Center at Oakdale as the transportation center for the Department of Corrections. One hundred thousand dollars (\$100,000) is appropriated in the bill for necessary vehicles, equipment, support, maintenance, and salaries of five FTE's. The appropriation provided falls far short of what is necessary to support the transportation needs of the department, therefore these provisions cannot be approved.

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 2330 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

#### GOVERNOR'S VETO MESSAGE

May 4, 1994

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

Senate File 2322, an act relating to the definition of little cigar for purposes of state cigarette and tobacco taxation, and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2322 was legislation drafted and requested by the Department of Revenue and Finance based on information provided by the manufacturers of little cigars and the federal government. After the bill passed both houses, new information became available to the department which made it clear Senate File 2322 was no longer necessary.

For the above reasons, I hereby respectfully disapprove Senate File 2322.

Sincerely,  
TERRY E. BRANSTAD  
Governor

## ANNOUNCEMENT OF APPOINTMENTS

The President of the Senate announced the following statutory appointments:

April 28, 1994

### COUNCIL ON HUMAN INVESTMENT (Code 8A.1, S.F. 2288 1994 Session)

Senators Tom Vilsack and Sheldon Rittmer, terms beginning 5/1/94 and ending 4/30/97.

### IOWA COMPREHENSIVE HEALTH INSURANCE ASSOCIATION (Code 514E.2)

Senator Bill Palmer, term beginning 5/1/94 and ending 4/30/95.

May 12, 1994

### TRUSTEE OF POLICE AND FIRE RETIREMENT SYSTEM (Code 411.36)

Reappointment of Senators Larry Murphy and Richard Drake, terms beginning 5/1/94 and ending 4/30/96.

May 19, 1994

### COLLEGE AID COMMISSION (Code 261.1)

Senator Al Sorensen, to serve an unexpired term ending June 30, 1995. Senator Sorensen replaced Senator Murphy.

## COMMUNICATIONS

The following communications were received and placed on file in the office of the Secretary of the Senate:

## IOWA DEPARTMENT OF PUBLIC HEALTH

Public Health Nursing Annual Report pursuant to HF 429, Sec. 4, 4, c (6).

## IOWA DEPARTMENT OF PUBLIC HEALTH

The Home Care Aide/Chore Program. A report to the Governor and General Assembly administered by Iowa Department of Public Health. Pursuant to HF 429, Sec. 4, 4,d (5).

## IOWA DEPARTMENT OF PUBLIC HEALTH

Contract Summary.



**IN MEMORIAM****Senate**

Fuhrman, Linn .....November 14, 1944 - January 23, 1994  
Gross, George W. (Bill) .....July 21, 1929 - December 1, 1993  
Miller, Charles P. ....April 29, 1918 - December 19, 1993  
Slife, Harry G. ....February 7, 1923 - January 2, 1994

## LINN FUHRMAN

Linn Fuhrman was born on November 14, 1944, on the family farm in rural Brooke Township, near Aurelia, and passed away on January 23, 1994, at the age of forty-nine. His parents are Naomi Fuhrman and the late Carl Fuhrman of Cherokee. His only sister, Beverly, lives with her family in Vienna, Virginia.

Senator Fuhrman graduated from Aurelia Community Schools in 1962 and attended Morningside College and Buena Vista College, where he graduated with a Bachelor of Science degree in 1968. He later attended the Graduate School of Economics at Iowa State University and seminary training at Duke University in Durham, North Carolina.

Senator Fuhrman was a Vietnam War veteran who served as a chaplain's assistant. He was a member of the VFW, AMVETS, and the American Legion, where he served a term as Commander of the Aurelia post.

Senator Fuhrman was a lifelong farmer, who took over the family farm operation after his parents retired. He moved into the home place in rural Buena Vista County and resided there until his death. He was a member of the American Farm Bureau Federation, serving as Buena Vista County President and on numerous Farm Bureau state boards and committees. He represented the state of Iowa on the American Farm Bureau Field Corps Advisory Committee in 1986. He was a member of the Iowa State Extension Service, the Iowa Corn Growers Association, the Soybean Producers Association, the Aurelia Farmers Co-op and the Overall Economic Development Program (OEPD). He was a lifelong member of the Aurelia United Methodist Church and served on the Buena Vista College Alumni Board.

Senator Fuhrman's political career began when he was elected to the Iowa State Senate and served in the 72nd through 75th General Assemblies. He served on the Commerce, Ways and Means, Judiciary, Business and Labor Relations, and Communication and Information Policy Committees, during his final term. He was ranking member of the latter two committees.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIFTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Linn Fuhrman, 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.

MARY LOU FREEMAN, Chair  
WAYNE BENNETT  
JOHN P. KIBBIE

Committee

### GEORGE W. GROSS

George W. "Bill" Gross was born on July 21, 1929, in Sioux City, and passed away on December 1, 1993, at the age of sixty-four. His parents were Carl L. and Bonnie Yaeger Gross. He married Chloe J. Fulton on December 31, 1947, in Sioux City. They are parents to two sons, David W. and Steven C. Gross both of Sioux City, and two daughters, Rebecca S. Gross of Sioux City and Cathie Brende of South Sioux City. They have four grandchildren. George was a loving husband, father, and grandfather.

Senator Gross graduated from Central High School in Sioux City in 1947. He was employed at Johnson Biscuit Co., Blue Bunny, Lloyd & Meyers, Office Systems Inc., C.M. Corp., Nursing Home Corp., J.C. Penny Co., and Marina Inn.

Senator Gross began his political career with his election to the Sioux City Council in 1970. He was elected to the Iowa Senate in March 1971, serving until December of 1972, and while there he served on the following committees: Social Services, Cities and Towns, Transportation, and Environmental Preservation. He was appointed to the Sioux City Council in January 1973 and was re-elected in January of 1974. He was elected Mayor of Sioux City in January 1976 and served one term. He worked as a lobbyist in Des Moines for the Iowa League of Municipalities and later served as City Clerk in Sioux City from 1982 until his retirement in 1992.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIFTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable George William Gross, 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

## CHARLES P. MILLER

Charles P. Miller was born April 29, 1918, in Harbor Beach, Michigan, and passed away December 19, 1993, at the age of 75 in Burlington, Iowa. He was the son of William and Anna Miller. He married Virginia M. Ferrington in 1946. They were parents to six children; Evelyn Swearington of Burlington, and sons Charles Miller of Hamilton, Missouri, David Miller of Burlington, Steven Miller of Bettendorf, Dennis Miller of San Ramon, California and Scott Miller of Burlington. He had three brothers, two sisters, seventeen grandchildren, one great-grandchild and two step-grandchildren. Virginia found only one way to describe her husband. "He was marvelous," she said.

Dr. Miller graduated from high school in 1937 at Port Huron, Michigan, attended Burlington Jr. College in 1947 and 1948, Palmer College of Chiropractic in Davenport during the years of 1948 through 1952, and practiced as a Doctor of Chiropractic since 1952. Dr. Miller served in the US Navy from 1940 to 1946 and the Naval Reserves during the years of 1947 through 1951.

Dr. Miller was inducted into the Port Huron Michigan Hall of Fame in 1982 (the team enshrined was the 1935 St. Stephen High Football Team). He also received the Silver-Beaver Scouting Award in 1948. Dr. Miller was House Speaker Pro Tempore in 1965 and 1966, President Pro Tempore of the Senate in 1983 and 1984, a member of St. Patrick's Catholic Church, on the Executive Board of Southeast Iowa Council of Boy Scouts, served in the American Legion, Veterans of Foreign Wars, Elks, 4th Degree Knight of Columbus, served four terms in the House of Representatives and five terms in the Senate.

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIFTH GENERAL ASSEMBLY OF IOWA:** That in the passing of the Honorable Charles P. 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.

EUGENE S. FRAISE, Chair  
TOM VILSACK  
RICHARD F. DRAKE

Committee

## HARRY G. SLIFE

Harry G. Slife was born February 7, 1923, in Hawarden, Iowa, and died on January 2, 1994, at the age of seventy in an automobile accident along with his wife Polly. His parents were Earl and Bernice Venard Slife. He married Dorothea



"Polly" Prichard on May 12, 1945. Harry and Polly were the parents of four children; James of Cedar Falls, Peggy Gaard of Edina, Minnesota, Polly McDonald of Rock Rapids, and Sarah Salzwedel of Mukwonago, Wisconsin, and they were grandparents to fourteen grandchildren. He was a loving husband, father, and grandfather.

Harry Slife graduated from Hawarden High School in 1941. He attended the University of Northern Iowa from 1941 to 1943. In 1943 he joined the U.S. Marines and served in World War II until 1946. He then earned a law degree from the University of Iowa in 1948. He moved to Forest City where he practiced law and was elected Winnebago County attorney in 1954. In 1956 he moved to Waterloo to become general counsel for Rath Packing Co., then serving as vice president of finance before becoming President of Rath in 1967. He left Rath in 1975 to become President of Black Hawk Broadcasting Company, which among businesses owned the NBC affiliate in Waterloo.

He retired from Black Hawk Broadcasting in 1985 but maintained a full schedule of economic development and civic activities. Some of Harry Slife's many activities included Iowa State Board of Regents; President: Wartburg Board of Regents; Iowa Department of Economic Development Board; Founder and Chairman: Cedar Valley Economic Development Partnership; President: University of Northern Iowa Foundation Board; Trustee: McElroy Trust; Waterloo Civic Foundation Board of Directors; Chairman: H.W. Grout Trust; President: Grout Museum, Inc.; Martin Luther King Jr. Education Center; Chairman: Covenant Medical Center Board; Governor's Committee for Iowa's Future Growth; Iowa Development Commission; Iowa Manufacturers Association; Cedar Falls Arts and Culture Board; Hawkeye Institute of Technology Foundation Board; Hoover Library Board; National Bank of Waterloo Board; Waterloo Chamber of Commerce; Sartori Memorial Hospital Board; St. Timothy's United Methodist Church and the Waterloo Rotary Club.

Senator Slife's awards included Iowa Management Man of the Year, 1972; Boss of the Year, 1975; Waterloo Jaycees; Citizen of the Year, Waterloo Chamber of Commerce, 1979; Distinguished Iowa Citizen Award, 1987; Service to Mankind Award, Cedar Falls Sercoma Club, 1987; Winnebago Council of the Boy Scouts of America; Distinguished Service to Cedar Falls, 1989, "Q" award winner for contributions to Quakerdale.

Senator Slife and his wife, Polly, were involved in numerous fund-raising activities for civic and educational purposes. Polly Slife was active in many community organizations, a few of which were the Conestoga Council of Girl Scouts; the University of Northern Iowa Alumni Board; the Sartori Memorial Hospital Auxiliary Board; and the United Methodist Womens Guild. In 1988 Harry and Polly were recognized as "Outstanding Philanthropists" by the Eastern Iowa Chapter of the National Society of Fund-raising Executives.

Senator Slife's career in elective office began with his special election to the Senate in November of 1990. He served in the 74th General Assembly and the first half of the 75th General Assembly when he resigned to continue his statewide and community civic endeavors and responsibilities. Polly Slife was an integral

part of Senator Slife's work in the Senate and she was active as an officer in the Legislative League.

Upon news of Senator Slife's death, Governor Branstad stated, "The State of Iowa has lost one of its finest and most respected citizens. Harry Slife was a community leader and a community supporter. He did a lot for a lot of people. There is no end to the good things you could say about Harry and Polly Slife. Their death is a tragic loss to their many friends and to the State of Iowa".

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIFTH GENERAL ASSEMBLY OF IOWA:** That in the passing of the Honorable Harry G. Slife, the State has lost an outstanding citizen who made the public good and public service his priority 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.

DONALD REDFERN, Chair  
JIM LIND  
EMIL J. HUSAK

Committee

**AMENDMENTS FILED**  
**During The**  
**Seventy-fifth General Assembly**  
**1994 Regular Session**

## S-5001

- 1 Amend Senate File 2016 as follows:
- 2 1. Page 2, by inserting after line 7 the
- 3 following:
- 4 "Sec. \_\_\_\_ . EFFECTIVE DATE.
- 5 This Act, being deemed of immediate importance,
- 6 takes effect upon enactment."
- 7 2. Title, line 2, by inserting after the word
- 8 "requirements" the following: ", and providing an
- 9 effective date".

BERL E. PRIEBE

## S-5002

- 1 Amend Senate File 2041 as follows:
- 2 1. Page 1, by inserting after line 4 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 257.14, unnumbered paragraph 1,
- 5 Code Supplement 1993, is amended to read as follows:
- 6 For the budget years commencing ~~July 1, 1991, July~~
- 7 ~~1, 1992, July 1, 1993,~~ July 1, 1994, and July 1, 1995,
- 8 if the department of management determines that the
- 9 ~~regular program combined~~ district cost of a school
- 10 district for a budget year is less than the total of
- 11 the ~~regular program combined~~ district cost plus any
- 12 adjustment added under this section for the base year
- 13 for that school district, the department of management
- 14 shall provide a budget adjustment for that district
- 15 for that budget year that is equal to the difference.
- 16 Sec. \_\_\_\_ . Notwithstanding the limit on the subject
- 17 matter of the bill which enacts the state percent of
- 18 growth for a budget year in section 257.8, subsection
- 19 1, that limitation shall not apply to the Act that
- 20 establishes the state percent of growth during the
- 21 1994 Session of the Seventy-fifth General Assembly."
- 22 2. Title page, line 1, by inserting after the
- 23 word "growth" the following: "and relating to the
- 24 school budget guarantee."

RAY TAYLOR

## S-5003

- 1 Amend Senate File 2041 as follows:
- 2 1. Page 1, line 4, by striking the word "three"
- 3 and inserting the following: "two and five-eighths."

MARY E. KRAMER  
MAGGIE TINSMAN  
WILMER RENSINK  
O. GENE MADDOX  
RAY TAYLOR

S-5004

1 Amend Senate File 2041 as follows:

2 1. Page 1, line 4, by striking the word "three"  
3 and inserting the following: "two and one-half".

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

6 "Sec. \_\_\_\_ . Section 257.14, unnumbered paragraph 1,  
7 Code Supplement 1993, is amended to read as follows:

8 For the budget years commencing ~~July 1, 1991, July~~  
9 ~~1, 1992, July 1, 1993,~~ July 1, 1994, and July 1, 1995,  
10 if the department of management determines that the  
11 regular program district cost of a school district for  
12 a budget year is less than one hundred one percent for  
13 the budget year commencing July 1, 1994, or one  
14 hundred percent for the budget year commencing July 1,  
15 1995, of the total of the regular program district  
16 cost plus any adjustment added under this section for  
17 the base year for that school district, the department  
18 of management shall provide a budget adjustment for  
19 that district for that budget year that is equal to  
20 the difference. For the budget year commencing July  
21 1, 1994, there is appropriated from the general fund  
22 of the state to the department of education the sum of  
23 two million seven hundred thousand, or so much as is  
24 necessary, to pay as state supplementary aid to those  
25 school districts for the additional adjustment added  
26 to their budget as a result of the increasing from a  
27 one hundred percent budget guarantee to a one hundred  
28 one percent budget guarantee.

29 Sec. \_\_\_\_ . Notwithstanding the limit on the subject  
30 matter of the bill which enacts the state percent of  
31 growth for a budget year in section 257.8, subsection  
32 1, that limitation shall not apply to the Act that  
33 establishes the state percent of growth during the  
34 1994 Session of the Seventy-fifth General Assembly."

35 3. Title page, line 1, by inserting after the  
36 word "growth" the following: "and relating to the  
37 school budget guarantee and making an appropriation."

BRAD BANKS  
JOHN W. JENSEN  
H. KAY HEDGE

WAYNE BENNETT  
WILMER RENSINK

S-5005

- 1 Amend Senate File 2041 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "three" the following: "and one-half".

JIM LIND

S-5006

- 1 Amend Senate Concurrent Resolution 103 as follows:
- 2 1. Page 1, line 10, by striking the word "power"
- 3 and inserting the following: "powers".
- 4 2. Page 1, line 11, by inserting after the word
- 5 "desecration" the following: "and prohibit the
- 6 display of the confederate flag".
- 7 3. Page 1, line 14, by inserting after the words
- 8 "United States" the following: "not only".
- 9 4. Page 1, line 15, by inserting after the word
- 10 "wrong" the following: ", but also believe that the
- 11 display of the confederate flag is wrong".
- 12 5. Page 1, by inserting after line 27 the fol-
- 13 lowing:
- 14 "WHEREAS, the display of the confederate flag is
- 15 also regarded as a protected form of expression,
- 16 although the confederate flag does not represent the
- 17 United States in any official capacity and is a symbol
- 18 of oppression, fear, and hatred to the minority
- 19 citizens of this country; and"
- 20 6. Page 1, by striking line 29 and inserting the
- 21 following: "protect the American flag from physical
- 22 desecration and that would permit the banning of the
- 23 display of the confederate flag would not".
- 24 7. Page 2, line 3, by inserting before the word
- 25 "flag" the following: "American".
- 26 8. Page 2, line 12, by inserting after the word
- 27 "States" the following: "and the power to prohibit
- 28 the display of the confederate flag".

MICHAEL GRONSTAL  
JIM LIND

S-5007

- 1 Amend Senate File 2060 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:

4 "Section 1. Section 347.9, Code 1993, is amended  
5 by adding the following new unnumbered paragraph:  
6 NEW UNNUMBERED PARAGRAPH. If the membership of the  
7 county hospital board of trustees has been changed in  
8 accordance with section 347.25A, the provisions of  
9 this section and section 347.10 in regard to number of  
10 members and terms of office of the members of a  
11 hospital board of trustees do not apply. However, all  
12 other provisions of this section remain applicable."

13 2. Page 2, by inserting after line 29 the  
14 following:

15 "Sec. 101. NEW SECTION. 347.25A BOARD OF TRUSTEE  
16 MEMBERSHIP.

17 1. A county board of supervisors may by  
18 resolution, or shall upon petition of the number of  
19 eligible electors of the county as specified in  
20 section 331.306, submit to the qualified electors of  
21 the county at a general election a proposition to  
22 revise the manner of election and number of members of  
23 the county hospital board of trustees to be the same  
24 as that of the county board of supervisors in that  
25 county.

26 2. If a majority of the votes is in favor of the  
27 proposition, the membership of the board of trustees  
28 shall remain as provided in section 347.9 until the  
29 first day in January which is not a Sunday or holiday  
30 following the next general election, at which time the  
31 terms of the members of the board of trustees shall  
32 expire.

33 3. At the next general election following the one  
34 at which the proposition to revise the manner of  
35 election and number of members of the county hospital  
36 board of trustees is approved, the membership of the  
37 board of trustees shall be elected according to the  
38 supervisor representation plan in effect in the  
39 county. The initial terms of the board of trustees  
40 elected under this subsection shall be the same as  
41 would apply to the initial election of that county's  
42 board of supervisors as provided in sections 331.201  
43 through 331.210."

44 3. By renumbering as necessary.

BERL PRIEBE

S-5008

1 Amend Senate File 2069 as follows:

2 1. Page 2, line 14, by striking the word  
3 "fiduciary" and inserting the following: "financial".

4 2. Page 2, by striking lines 26 and 27, and

- 5 inserting the following: "to consumers."  
 6 3. Page 3, line 15, by striking the words "or  
 7 encounter" and inserting the following: ", encounter,  
 8 or other electronic message".  
 9 4. Page 4, line 12, by striking the word "be" and  
 10 inserting the following: "represent".  
 11 5. Page 4, line 14, by inserting after the word  
 12 "individuals." the following: "Additionally, at least  
 13 one of the individuals representing employment-based  
 14 purchasers shall represent self-insured plans."  
 15 6. Page 5, line 1, by inserting after the word  
 16 "review" the following: "and approval".  
 17 7. Page 7, lines 15 and 16, by striking the words  
 18 "payor or provider required to provide information"  
 19 and inserting the following: "noncomplying party".  
 20 8. Page 9, line 7, by striking the words  
 21 "transaction data" and inserting the following:  
 22 "electronic transaction".  
 23 9. Page 9, line 8, by inserting after the word  
 24 "board." the following: "A self-insured plan  
 25 providing health care coverage in this state shall, on  
 26 its own or through a third-party administrator or  
 27 other third-party, accept electronic transaction  
 28 submissions, provide remittance, and transmit  
 29 eligibility electronically as provided by the board."

COMMITTEE ON HUMAN RESOURCES  
 ELAINE SZYMONIAK, Chairperson

S-5009

- 1 Amend Senate File 2071 as follows:  
 2 1. Page 1, by striking lines 9 through 12 and  
 3 inserting the following: "~~with the prior written~~  
 4 ~~permission of a duly appointed representative of the~~  
 5 ~~commission. All fur-bearing animals so taken shall be~~  
 6 ~~relinquished to a representative of the commission.~~"

COMMITTEE ON NATURAL RESOURCES  
 BILL FINK, Chairperson

S-5010

- 1 Amend Senate Concurrent Resolution 104 as follows:  
 2 1. Page 1, line 30, by striking the word  
 3 "Administration" and inserting the following:  
 4 "Agency".

MERLIN E. BARTZ  
 ALLEN BORLAUG



HOUSE AMENDMENT TO  
SENATE FILE 2041

S-5011

- 1 Amend Senate File 2041, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 4, by striking the word "three"  
4 and inserting the following: "two and one-tenth".

S-5012

- 1 Amend the amendment, S-5007, to Senate File 2060 as  
2 follows:  
3 1. Page 1, line 17, by inserting after the word  
4 "supervisors" the following: "and county hospital  
5 board of trustees".  
6 2. Page 1, line 18, by inserting before the word  
7 "resolution" the following: "joint".

JIM RIORDAN

S-5013

- 1 Amend Senate Concurrent Resolution 103 as follows:  
2 1. Page 1, line 11, by inserting after the word  
3 "flag" the following: "and flags of the states".  
4 2. Page 1, line 15, by striking the words "the  
5 flag" and inserting the following: "flags".  
6 3. Page 1, line 21, by striking the words "the  
7 flag" and inserting the following: "flags".  
8 4. Page 1, line 29, by striking the words "the  
9 flag" and inserting the following: "flags".  
10 5. Page 2, line 2, by striking the words "protect  
11 the" and inserting the following: "protect".  
12 6. Page 2, by striking line 3, and inserting the  
13 following: "flags, and identify them as unique and  
14 honored symbols".  
15 7. Page 2, line 12, by inserting after the word  
16 "States" the following: "and the flags of the  
17 states".

AL STURGEON  
JEAN LLOYD-JONES  
RALPH ROSENBERG

HOUSE AMENDMENT TO  
SENATE FILE 294

S-5014

- 1 Amend Senate File 294, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 6, by striking the word
- 4 "appointment" and inserting the following: "assuming
- 5 the office of sheriff".
- 6 2. Page 1, line 12, by inserting after the word
- 7 "office." the following: "A person shall be deemed to
- 8 have completed the basic training course if the person
- 9 meets all course requirements except the physical
- 10 training requirements."
- 11 3. By renumbering, relettering, or redesignating
- 12 and correcting internal references as necessary.

S-5015

- 1 Amend Senate File 2057 as follows:
- 2 1. Page 11, by inserting after line 16 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 425.26, subsection 8, Code
- 5 1993, is amended by striking the subsection."

RALPH ROSENBERG

S-5016

- 1 Amend Senate File 2051 as follows:
- 2 1. Page 1, lines 5 and 6, by striking the words
- 3 "receiving grant funds in accordance with section
- 4 237A.26" and inserting the following: "which has
- 5 entered into an agreement authorized by the department
- 6 to provide child day care resource and referral
- 7 services".

COMMITTEE ON HUMAN RESOURCES  
ELAINE SZYMONIAK, Chairperson

S-5017

- 1 Amend the House Amendment, S-5011, to Senate File
- 2 2041, as passed by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the word "one-
- 4 tenth" and inserting the following: "eighty-five
- 5 hundredths".

MIKE CONNOLLY

S-5018

1 Amend amendment, S-5017, to the House amendment, S-  
2 5011, to Senate File 2041, as passed by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 3 through 5 and  
5 inserting the following:

6 "\_\_\_ . Page 1, by striking lines 3 and 4 and  
7 inserting the following:

8 "\_\_\_ . Page 1, line 4, by striking the words  
9 "three percent." and inserting the following: "two  
10 and forty-seven hundredths percent plus an allowable  
11 growth in budget enrollments as follows: For the  
12 budget year beginning July 1, 1994, if the budget  
13 enrollment of a school district has declined from the  
14 budget enrollment for the base year by twenty-five or  
15 more pupils, the district may be eligible for an  
16 enrollment adjustment based upon the average budget  
17 enrollment for the base year and the two prior years  
18 to the base year. If this three-year average is  
19 greater than the budget enrollment for the budget  
20 year, the department of management shall increase the  
21 budget enrollment by the amount of such excess. If  
22 the three-year average is less than or equal to the  
23 budget enrollment for the budget year, the budget  
24 enrollment is the basic enrollment for the budget  
25 year.

26 Any increase in state aid resulting from the  
27 enrollment adjustment shall not be considered by an  
28 arbitrator or in negotiations under chapter 20." ""

MERLIN E. BARTZ

S-5019

1 Amend Senate File 2012 as follows:

2 1. Page 1, by striking lines 1 through 6 and  
3 inserting the following:

4 "Sec. \_\_\_ . Section 321.445, subsection 2,  
5 paragraph c, Code 1993, is amended to read as follows:

6 c. The driver of a motor vehicle while performing  
7 duties as a ~~rural~~ letter carrier for the United States  
8 postal service or as a newspaper carrier. This  
9 exemption applies only between the first delivery  
10 point ~~after leaving the post office~~ and the last  
11 delivery point ~~before returning to the post office on~~  
12 the respective route."

13 2. Title page, by striking line 2 and inserting  
14 the following: "for newspaper carriers and letter  
15 carriers."

MERLIN E. BARTZ  
BILL FINK

S-5020

- 1 Amend the amendment, S-5019, to Senate File 2012,  
2 as follows:  
3 1. Page 1, by striking line 8 and inserting the  
4 following: "postal service or as a carrier of  
5 newspapers or other periodicals. This".  
6 2. Page 1, by striking line 14 and inserting the  
7 following: "the following: "for carriers of  
8 newspapers and periodicals and letter".

MERLIN E. BARTZ

S-5021

- 1 Amend Senate File 2053 as follows:  
2 1. Page 1, by striking lines 16 and 17, and  
3 inserting the following: "board of nursing in  
4 consultation with the board of medical examiners and  
5 the board of pharmacy examiners."

COMMITTEE ON HUMAN RESOURCES  
ELAINE SZYMONIAK, Chairperson

S-5022

- 1 Amend Senate File 2057 as follows:  
2 1. Page 10, by inserting after line 23 the  
3 following:  
4 "Sec. 100. Section 423.4, Code 1993, is amended by  
5 adding the following new subsection:  
6 NEW SUBSECTION. 16. Motor vehicles subject to  
7 registration when purchased by the lessee of the motor  
8 vehicle if the following occurred:  
9 a. The lease of the motor vehicle was entered into  
10 after the enactment of this subsection and was for a  
11 period of two years or more.  
12 b. The use tax on the motor vehicle had been paid  
13 by the lessor as provided in section 423.6, subsection  
14 1."  
15 2. Page 17, by inserting after line 7 the  
16 following:  
17 "Sec. \_\_\_\_ . Section 100 of this Act, being deemed  
18 of immediate importance, takes effect upon enactment."

MERLIN E. BARTZ

S-5023

1 Amend Senate File 2080 as follows:

2 1. Page 1, line 7, by striking the words "1  
3 loading and safety equipment."

4 2. Page 1, by striking lines 10 through 16.

5 3. Page 2, by inserting after line 20 the  
6 following:

7 "Sec. \_\_\_\_ . Section 321.465, unnumbered paragraph  
8 2, Code 1993, is amended to read as follows:

9 If an officer upon weighing a vehicle and load  
10 determines that the weight is unlawful, the officer  
11 may require the driver to stop the vehicle in a  
12 suitable place until such portion of the load is  
13 removed as may be necessary to reduce the gross weight  
14 of the vehicle to the limit as permitted under this  
15 chapter. All material so unloaded shall be cared for  
16 by the owner or operator of the vehicle at the risk of  
17 the owner or operator. The owner or operator of an  
18 overweight vehicle, designed to ~~compact and~~ transport  
19 solid waste and domiciled within the state, which is  
20 transporting solid waste, shall not be required to  
21 unload any portion of the load, if the load is  
22 indivisible, in a place other than a facility which is  
23 permitted to handle solid waste disposal, processing,  
24 or recycling. For purposes of this section "solid  
25 waste" means waste which is acceptable at a local  
26 sanitary landfill and the solid waste ~~which has been~~  
27 ~~compact~~ed shall be considered to be an indivisible  
28 load.

29 Sec. \_\_\_\_ . Section 321E.9, unnumbered paragraph 1,  
30 Code 1993, is amended to read as follows:

31 Subject to the discretion and judgment provided for  
32 in section 321E.1, single-trip permits, which may  
33 include a round-trip to and from a job or delivery  
34 site, shall be issued in accordance with the following  
35 provisions:"

36 4. Page 2, by striking lines 25 through 29 and  
37 inserting the following: "unless it is established by  
38 the issuing authority determines that the movement can  
39 be better accomplished at another period of time  
40 because of traffic volume conditions or the vehicle  
41 subject to the permit has an overall length not to  
42 exceed one hundred feet, an overall width not to  
43 exceed eleven feet, and an overall height not to  
44 exceed fourteen feet, four inches, and the permit  
45 requires the vehicle to operate only on the designated  
46 highway system. Additional safety lighting and  
47 escorts may be required for movement at night."

48 5. Title page, by striking lines 2 through 4 and

49 inserting the following: "defining special mobile  
50 equipment and exempting oversized vehicles from

Page 2

- 1 certain".
- 2 6. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION  
JEAN LLOYD-JONES, Chairperson

S-5024

- 1 Amend House File 545 as follows:
- 2 1. Page 1, line 9, by striking the words "five
- 3 hundred" and inserting the following: "two hundred
- 4 fifty".
- 5 2. Page 1, line 10, by striking the words "one
- 6 thousand" and inserting the following: "five
- 7 hundred".
- 8 3. Page 1, by striking lines 13 and 14 and
- 9 inserting the following: "the penalty specified in
- 10 section 325.34."
- 11 4. Page 1, line 24, by striking the words "five
- 12 hundred" and inserting the following: "two hundred
- 13 fifty".
- 14 5. Page 1, line 25, by striking the words "one
- 15 thousand" and inserting the following: "five
- 16 hundred".
- 17 6. Page 1, by striking lines 28 and 29 and
- 18 inserting the following: "addition to the penalty
- 19 specified in section 327.22."
- 20 7. Page 2, line 11, by striking the words "five
- 21 hundred" and inserting the following: "two hundred
- 22 fifty".
- 23 8. Page 2, line 12, by striking the words "one
- 24 thousand" and inserting the following: "five
- 25 hundred".
- 26 9. Page 2, by striking lines 15 and 16 and
- 27 inserting the following: "the penalty specified in
- 28 section 327A.18."

WILLIAM DIELEMAN  
RICHARD DRAKE

S-5025

- 1 Amend Senate File 2136 as follows:
- 2 1. Page 1, by striking lines 6 and 7 and
- 3 inserting the following: "fire fighters a probation

4 period not to exceed twelve months, ~~during which time,~~  
5 However, in cities with a population over one hundred  
6 seventy-five thousand, appointments to the position of  
7 fire fighter shall be conditional upon a probation  
8 period of not to exceed twenty-four months. During  
9 the probation period, the appointee may be removed or  
10 discharged”.

11 2. Page 1, by inserting after line 15, the  
12 following:

13 “Sec. 101. Section 400.11, Code Supplement 1993,  
14 is amended by adding the following new unnumbered  
15 paragraph after unnumbered paragraph 2:

16 NEW UNNUMBERED PARAGRAPH. However, for a city with  
17 a population over one hundred seventy-five thousand,  
18 the commission may hold in reserve, for original  
19 appointments and for promotions, additional lists of  
20 ten persons each next highest in standing, in order of  
21 their grade, or such number as may qualify if less  
22 than ten. If the list of ten persons provided in the  
23 first paragraph is exhausted within one year, the  
24 commission may certify such additional lists of ten  
25 persons each, in order of their standing, to the  
26 council as eligible for appointment to fill such  
27 vacancies as may exist. However, for original  
28 appointments only, no more than four lists, with each  
29 list containing two groups of ten persons each, shall  
30 be certified for each one-year period of eligibility.

31 Sec. \_\_\_\_ . APPLICABILITY. That portion of section  
32 1 of this Act which amends Code section 400.8 by  
33 setting a probationary period not to exceed twenty-  
34 four months for persons appointed to the position of  
35 fire fighter in a city with a population over one  
36 hundred seventy-five thousand applies retroactively to  
37 January 1, 1994, for appointments made on or after  
38 that date. Section 101 of this Act, amending Code  
39 section 400.11, applies retroactively to January 1,  
40 1994, to lists for original appointments certified on  
41 or after that date.

42 Sec. \_\_\_\_ . EFFECTIVE DATE. This Act, being deemed  
43 of immediate importance, takes effect upon enactment.”

44 3. Title page, line 1, by inserting after the  
45 word “relating” the following: “to civil service  
46 employment.”

47 4. Title page, line 2, by inserting after the  
48 word “dispatchers” the following: “and to certain  
49 fire fighters, to civil service lists for certain  
50 cities, and providing retroactive applicability and

## Page 2

- 1 effective dates".
- 2 5. By renumbering as necessary.

TONY BISIGNANO

## S-5026

- 1 Amend Senate File 2080 as follows:
- 2 1. Page 2, by inserting after line 29 the
- 3 following:
- 4 "Sec. \_\_\_\_ . 1991 Iowa Acts, chapter 127, section 2,
- 5 is amended to read as follows:
- 6 SEC. 2. Section 1 of this Act is repealed July 1,
- 7 ~~1994~~ 1996. On that date the Code editor shall return
- 8 the language in section 1 of this Act to the language
- 9 appearing in the 1991 Code."
- 10 2. By renumbering as necessary.

JOHN P. KIBBIE  
MERLIN E. BARTZ

## S-5027

- 1 Amend House File 2180, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 17 through 20.
- 4 2. Page 3, by striking lines 29 and 30 and
- 5 inserting the following: "This part shall be known
- 6 and may be cited as the "New Jobs and Income Act"".
- 7 3. Page 3, line 32, by striking the word
- 8 "division" and inserting the following: "part".
- 9 4. Page 3, by striking line 34.
- 10 5. Page 4, by striking lines 1 through 7 and
- 11 inserting the following: "pursuant to chapter 28E."
- 12 6. Page 4, by striking lines 10 through 24 and
- 13 inserting the following:
- 14 "\_\_\_\_. "Program" means the new jobs and income
- 15 program."
- 16 7. Page 4, line 26, by striking the word
- 17 "division" and inserting the following: "part".
- 18 8. Page 4, line 27, by inserting after the word
- 19 "shall" the following: ", individually or as part of
- 20 a group of businesses,".
- 21 9. Page 4, line 30, by striking the word
- 22 "division" and inserting the following: "part".
- 23 10. By striking page 5, line 2 through page 8,
- 24 line 15 and inserting the following:
- 25 "c. Invest ten million dollars in new equipment



26 and machinery as defined in section 427A.1, subsection  
27 1, paragraphs "e" and "j", within three years of the  
28 date of the agreement with the department required by  
29 section 15.330. If the business or group of  
30 businesses is occupying a vacant building suitable for  
31 industrial use, the fair market value of the building  
32 shall be counted toward the investment threshold of  
33 this paragraph.

34 d. Pay nonmanagement production employees at the  
35 facility for which the business receives program  
36 incentives, in each year in which the business  
37 receives incentives under the program, cash wages, not  
38 including bonuses or profit sharing or pension,  
39 medical, dental, life insurance, or other employment  
40 benefits, of fifteen dollars per hour or one hundred  
41 fifty percent of the average wage in the county in  
42 which the new investment is located.

43 e. Provide and pay at least eighty percent of the  
44 cost of a comprehensive medical and dental insurance  
45 plan for all full-time employees working at the  
46 facility in which the new investment occurred.

47 f. Produce or manufacture high value-added goods  
48 or services or be in one of the following industries:

- 49 (1) Value-added agricultural products.  
50 (2) Insurance and financial services.

## Page 2

1 (3) Plastics.

2 (4) Metals.

3 (5) Printing paper or packaging products.

4 (6) Drugs and pharmaceuticals.

5 (7) Software development.

6 (8) Instruments and measuring devices and medical  
7 instruments.

8 (9) Recycling and waste management.

9 (10) Telecommunications.

10 Retail business shall not be eligible for benefits  
11 under this part.

12 2. In addition to the requirements of subsection  
13 1, a business or group of businesses shall do at least  
14 four of the following in order to be eligible for  
15 incentives under the program:

16 a. Offer a pension or profit sharing plan to full-  
17 time employees.

18 b. Invest annually no less than one percent of  
19 pretax profits in research and development.

20 c. Invest annually no less than one percent of  
21 pretax profits from the facility in which the new  
22 investment occurred in worker retraining and skills

23 enhancement if the business has not entered into an  
24 agreement under chapter 260E.  
25 d. Have an active labor-management safety  
26 committee.  
27 e. Have a quality assurance or total quality  
28 management system in place with benchmarks for gauging  
29 compliance.  
30 f. Provide adequate quality day care services to  
31 employees as part of an employee fringe benefit  
32 package.  
33 g. Occupy an existing facility at least one of the  
34 buildings of which shall be vacant and shall contain  
35 at least twenty thousand square feet.  
36 3. The business or group of businesses shall also  
37 increase employment at the facility for which the  
38 business or group of businesses receives program  
39 incentives by not less than one hundred full-time  
40 employees within three years after the date of the  
41 agreement with the department required by section  
42 15.330 and maintain the jobs for at least five years.  
43 4. Any business located in a quality jobs  
44 enterprise zone is ineligible to receive the economic  
45 development incentives under the program.  
46 5. A business or group of businesses may choose up  
47 to three of the program benefits contained in sections  
48 15.331 through 15.335. However, before program  
49 benefits may be claimed, the business or group of  
50 businesses shall show that all required environmental

**Page 3**

1 permits have been issued and regulations met.  
2 Sec. \_\_\_\_ . NEW SECTION. 15.330 AGREEMENT -- NON-  
3 COMPLIANCE -- PENALTIES.  
4 A business or group of businesses shall enter into  
5 an agreement with the department specifying the  
6 requirements which must be met to satisfy the criteria  
7 of section 15.329. The department shall consult with  
8 the community during negotiations relating to the  
9 agreement. The agreement shall contain the following  
10 provisions:  
11 1. If the business or group of businesses has not  
12 met more than ninety percent of the job creation  
13 requirement in section 15.329, subsection 3, it shall  
14 pay a percentage of the incentive received under  
15 section 15.333, or if the business or group of  
16 businesses does not receive the incentive under  
17 section 15.333, then under section 15.332 as follows:  
18 a. If the business or group of businesses has met  
19 fifty percent or less of the requirement, the business

20 or group of businesses shall pay the same percentage  
21 in benefits as the business or group of businesses  
22 failed to create in jobs.

23 b. If the business or group of businesses has met  
24 more than fifty percent but not more than seventy-five  
25 percent of the requirement, the business or group of  
26 businesses shall pay one-half of the percentage in  
27 benefits as the business or group of businesses failed  
28 to create in jobs.

29 c. If the business or group of businesses has met  
30 more than seventy-five percent but not more than  
31 ninety percent of the requirement, the business or  
32 group of businesses shall pay one quarter of the  
33 percentage in benefits as the business or group of  
34 businesses failed to create in jobs.

35 2. If a business or group of businesses does not  
36 meet the wage, investment, and job training  
37 requirements in section 15.239, subsection 1,  
38 paragraph "d", and subsection 2, paragraphs "b" and  
39 "c", in any one year, it must meet that requirement in  
40 the following year or forfeit the incentives for that  
41 year."

42 11. Page 8, line 16, by striking the figure  
43 "15.330" and inserting the following: "15.331".

44 12. Page 9, by striking lines 15 through 27.

45 13. Page 9, by striking lines 29 and 30 and  
46 inserting the following: "An eligible business may  
47 claim a corporate tax credit up to a maximum of ten  
48 percent of the new".

49 14. Page 9, line 35, by striking the word  
50 "twenty" and inserting the following: "seven".

#### Page 4

1 15. Page 10, line 20, by striking the words "The  
2 community may" and inserting the following: "An  
3 eligible business may claim as".

4 16. By striking page 10, line 30 through page 11,  
5 line 34.

6 17. Page 12, by striking line 1 and inserting the  
7 following: "An eligible business may claim".

8 18. Page 12, line 4, by striking the words "high  
9 quality jobs and targeted industries".

10 19. Page 12, by inserting after line 23 the  
11 following:

12 "A credit in excess of the tax liability for the  
13 tax year may be credited to the tax liability for the  
14 following three years or until depleted, whichever  
15 comes first."

16 20. Page 12, line 27, by striking the word

17 "division" and inserting the following: "part".  
18 21. Page 12, line 28, by striking the word  
19 "division" and inserting the following: "part".  
20 22. Page 20, by inserting after line 28 the  
21 following:  
22 "Sec. \_\_\_\_ . LEGISLATIVE STUDY. The legislative  
23 council is requested to establish a task force to  
24 examine the service delivery system for economic  
25 development programs and to study the relationship  
26 between local and state governments and businesses in  
27 utilizing financial and tax incentives as economic  
28 development tools. Membership on the task force is  
29 requested to be the following:  
30 1. Ten voting members from the senate and house of  
31 representatives, three members appointed by the  
32 majority leader of the senate, two members appointed  
33 by the minority leader of the senate, three members  
34 appointed by the speaker of the house of  
35 representatives, and two members appointed by the  
36 minority leader of the house of representatives.  
37 2. Eight nonvoting members as follows:  
38 a. The director of the department of economic  
39 development or the director's designee.  
40 b. One member each designated by the association  
41 of business and industry, the Iowa state association  
42 of counties, the league of Iowa municipalities, the  
43 professional developers of Iowa, the Iowa business  
44 council, and two statewide labor organizations."  
45 23. Page 20, by striking lines 29 through 32 and  
46 inserting the following:  
47 "Sec. \_\_\_\_ . EFFECTIVE DATE. This Act, being deemed  
48 of immediate importance, takes effect upon enactment."  
49 24. Title page, lines 2 and 3, by striking the  
50 words "high quality jobs and targeted industries" and

**Page 5**

1 inserting the following: "new jobs and income".  
2 25. By renumbering and correcting internal  
3 references as necessary.

COMMITTEE ON SMALL BUSINESS,  
ECONOMIC DEVELOPMENT  
AND TOURISM  
JIM R. RIORDAN, Chairperson

S-5028

1 Amend House File 2180, as amended, passed, and re-  
2 printed by the House, as follows:

- 3 1. By striking page 8, line 34, through page 9,  
4 line 3.  
5 2. By renumbering and correcting internal  
6 references as necessary.

JOHN P. KIBBIE  
PAUL D. PATE

S-5029

- 1 Amend the amendment, S-5027, to House File 2180 as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 4, line 28, by inserting after the word  
5 "tools." the following: "The task force shall also  
6 study the need for and benefits of a compact with  
7 other states regarding economic noncompetition and the  
8 steps necessary to implement such a compact."

ANDY McKEAN  
JIM RIORDAN

S-5030

- 1 Amend House File 2180, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 14, by striking lines 29 through 31 and  
4 inserting the following: "cash compensation of  
5 fifteen dollars per hour by the end of the second full  
6 year of operation following project completion, and  
7 which provides the".  
8 2. By striking page 17, line 22, through page 19,  
9 line 6.  
10 3. By striking page 19, line 29, through page 20,  
11 line 16.  
12 4. Page 20, by striking lines 31 and 32 and  
13 inserting the following: "enactment. All other  
14 sections of this Act take effect July 1, 1994."  
15 5. By renumbering and correcting internal  
16 references as necessary.

COMMITTEE ON WAYS AND MEANS  
WILLIAM DIELEMAN, Chairperson

S-5031

- 1 Amend the amendment, S-5027, to House File 2180, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 4, by inserting before line 1 the

5 following:

6 " — . Page 10, line 11, by inserting after the  
7 word "equipment" the following: ", as defined in  
8 section 427A.1, subsection 1, paragraphs "e" and  
9 "j",."

10 — . Page 10, by striking lines 14 through 17 and  
11 inserting the following: "accepted accounting  
12 principles."

TOM VILSACK

S-5032

1 Amend House File 2180, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 20, by inserting after line 28, the  
4 following:

5 "Sec. 501. Section 327I.26, Code 1993, is amended  
6 to read as follows:

7 327I.26 APPROPRIATION TO AUTHORITY.

8 Notwithstanding section 423.24 and prior to the  
9 application of section 423.24, subsection 1, paragraph  
10 "c", there is appropriated to the authority from  
11 ~~eighty percent two-thirds~~ of the revenues derived from  
12 the operation of section 423.7 the amounts certified  
13 by the authority under section 327I.25. However, the  
14 total amount credited to the Iowa railway finance  
15 authority under this section shall not exceed two  
16 million dollars annually. Moneys credited to the Iowa  
17 railway finance authority under this section are  
18 appropriated only for the payment of principal and  
19 interest on obligations or the payment of leases  
20 guaranteed by the authority as provided under section  
21 327I.25.

22 Sec. — . Section 422.5, subsection 1, paragraphs  
23 a through i, Code 1993, are amended to read as  
24 follows:

25 a: ~~On all taxable income from zero through one~~  
26 ~~thousand dollars, four-tenths of one percent.~~

27 b: ~~On all taxable income exceeding one thousand~~  
28 ~~dollars but not exceeding two thousand dollars, eight-~~  
29 ~~tenths of one percent.~~

30 c g. On all taxable income exceeding two thousand  
31 dollars but not exceeding four thousand dollars, two  
32 ~~and seven-tenths percent.~~

33 ~~d h.~~ On all taxable income exceeding four thousand  
34 dollars but not exceeding nine thousand dollars, ~~five~~  
35 ~~four and two-tenths percent.~~

36 e g. On all taxable income exceeding nine thousand  
37 dollars but not exceeding fifteen thousand dollars,

38 six and ~~eight-tenths~~ percent.

39 f.d. On all taxable income exceeding fifteen  
40 thousand dollars but not exceeding twenty thousand  
41 dollars, ~~seven and two-tenths~~ six and five-tenths  
42 percent.

43 g.e. On all taxable income exceeding twenty  
44 thousand dollars but not exceeding thirty thousand  
45 dollars, ~~seven~~ six and ~~fifty-five hundredths~~ eight-  
46 tenths percent.

47 h.f. On all taxable income exceeding thirty  
48 thousand dollars but not exceeding forty-five thousand  
49 dollars, eight and ~~eight-tenths~~ one-tenth percent.

50 i.g. On all taxable income exceeding forty-five

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1 thousand dollars, nine and ~~ninety-eight~~ twenty-five  
2 hundredths percent.

3 Sec. \_\_\_\_ . Section 422.43, subsections 1, 2, 4, 5,  
4 6, 7, and 10, Code Supplement 1993, are amended to  
5 read as follows:

6 1. There is imposed a tax of five six percent upon  
7 the gross receipts from all sales of tangible personal  
8 property, consisting of goods, wares, or merchandise,  
9 except as otherwise provided in this division, sold at  
10 retail in the state to consumers or users; a like rate  
11 of tax upon the gross receipts from the sales,  
12 furnishing, or service of gas, electricity, water,  
13 heat, pay television service, and communication  
14 service, including the gross receipts from such sales  
15 by any municipal corporation or joint water utility  
16 furnishing gas, electricity, water, heat, pay  
17 television service, and communication service to the  
18 public in its proprietary capacity, except as  
19 otherwise provided in this division, when sold at  
20 retail in the state to consumers or users; a like rate  
21 of tax upon the gross receipts from all sales of  
22 tickets or admissions to places of amusement, fairs,  
23 and athletic events except those of elementary and  
24 secondary educational institutions; a like rate of tax  
25 on the gross receipts from an entry fee or like charge  
26 imposed solely for the privilege of participating in  
27 an activity at a place of amusement, fair, or athletic  
28 event unless the gross receipts from the sales of  
29 tickets or admissions charges for observing the same  
30 activity are taxable under this division; and a like  
31 rate of tax upon that part of private club membership  
32 fees or charges paid for the privilege of  
33 participating in any athletic sports provided club  
34 members.

35 2. There is imposed a tax of five six percent upon  
36 the gross receipts derived from the operation of all  
37 forms of amusement devices and games of skill, games  
38 of chance, raffles, and bingo games as defined in  
39 chapter 99B, operated or conducted within the state,  
40 the tax to be collected from the operator in the same  
41 manner as for the collection of taxes upon the gross  
42 receipts of tickets or admission as provided in this  
43 section. The tax shall also be imposed upon the gross  
44 receipts derived from the sale of lottery tickets or  
45 shares pursuant to chapter 99E. The tax on the  
46 lottery tickets or shares shall be included in the  
47 sales price and distributed to the general fund as  
48 provided in section 99E.10.  
49 4. There is imposed a tax of five six percent upon  
50 the gross receipts from the sales of engraving,

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1 photography, retouching, printing, and binding  
2 services. For the purpose of this division, the sales  
3 of engraving, photography, retouching, printing, and  
4 binding services are sales of tangible property.  
5 5. There is imposed a tax of five six percent upon  
6 the gross receipts from the sales of vulcanizing,  
7 recapping, and retreading services. For the purpose  
8 of this division, the sales of vulcanizing, recapping,  
9 and retreading services are sales of tangible  
10 property.  
11 6. There is imposed a tax of five six percent upon  
12 the gross receipts from the sales of optional service  
13 or warranty contracts which provide for the furnishing  
14 of labor and materials and require the furnishing of  
15 any taxable service enumerated under this section.  
16 The gross receipts are subject to tax even if some of  
17 the services furnished are not enumerated under this  
18 section. For the purpose of this division, the sale  
19 of an optional service or warranty contract is a sale  
20 of tangible personal property. Additional sales,  
21 services, or use taxes shall not be levied on  
22 services, parts, or labor provided under optional  
23 service or warranty contracts which are subject to tax  
24 under this section.  
25 7. There is imposed a tax of five six percent upon  
26 the gross receipts from the renting of rooms,  
27 apartments, or sleeping quarters in a hotel, motel,  
28 inn, public lodging house, rooming house, mobile home  
29 which is tangible personal property, or tourist court,  
30 or in any place where sleeping accommodations are  
31 furnished to transient guests for rent, whether with



32 or without meals. "Renting" and "rent" include any  
33 kind of direct or indirect charge for such rooms,  
34 apartments, or sleeping quarters, or their use. For  
35 the purposes of this division, such renting is  
36 regarded as a sale of tangible personal property at  
37 retail. However, this tax does not apply to the gross  
38 receipts from the renting of a room, apartment, or  
39 sleeping quarters while rented by the same person for  
40 a period of more than thirty-one consecutive days.

41 10. There is imposed a tax of ~~five~~ six percent  
42 upon the gross receipts from the rendering,  
43 furnishing, or performing of services as defined in  
44 section 422.42.

45 Sec. \_\_\_\_ . Section 422.43, subsection 12,  
46 unnumbered paragraph 1, Code Supplement 1993, is  
47 amended to read as follows:

48 A tax of ~~five~~ six percent is imposed upon the gross  
49 receipts from all sales of tangible personal property,  
50 consisting of goods, wares, or merchandise, except as

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1 otherwise provided in this division, sold at retail in  
2 the state to consumers or users within the state by  
3 retailers that meet any of the following criteria:

4 Sec. \_\_\_\_ . Section 422.43, subsection 13, paragraph  
5 a, unnumbered paragraph 1, Code Supplement 1993, is  
6 amended to read as follows:

7 A tax of ~~five~~ six percent is imposed upon the gross  
8 receipts from the sales, furnishing, or service of  
9 solid waste collection and disposal service.

10 Sec. \_\_\_\_ . Section 422.47, subsection 2, Code 1993,  
11 is amended to read as follows:

12 2. Construction contractors may make application  
13 to the department for a refund of the additional one  
14 percent tax paid under this division or the additional  
15 one percent tax paid under chapter 423 by reason of  
16 the increase in the tax from ~~four~~ to ~~five~~ to six  
17 percent for taxes paid on goods, wares, or merchandise  
18 under the following conditions:

19 a. The goods, wares, or merchandise are  
20 incorporated into an improvement to real estate in  
21 fulfillment of a written contract fully executed prior  
22 to July 1, ~~1992~~ 1994. The refund shall not apply to  
23 equipment transferred in fulfillment of a mixed  
24 construction contract.

25 b. The contractor has paid to the department or to  
26 a retailer the full ~~five~~ six percent tax.

27 c. The claim is filed on forms provided by the  
28 department and is filed within one year of the date

29 the tax is paid.

30 A contractor who makes an erroneous application for  
31 refund shall be liable for payment of the excess  
32 refund paid plus interest at the rate in effect under  
33 section 421.7. In addition, a contractor who  
34 willfully makes a false application for refund is  
35 guilty of a simple misdemeanor and is liable for a  
36 penalty equal to fifty percent of the excess refund  
37 claimed. Excess refunds, penalties, and interest due  
38 under this subsection may be enforced and collected in  
39 the same manner as the tax imposed by this division.

40 Sec. \_\_\_\_ . Section 422C.3, subsection 1, Code 1993,  
41 is amended to read as follows:

42 1. A tax of five six percent is imposed upon the  
43 rental price of an automobile if the rental  
44 transaction is subject to the sales and services tax  
45 under chapter 422, division IV, or the use tax under  
46 chapter 423. The tax shall not be imposed on any  
47 rental transaction not taxable under the state sales  
48 and services tax, as provided in section 422.45, or  
49 the state use tax, as provided in section 423.4, on  
50 automobile rental receipts.

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1 Sec. \_\_\_\_ . Section 423.2, Code 1993, is amended to  
2 read as follows:

### 3 423.2 IMPOSITION OF TAX.

4 An excise tax is imposed on the use in this state  
5 of tangible personal property purchased for use in  
6 this state, at the rate of five six percent of the  
7 purchase price of the property. The excise tax is  
8 imposed upon every person using the property within  
9 this state until the tax has been paid directly to the  
10 county treasurer or the state department of  
11 transportation, to a retailer, or to the department.  
12 An excise tax is imposed on the use in this state of  
13 services enumerated in section 422.43 at the rate of  
14 five six percent. This tax is applicable where  
15 services are rendered, furnished, or performed in this  
16 state or where the product or result of the service is  
17 used in this state. This tax is imposed on every  
18 person using the services or the product of the  
19 services in this state until the user has paid the tax  
20 either to an Iowa use tax permit holder or to the  
21 department.

22 Sec. 508. Section 423.24, subsection 1, unnumbered  
23 paragraph 1, Code Supplement 1993, is amended to read  
24 as follows:

25 Eighty percent Two-thirds of all revenues derived

26 from the use tax on motor vehicles, trailers, and  
27 motor vehicle accessories and equipment as collected  
28 pursuant to section 423.7 shall be deposited and  
29 credited as follows:

30 Sec. 509. Section 423.24, subsection 2, Code  
31 Supplement 1993, is amended to read as follows:  
32 2. ~~Twenty percent~~ One-sixth of all revenue derived  
33 from the use tax on motor vehicles, trailers, and  
34 motor vehicle accessories and equipment as collected  
35 pursuant to section 423.7 shall be deposited in the  
36 GAAP deficit reduction account established in the  
37 department of management pursuant to section 8.57,  
38 subsection 2, and shall be used in accordance with the  
39 provisions of that section.

40 Sec. \_\_\_\_ . NEW SECTION. 427B.19 EXEMPTION FROM  
41 TAX - NEW MACHINERY.

42 1. Beginning on the effective date of this  
43 section, property described in section 427B.17, and  
44 acquired or initially leased on or after the effective  
45 date of this section, shall be exempt from property  
46 taxation for a period of time to be determined as  
47 provided in this section.

48 2. On or before July 1 of each year, the treasurer  
49 shall prepare a statement listing for each taxing  
50 jurisdiction in the county the amount of property

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1 taxes which would have been payable in the coming  
2 fiscal year if the property was assessed pursuant to  
3 section 427B.17 instead of being totally exempt as  
4 provided in subsection 1 and shall certify and forward  
5 one copy of the statement to the department of revenue  
6 and finance not later than July 1 of each year.

7 3. Each county treasurer shall be reimbursed an  
8 amount equal to the lost property taxes for that  
9 county determined pursuant to subsection 2. The  
10 reimbursement shall be made in two equal installments  
11 on or before September 30 and March 30 of each year.  
12 The county treasurer shall apportion the disbursement  
13 in the manner provided in section 445.57.

14 Sec. \_\_\_\_ . APPLICABILITY. This section applies in  
15 regard to the increase in the state sales, services,  
16 and use taxes from five to six percent. The six  
17 percent rate applies to all sales of taxable personal  
18 property, consisting of goods, wares, or merchandise  
19 if delivery occurs on or after July 1, 1994. The use  
20 tax rate of six percent applies to motor vehicles  
21 subject to registration which are registered on or  
22 after July 1, 1994. The six percent use tax rate

23 applies to the use of property when the first taxable  
 24 use in this state occurs on or after July 1, 1994.  
 25 The six percent rate applies to the gross receipts  
 26 from the sale, furnishing, or service of gas,  
 27 electricity, water, heat, pay television service, and  
 28 communication service if the date of billing the  
 29 customer is on or after July 1, 1994. In the case of  
 30 a service contract entered into prior to July 1, 1994,  
 31 which contract calls for periodic payments, the six  
 32 percent rate applies to those payments made or due on  
 33 or after July 1, 1994. This periodic payment applies,  
 34 but is not limited to, tickets or admissions, private  
 35 club membership fees, sources of amusement, equipment  
 36 rental, dry cleaning, reducing salons, dance schools,  
 37 and all other services subject to tax, except the  
 38 aforementioned utility services which are subject to a  
 39 special transitional rule. Unlike periodic payments  
 40 under service contracts, installment sales of goods,  
 41 wares, and merchandise are subject to the full amount  
 42 of sales or use tax when the sales contract is entered  
 43 into or the property is first used in Iowa.  
 44 Sec. \_\_\_\_ . Sections 501, 508, and 509 of this Act  
 45 apply to the revenues derived from the six percent use  
 46 tax on motor vehicles, trailers, and motor vehicle  
 47 accessories and equipment as collected on and after  
 48 July 1, 1994, pursuant to section 423.7.”  
 49 2. Title page, line 4, by inserting after the  
 50 word “zones,” the following: “providing for changes

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1 in the personal income taxation and sales tax rates  
 2 and for an exemption from property taxation for  
 3 certain new machinery and computer equipment and  
 4 providing for reimbursement for taxes not levied.”  
 5 3. By renumbering and correcting internal  
 6 references as necessary.

**JIM KERSTEN**

S-5033

1 Amend House File 2180, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 13, by inserting after line 13 the  
 4 following:  
 5 “Sec. \_\_\_\_ . **NEW SECTION. 15A.1A ECONOMIC**  
 6 **DEVELOPMENT -- HEALTH INSURANCE REQUIREMENTS.**  
 7 Before public funds are used for grants, loans, tax  
 8 incentives, or other financial assistance to a private

9 person or on behalf of a private person for economic  
10 development, the private person seeking to receive  
11 economic development assistance shall provide evidence  
12 that the person offers, or will offer, health  
13 insurance benefits equal to a standard benefit package  
14 determined by the commissioner of insurance, and pays,  
15 or will pay, at least eighty percent of the cost of a  
16 single policy, and offer its employees family coverage  
17 at the employee's cost."

MICHAEL GRONSTAL  
LARRY MURPHY

S-5034

1 Amend House File 2180, 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. Section 15A.1, subsection 1,  
6 unnumbered paragraph 1, Code 1993, is amended to read  
7 as follows:  
8 Economic development is a public purpose for which  
9 the state, a city, or a county may provide grants,  
10 loans, guarantees, tax incentives, and other financial  
11 assistance to or for the benefit of private persons.  
12 Sec. \_\_\_\_ . Section 15A.1, subsection 2, unnumbered  
13 paragraph 1, Code 1993, is amended to read as follows:  
14 Before public funds are used for grants, loans, tax  
15 incentives, or other financial assistance to private  
16 persons or on behalf of private persons for economic  
17 development, the governing body of the state, city,  
18 county, or other public body dispensing those funds or  
19 the governing body's designee, shall determine that a  
20 public purpose will reasonably be accomplished by the  
21 dispensing or use of those funds. In determining  
22 whether the funds should be dispensed, the governing  
23 body or designee of the governing body shall consider  
24 any or all of the following factors:  
25 Sec. \_\_\_\_ . Section 15A.2, unnumbered paragraph 1,  
26 Code 1993, is amended to read as follows:  
27 If a member of the governing body of a city or  
28 county or an employee of a state, city, or county  
29 board, agency, commission, or other governmental  
30 entity of the state, city, or county has an interest,  
31 either direct or indirect, in a private person for  
32 which grants, loans, guarantees, tax incentives, or  
33 other financial assistance may be provided by the  
34 governing board or governmental entity, the interest  
35 shall be disclosed to that governing body or

36 governmental entity in writing. The member or  
37 employee having the interest shall not participate in  
38 the decision-making process with regard to the  
39 providing of such financial assistance to the private  
40 person.

41 Sec. — . NEW SECTION. 15A.9 QUALITY JOBS  
42 ENTERPRISE ZONE --STATE ASSISTANCE.

43 1. FINDINGS - ZONE DESIGNATION.

44 a. The general assembly finds and declares that  
45 the designation of a quality jobs enterprise zone and  
46 the provision of economic development assistance  
47 within the zone are necessary to diversify the Iowa  
48 economy, enhance opportunities for Iowans to obtain  
49 quality industrial jobs, and provide significant  
50 economic benefits to the state through the expansion

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1 of Iowa's economy. Establishment of the quality jobs  
2 enterprise zone and the economic development  
3 assistance provided by the state or a local community  
4 will be for the well-being and benefit of the  
5 residents of the state and will be for a public  
6 purpose.

7 b. In order to assist a community or communities  
8 located within the state to secure new industrial  
9 manufacturing jobs, the state of Iowa makes economic  
10 development assistance available within the zone, and  
11 the department of economic development shall designate  
12 a site or sites, which shall not be larger than two  
13 thousand five hundred contiguous acres, within thirty  
14 days of the effective date of this Act, as a quality  
15 jobs enterprise zone or zones for the purpose of  
16 attracting a primary business and supporting  
17 businesses to locate facilities within the state.

18 The primary business or a supporting business shall  
19 not be prohibited from participating in or receiving  
20 other economic development programs or services or  
21 electing to utilize other tax provisions to the extent  
22 authorized elsewhere by law.

23 2. DEFINITIONS. As used in this section:

24 a. "Contractor or subcontractor" means a person  
25 who contracts with the primary business or a  
26 supporting business or subcontracts with a contractor  
27 for the provision of property, materials, or services  
28 for the construction or equipping of a facility,  
29 located within the zone, of the primary business or a  
30 supporting business.

31 b. "Primary business" means a business which  
32 provides the department of economic development within

33 thirty days of the effective date of this Act, with  
34 notice of its intent to develop and operate a new  
35 manufacturing facility on a specific location within  
36 the state, including the legal description of the site  
37 which shall not contain more than two thousand five  
38 hundred contiguous acres, to invest at least one  
39 hundred million dollars in the facility, and to  
40 commence construction of the facility by December 31,  
41 1994. The headquarters of the primary business need  
42 not be within the zone.

43 c. "Project completion" means the first date upon  
44 which the average annualized production of finished  
45 product for the preceding ninety-day period at the  
46 manufacturing facility operated by the primary  
47 business within the zone is at least fifty percent of  
48 the initial design capacity of the facility. The  
49 primary business shall inform the department of  
50 revenue and finance in writing within two weeks of

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1 project completion.

2 d. "Supporting business" means a business under  
3 contract with the primary business to provide  
4 property, materials, or services which are a necessary  
5 component of the operation of the manufacturing  
6 facility. To qualify as a supporting business, the  
7 business shall have a permanent facility located  
8 within the zone and the revenue from fulfilling the  
9 contract with the primary business shall constitute at  
10 least seventy-five percent of the revenue generated by  
11 the business from all activities undertaken from the  
12 facility within the zone.

13 e. "Zone" means the quality jobs enterprise zone.

14 3. NEW JOBS CREDIT. At the request of the primary  
15 business or a supporting business, an agreement  
16 authorizing a supplemental new jobs credit from  
17 withholding from jobs within the zone may be entered  
18 into between the department of revenue and finance, a  
19 community college, and the primary business or a  
20 supporting business. The agreement shall be for  
21 program services for an additional job training  
22 project, as defined in chapter 260E. The agreement  
23 shall provide for the following:

24 a. That the project shall be administered in the  
25 same manner as a project under chapter 260E and that a  
26 supplemental new jobs credit from withholding in an  
27 amount equal to one and one-half percent of the gross  
28 wages paid by the primary business or a supporting  
29 business pursuant to section 422.16 is authorized to

30 fund the program services for the additional project.

31 b. That the supplemental new jobs credit from  
32 withholding shall be collected, accounted for, and may  
33 be pledged by the community college in the same manner  
34 as described in section 260E.5.

35 c. That the community college shall not be allowed  
36 any expenses for administering the additional project  
37 except those expenses which are directly attributable  
38 to the additional project and which are in excess of  
39 the expenses allowed for the project under chapter  
40 260E.

41 To provide funds for the payment of the costs of  
42 the additional project, a community college may borrow  
43 money, issue and sell certificates, and secure the  
44 payment of the certificates in the same manner as  
45 described in section 260E.6, including, but not  
46 limited to, providing the assessment of an annual levy  
47 as described in section 260E.6, subsection 4. The  
48 program and credit authorized by this subsection is in  
49 addition to, and not in lieu of, the program and  
50 credit authorized in chapter 260E.

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1 4. INVESTMENT TAX CREDIT. The primary business  
2 and a supporting business shall be entitled to a  
3 corporate tax credit equal to ten percent of the new  
4 investment made within the zone by the primary  
5 business or a supporting business prior to project  
6 completion. A credit in excess of the tax liability  
7 for the tax year may be credited to the tax liability  
8 for the following twenty years or until depleted,  
9 whichever comes first.

10 For purposes of this section, "new investment made  
11 within the zone" means the capitalized cost of all  
12 real and personal property, including buildings and  
13 other improvements to real estate, purchased or  
14 otherwise acquired or relocated to the zone for use in  
15 the operation of the primary business or a supporting  
16 business within the zone. New investment in the zone  
17 does not include land, intangible property, or  
18 furniture and furnishings. The capitalized cost of  
19 property shall for the purposes of this section be  
20 determined in accordance with generally accepted  
21 accounting principles.

#### 22 5. PROPERTY TAX EXEMPTION.

23 a. All property, except land and buildings, used  
24 by the primary business or a supporting business and  
25 located within the zone, shall be exempt from property  
26 taxation for a period of twenty years beginning with



27 the year it is first assessed for taxation. In order  
28 to be eligible for this exemption, the property shall  
29 be acquired or leased by the primary business or a  
30 supporting business or relocated by the primary  
31 business or a supporting business to the zone from  
32 outside the state prior to project completion.

33 b. Property which is exempt for property tax  
34 purposes under this subsection is eligible for the  
35 sales and use tax exemption under section 422.45,  
36 subsection 27, notwithstanding that subsection or any  
37 other provision of the Code to the contrary.

38 6. SALES, SERVICE, AND USE TAX REFUND. Taxes paid  
39 pursuant to chapter 422 or 423 on the gross receipts  
40 or rental price of property purchased or rented by the  
41 primary business or a supporting business for use by  
42 the primary business or a supporting business within  
43 the zone or on gas, electricity, water, and sewer  
44 utility services prior to project completion shall be  
45 refunded to the primary business or supporting  
46 business if the item was purchased or the service was  
47 performed or received prior to project completion.  
48 Claims under this section shall be submitted on forms  
49 provided by the department of revenue and finance not  
50 later than six months after project completion. The

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1 refund in this subsection shall not apply to furniture  
2 or furnishings, or intangible property.

3 7. SALES, SERVICES, AND USE TAX REFUND --  
4 CONTRACTOR OR SUBCONTRACTOR. The primary business or  
5 a supporting business shall be entitled to a refund of  
6 the taxes paid under chapters 422 and 423 for gas,  
7 electricity, water, or sewer utility services, goods,  
8 wares, or merchandise, or on services rendered,  
9 furnished, or performed to or for a contractor or  
10 subcontractor and used in the fulfillment of a written  
11 contract relating to the construction or equipping of  
12 a facility within the zone of the primary business or  
13 a supporting business. Taxes attributable to  
14 intangible property and furniture and furnishings  
15 shall not be refunded.

16 To receive the refund a claim shall be filed by the  
17 primary business or a supporting business with the  
18 department of revenue and finance as follows:

19 a. The contractor or subcontractor shall state  
20 under oath, on forms provided by the department, the  
21 amount of the sales of goods, wares, or merchandise or  
22 services rendered, furnished, or performed including  
23 water, sewer, gas, and electric utility services for

24 use in the zone upon which sales or use tax has been  
25 paid prior to the project completion, and shall file  
26 the forms with the primary business or supporting  
27 business before final settlement is made.  
28 b. The primary business or a supporting business  
29 shall, not more than six months after project  
30 completion, make application to the department for any  
31 refund of the amount of the taxes paid pursuant to  
32 chapter 422 or 423 upon any goods, wares, or  
33 merchandise, or services rendered, furnished, or  
34 performed, including water, sewer, gas, and electric  
35 utility services. The application shall be made in  
36 the manner and upon forms to be provided by the  
37 department, and the department shall audit the claim  
38 and, if approved, issue a warrant to the primary  
39 business or supporting business in the amount of the  
40 sales or use tax which has been paid to the state of  
41 Iowa under a contract. A claim filed by the primary  
42 business or a supporting business in accordance with  
43 this subsection shall not be denied by reason of a  
44 limitation provision set forth in chapter 421, 422, or  
45 423.  
46 c. A contractor or subcontractor who willfully  
47 makes a false report of tax paid under the provisions  
48 of this subsection is guilty of a simple misdemeanor  
49 and in addition is liable for the payment of the tax  
50 and any applicable penalty and interest.

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1 8. CORPORATE TAX RESEARCH CREDIT. A corporate tax  
2 credit shall be available to the primary business or a  
3 supporting business for increasing research activities  
4 in this state within the zone. The credit equals  
5 thirteen percent of the state's apportioned share of  
6 the qualifying expenditures for increasing research  
7 activities. The state's apportioned share of the  
8 qualifying expenditures for increasing research  
9 activities is a percent equal to the ratio of  
10 qualified research expenditures in this state within  
11 the zone to total qualified research expenditures.  
12 Any credit in excess of the tax liability for the tax  
13 year shall be refunded with interest computed under  
14 section 422.25. In lieu of claiming a refund, the  
15 primary business or a supporting business may elect to  
16 have the overpayment shown on its final return  
17 credited to its tax liability for the following tax  
18 year.  
19 For the purposes of this section, "qualifying  
20 expenditures for increasing research activities" means

21 the qualifying expenditures as defined for the federal  
22 credit for increasing research activities which would  
23 be allowable under section 41 of the Internal Revenue  
24 Code in effect on January 1, 1994. The credit  
25 authorized in this subsection is in lieu of the credit  
26 authorized in section 422.33, subsection 5.

27 9. EXEMPTION FROM LAND OWNERSHIP RESTRICTIONS FOR  
28 NONRESIDENT ALIENS.

29 a. The primary business and a supporting business,  
30 to the extent the primary business or the supporting  
31 business is not actively engaged in farming within the  
32 zone, may acquire, own, and lease land in the zone,  
33 notwithstanding the provisions of section 9H.4, 9H.5,  
34 and 567.3, and shall be exempt from the requirements  
35 of section 567.4. The primary business and supporting  
36 business shall comply with the remaining provisions of  
37 chapters 9H and 567 to the extent they do not conflict  
38 with this subsection.

39 b. "Actively engaged in farming" means any of the  
40 following:

41 (1) Inspecting agricultural production activities  
42 within the zone periodically and furnishing at least  
43 half of the value of the tools and paying at least  
44 half the direct cost of production.

45 (2) Regularly and frequently making or taking an  
46 important part in making management decisions  
47 substantially contributing to or affecting the success  
48 of the farm operations within the zone.

49 (3) Performing physical work which significantly  
50 contributes to crop or livestock production.

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1 10. LIMITATION ON ASSISTANCE. Economic  
2 development assistance under subsections 3 through 9  
3 shall only be available to the primary business or a  
4 supporting business.

5 Sec. \_\_\_\_ . Section 427B.17, Code Supplement 1993,  
6 is amended to read as follows:

7 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

8 1. For property defined in section 427A.1,  
9 subsection 1, paragraphs "e" and "j", acquired or  
10 initially leased on or after January 1, 1982, the  
11 taxpayer's valuation shall be limited to thirty  
12 percent of the net acquisition cost of the property.  
13 For purposes of this section, "net acquisition cost"  
14 means the acquired cost of the property including all  
15 foundations and installation cost less any excess cost  
16 adjustment.

17 2. For purposes of this section:

18 1 a. Property assessed by the department of  
19 revenue and finance pursuant to sections 428.24 to  
20 428.29, or chapters 433, 434 and 436 to 438 shall not  
21 receive the benefits of this section.

22 2 b. Property acquired before January 1, 1982,  
23 which was owned or used before January 1, 1982, by a  
24 related person shall not receive the benefits of this  
25 section.

26 3 c. Property acquired on or after January 1,  
27 1982, which was owned and used by a related person  
28 shall not receive any additional benefits under this  
29 section.

30 4 d. Property which was owned or used before  
31 January 1, 1982, and subsequently acquired by an  
32 exchange of like property shall not receive the  
33 benefits of this section.

34 5 e. Property which was acquired on or after  
35 January 1, 1982, and subsequently exchanged for like  
36 property shall not receive any additional benefits  
37 under this section.

38 6 f. Property acquired before January 1, 1982,  
39 which is subsequently leased to a taxpayer or related  
40 person who previously owned the property shall not  
41 receive the benefits of this section.

42 7 g. Property acquired on or after January 1,  
43 1982, which is subsequently leased to a taxpayer or  
44 related person who previously owned the property shall  
45 not receive any additional benefits under this  
46 section.

47 h. For purposes of this section, "related "Related  
48 person" means a person who owns or controls the  
49 taxpayer's business and another business entity from  
50 which property is acquired or leased or to which

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1 property is sold or leased. Business entities are  
2 owned or controlled by the same person if the same  
3 person directly or indirectly owns or controls fifty  
4 percent or more of the assets or any class of stock or  
5 who directly or indirectly has an interest of fifty  
6 percent or more in the ownership or profits.

7 3. Property assessed pursuant to this section  
8 shall not be eligible to receive a partial exemption  
9 under sections 427B.1 to 427B.6.

10 4. a. A city council or county board of  
11 supervisors may provide by ordinance an exemption from  
12 taxation for property defined in this section whose  
13 valuation is computed pursuant to subsection 1, and  
14 which is acquired after December 31, 1993. The

15 ordinance shall provide that an application be filed  
 16 for each project for which an exemption is claimed.  
 17 b. An ordinance enacted by a city shall exempt  
 18 that entire portion of the total levy against property  
 19 defined in this section which is equal to the sum of  
 20 the city levy and school district levy for school  
 21 districts whose taxable property is located within the  
 22 incorporated area of the city. An ordinance enacted  
 23 by a county shall exempt that entire portion of the  
 24 total levy against property defined in this section  
 25 which is equal to the sum of the county levy in the  
 26 unincorporated and incorporated areas of the county  
 27 and the school district levy for school districts  
 28 whose taxable property is located in the  
 29 unincorporated area of the county.

30 c. The ordinance may be enacted not less than  
 31 thirty days after a public hearing on the ordinance is  
 32 held. Notice of the hearing shall be published in  
 33 accordance with section 331.305 in the case of a  
 34 county, or section 362.3 in the case of a city.

35 d. If in the opinion of the city council or the  
 36 county board of supervisors continuation of the  
 37 exemption granted under this subsection ceases to be  
 38 of benefit to the city or county, the city council or  
 39 the county board of supervisors may repeal the  
 40 ordinance authorized by this subsection. Exemptions  
 41 allowed prior to repeal of the ordinance shall  
 42 continue until their expiration.

43 Sec. \_\_\_\_ . TASK FORCE ESTABLISHED. A task force to  
 44 examine the service delivery system for economic  
 45 development programs and to study the relationship  
 46 between local and state governments and businesses in  
 47 utilizing financial and tax incentives as economic  
 48 development tools is established. Membership on the  
 49 task force is the following:

50 1. Ten voting members from the senate and house of

Page 9

1 representatives, three members appointed by the  
 2 majority leader of the senate, two members appointed  
 3 by the minority leader of the senate, three members  
 4 appointed by the speaker of the house of  
 5 representatives, and two members appointed by the  
 6 minority leader of the house of representatives.

7 2. Eight nonvoting members as follows:

8 a. The director of the department of economic  
 9 development or the director's designee.

10 b. One member each designated by the association  
 11 of business and industry, the Iowa state association

12 of counties, the league of Iowa municipalities, the  
 13 professional developers of Iowa, the Iowa business  
 14 council, and two statewide labor organizations.

15 3. The task force shall report its findings and  
 16 recommendations to the governor and the general  
 17 assembly not later than December 1, 1994.

18 Sec. \_\_\_\_ . EFFECTIVE DATES. This Act, being deemed  
 19 of immediate importance, take effect upon enactment.”

20 2. Title page, by striking lines 2 and 3 and  
 21 inserting the following: “zones, providing economic  
 22 development assistance”.

23 3. Title page, line 5, by inserting after the  
 24 word “penalty,” the following: “providing a property  
 25 tax exemption for new machinery and equipment,  
 26 establishing a task force.”.

WAYNE BENNETT

S-5035

1 Amend the amendment, S-5027, to House File 2180, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 1, line 29, by inserting after the figure  
 5 “15.330” the following: “or invest in new equipment  
 6 and machinery as defined in section 427A.1, subsection  
 7 1, paragraphs “e” and “j”, in a ratio of one hundred  
 8 thousand dollars of investment for each full-time  
 9 position created”.

10 2. Page 2, line 42, by inserting after the figure  
 11 “15.330” the following: “or by one full-time employee  
 12 for each one hundred thousand dollars of new equipment  
 13 and machinery as defined in section 427A.1, subsection  
 14 1, paragraphs “e” and “j”, invested at the facility.”.

WAYNE BENNETT  
 WILMER RENSINK  
 RAY TAYLOR  
 LYLE E. ZIEMAN  
 JIM KERSTEN  
 SHELDON RITTMER  
 ALLEN BORLAUG  
 JOHN W. JENSEN

S-5036

1 Amend the amendment, S-5027, to House File 2180, 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:

6 "program.

7 \_\_\_\_ . "Project completion" means the first date

8 upon which the average annualized production of

9 finished product for the preceding ninety-day period

10 at a facility operated by an eligible business is at

11 least fifty percent of the initial design capacity of

12 the facility. The eligible business shall inform the

13 community in writing within two weeks of project

14 completion."

15 2. Page 4, by inserting after line 3 the

16 following:

17 " \_\_\_\_ . Page 10, line 28, by inserting after the

18 word "Iowa" the following: ", or installed at a cost

19 of one hundred million dollars or more within three

20 years prior to the effective date of this Act in a

21 facility which on the effective date of this Act has

22 not yet achieved project completion".

23 3. By renumbering as necessary.

JIM RIORDAN  
 TONY BISIGNANO  
 WILLIAM W. DIELEMAN  
 BILL FINK  
 JACK W. HESTER  
 JOHN W. JENSEN  
 JIM KERSTEN  
 ANDY McKEAN  
 PAUL D. PATE

S-5037

1 Amend House File 2180, 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. Section 15A.1, subsection 1,

6 unnumbered paragraph 1, Code 1993, is amended to read

7 as follows:

8 Economic development is a public purpose for which

9 the state, a city, or a county may provide grants,

10 loans, guarantees, tax incentives, and other financial

11 assistance to or for the benefit of private persons.

12 Sec. \_\_\_\_ . Section 15A.1, subsection 2, unnumbered

13 paragraph 1, Code 1993, is amended to read as follows:

14 Before public funds are used for grants, loans, tax

15 incentives, or other financial assistance to private

16 persons or on behalf of private persons for economic

17 development, the governing body of the state, city,

18 county, or other public body dispensing those funds or

19 the governing body's designee, shall determine that a  
20 public purpose will reasonably be accomplished by the  
21 dispensing or use of those funds. In determining  
22 whether the funds should be dispensed, the governing  
23 body or designee of the governing body shall consider  
24 any or all of the following factors:

25 Sec. \_\_\_\_ . Section 15A.2, unnumbered paragraph 1,  
26 Code 1993, is amended to read as follows:

27 If a member of the governing body of a city or  
28 county or an employee of a state, city, or county  
29 board, agency, commission, or other governmental  
30 entity of the state, city, or county has an interest,  
31 either direct or indirect, in a private person for  
32 which grants, loans, guarantees, tax incentives, or  
33 other financial assistance may be provided by the  
34 governing board or governmental entity, the interest  
35 shall be disclosed to that governing body or  
36 governmental entity in writing. The member or  
37 employee having the interest shall not participate in  
38 the decision-making process with regard to the  
39 providing of such financial assistance to the private  
40 person.

41 Sec. \_\_\_\_ . NEW SECTION. 15A.9 QUALITY JOBS ENTER-  
42 PRISE ZONE -- STATE ASSISTANCE.

43 1. FINDINGS -- ZONE DESIGNATION.

44 a. The general assembly finds and declares that  
45 the designation of a quality jobs enterprise zone and  
46 the provision of economic development assistance  
47 within the zone are necessary to diversify the Iowa  
48 economy, enhance opportunities for Iowans to obtain  
49 quality industrial jobs, and provide significant  
50 economic benefits to the state through the expansion

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1 of Iowa's economy. Establishment of the quality jobs  
2 enterprise zone and the economic development  
3 assistance provided by the state or a local community  
4 will be for the well-being and benefit of the  
5 residents of the state and will be for a public  
6 purpose.

7 b. In order to assist a community or communities  
8 located within the state to secure new industrial  
9 manufacturing jobs, the state of Iowa makes economic  
10 development assistance available within the zone, and  
11 the department of economic development shall designate  
12 a site or sites, which shall not be larger than two  
13 thousand five hundred contiguous acres, within thirty  
14 days of the effective date of this Act, as a quality  
15 jobs enterprise zone or zones for the purpose of



16 attracting a primary business and supporting  
17 businesses to locate facilities within the state.

18 The primary business or a supporting business shall  
19 not be prohibited from participating in or receiving  
20 other economic development programs or services or  
21 electing to utilize other tax provisions to the extent  
22 authorized elsewhere by law.

23 2. DEFINITIONS. As used in this section:

24 a. "Contractor or subcontractor" means a person  
25 who contracts with the primary business or a  
26 supporting business or subcontracts with a contractor  
27 for the provision of property, materials, or services  
28 for the construction or equipping of a facility,  
29 located within the zone, of the primary business or a  
30 supporting business.

31 b. "Primary business" means a business which  
32 provides the department of economic development within  
33 thirty days of the effective date of this Act, with  
34 notice of its intent to develop and operate a new  
35 manufacturing facility on a specific location within  
36 the state, including the legal description of the site  
37 which shall not contain more than two thousand five  
38 hundred contiguous acres, to invest at least one  
39 hundred million dollars in the facility, and to  
40 commence construction of the facility by December 31,  
41 1994. The headquarters of the primary business need  
42 not be within the zone.

43 c. "Project completion" means the first date upon  
44 which the average annualized production of finished  
45 product for the preceding ninety-day period at the  
46 manufacturing facility operated by the primary  
47 business within the zone is at least fifty percent of  
48 the initial design capacity of the facility. The  
49 primary business shall inform the department of  
50 revenue and finance in writing within two weeks of

Page 3

1 project completion.

2 d. "Supporting business" means a business under  
3 contract with the primary business to provide  
4 property, materials, or services which are a necessary  
5 component of the operation of the manufacturing  
6 facility. To qualify as a supporting business, the  
7 business shall have a permanent facility located  
8 within the zone and the revenue from fulfilling the  
9 contract with the primary business shall constitute at  
10 least seventy-five percent of the revenue generated by  
11 the business from all activities undertaken from the  
12 facility within the zone.

13 e. "Zone" means the quality jobs enterprise zone.  
14 3. NEW JOBS CREDIT. At the request of the primary  
15 business or a supporting business, an agreement  
16 authorizing a supplemental new jobs credit from  
17 withholding from jobs within the zone may be entered  
18 into between the department of revenue and finance, a  
19 community college, and the primary business or a  
20 supporting business. The agreement shall be for  
21 program services for an additional job training  
22 project, as defined in chapter 260E. The agreement  
23 shall provide for the following:  
24 a. That the project shall be administered in the  
25 same manner as a project under chapter 260E and that a  
26 supplemental new jobs credit from withholding in an  
27 amount equal to one and one-half percent of the gross  
28 wages paid by the primary business or a supporting  
29 business pursuant to section 422.16 is authorized to  
30 fund the program services for the additional project.  
31 b. That the supplemental new jobs credit from  
32 withholding shall be collected, accounted for, and may  
33 be pledged by the community college in the same manner  
34 as described in section 260E.5.  
35 c. That the community college shall not be allowed  
36 any expenses for administering the additional project  
37 except those expenses which are directly attributable  
38 to the additional project and which are in excess of  
39 the expenses allowed for the project under chapter  
40 260E.  
41 To provide funds for the payment of the costs of  
42 the additional project, a community college may borrow  
43 money, issue and sell certificates, and secure the  
44 payment of the certificates in the same manner as  
45 described in section 260E.6, including, but not  
46 limited to, providing the assessment of an annual levy  
47 as described in section 260E.6, subsection 4. The  
48 program and credit authorized by this subsection is in  
49 addition to, and not in lieu of, the program and  
50 credit authorized in chapter 260E.

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1 4. INVESTMENT TAX CREDIT. The primary business  
2 and a supporting business shall be entitled to a  
3 corporate tax credit equal to ten percent of the new  
4 investment made within the zone by the primary  
5 business or a supporting business prior to project  
6 completion. A credit in excess of the tax liability  
7 for the tax year may be credited to the tax liability  
8 for the following twenty years or until depleted,  
9 whichever comes first.

10 For purposes of this section, "new investment made  
11 within the zone" means the capitalized cost of all  
12 real and personal property, including buildings and  
13 other improvements to real estate, purchased or  
14 otherwise acquired or relocated to the zone for use in  
15 the operation of the primary business or a supporting  
16 business within the zone. New investment in the zone  
17 does not include land, intangible property, or  
18 furniture and furnishings. The capitalized cost of  
19 property shall for the purposes of this section be  
20 determined in accordance with generally accepted  
21 accounting principles.

22 **5. PROPERTY TAX EXEMPTION.**

23 a. All property, except land and buildings, used  
24 by the primary business or a supporting business and  
25 located within the zone, shall be exempt from property  
26 taxation for a period of twenty years beginning with  
27 the year it is first assessed for taxation. In order  
28 to be eligible for this exemption, the property shall  
29 be acquired or leased by the primary business or a  
30 supporting business or relocated by the primary  
31 business or a supporting business to the zone from  
32 outside the state prior to project completion.

33 b. Property which is exempt for property tax  
34 purposes under this subsection is eligible for the  
35 sales and use tax exemption under section 422.45,  
36 subsection 27, notwithstanding that subsection or any  
37 other provision of the Code to the contrary.

38 **6. SALES, SERVICE, AND USE TAX REFUND.** Taxes paid  
39 pursuant to chapter 422 or 423 on the gross receipts  
40 or rental price of property purchased or rented by the  
41 primary business or a supporting business for use by  
42 the primary business or a supporting business within  
43 the zone or on gas, electricity, water, and sewer  
44 utility services prior to project completion shall be  
45 refunded to the primary business or supporting  
46 business if the item was purchased or the service was  
47 performed or received prior to project completion.  
48 Claims under this section shall be submitted on forms  
49 provided by the department of revenue and finance not  
50 later than six months after project completion. The

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1 refund in this subsection shall not apply to furniture  
2 or furnishings, or intangible property.

3 **7. SALES, SERVICES, AND USE TAX REFUND --**  
4 **CONTRACTOR OR SUBCONTRACTOR.** The primary business or  
5 a supporting business shall be entitled to a refund of  
6 the taxes paid under chapters 422 and 423 for gas,

7 electricity, water, or sewer utility services, goods,  
8 wares, or merchandise, or on services rendered,  
9 furnished, or performed to or for a contractor or  
10 subcontractor and used in the fulfillment of a written  
11 contract relating to the construction or equipping of  
12 a facility within the zone of the primary business or  
13 a supporting business. Taxes attributable to  
14 intangible property and furniture and furnishings  
15 shall not be refunded.

16 To receive the refund a claim shall be filed by the  
17 primary business or a supporting business with the  
18 department of revenue and finance as follows:

19 a. The contractor or subcontractor shall state  
20 under oath, on forms provided by the department, the  
21 amount of the sales of goods, wares, or merchandise or  
22 services rendered, furnished, or performed including  
23 water, sewer, gas, and electric utility services for  
24 use in the zone upon which sales or use tax has been  
25 paid prior to the project completion, and shall file  
26 the forms with the primary business or supporting  
27 business before final settlement is made.

28 b. The primary business or a supporting business  
29 shall, not more than six months after project  
30 completion, make application to the department for any  
31 refund of the amount of the taxes paid pursuant to  
32 chapter 422 or 423 upon any goods, wares, or  
33 merchandise, or services rendered, furnished, or  
34 performed, including water, sewer, gas, and electric  
35 utility services. The application shall be made in  
36 the manner and upon forms to be provided by the  
37 department, and the department shall audit the claim  
38 and, if approved, issue a warrant to the primary  
39 business or supporting business in the amount of the  
40 sales or use tax which has been paid to the state of  
41 Iowa under a contract. A claim filed by the primary  
42 business or a supporting business in accordance with  
43 this subsection shall not be denied by reason of a  
44 limitation provision set forth in chapter 421, 422, or  
45 423.

46 c. A contractor or subcontractor who willfully  
47 makes a false report of tax paid under the provisions  
48 of this subsection is guilty of a simple misdemeanor  
49 and in addition is liable for the payment of the tax  
50 and any applicable penalty and interest.

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1 8. CORPORATE TAX RESEARCH CREDIT. A corporate tax  
2 credit shall be available to the primary business or a  
3 supporting business for increasing research activities

4 in this state within the zone. The credit equals  
5 thirteen percent of the state's apportioned share of  
6 the qualifying expenditures for increasing research  
7 activities. The state's apportioned share of the  
8 qualifying expenditures for increasing research  
9 activities is a percent equal to the ratio of  
10 qualified research expenditures in this state within  
11 the zone to total qualified research expenditures.  
12 Any credit in excess of the tax liability for the tax  
13 year shall be refunded with interest computed under  
14 section 422.25. In lieu of claiming a refund, the  
15 primary business or a supporting business may elect to  
16 have the overpayment shown on its final return  
17 credited to its tax liability for the following tax  
18 year.

19 For the purposes of this section, "qualifying  
20 expenditures for increasing research activities" means  
21 the qualifying expenditures as defined for the federal  
22 credit for increasing research activities which would  
23 be allowable under section 41 of the Internal Revenue  
24 Code in effect on January 1, 1994. The credit  
25 authorized in this subsection is in lieu of the credit  
26 authorized in section 422.33, subsection 5.

27 **9. EXEMPTION FROM LAND OWNERSHIP RESTRICTIONS FOR**  
28 **NONRESIDENT ALIENS.**

29 a. The primary business and a supporting business,  
30 to the extent the primary business or the supporting  
31 business is not actively engaged in farming within the  
32 zone, may acquire, own, and lease land in the zone,  
33 notwithstanding the provisions of section 9H.4, 9H.5,  
34 and 567.3, and shall be exempt from the requirements  
35 of section 567.4. The primary business and supporting  
36 business shall comply with the remaining provisions of  
37 chapters 9H and 567 to the extent they do not conflict  
38 with this subsection.

39 b. "Actively engaged in farming" means any of the  
40 following:

41 (1) Inspecting agricultural production activities  
42 within the zone periodically and furnishing at least  
43 half of the value of the tools and paying at least  
44 half the direct cost of production.

45 (2) Regularly and frequently making or taking an  
46 important part in making management decisions  
47 substantially contributing to or affecting the success  
48 of the farm operations within the zone.

49 (3) Performing physical work which significantly  
50 contributes to crop or livestock production.

## Page 7

1 10. LIMITATION ON ASSISTANCE. Economic  
2 development assistance under subsections 3 through 9  
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4 supporting business.

5 Sec. \_\_\_\_ Section 427B.17, Code Supplement 1993,  
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7 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

8 1. For property defined in section 427A.1,  
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10 initially leased on or after January 1, 1982, the  
11 taxpayer's valuation shall be limited to thirty  
12 percent of the net acquisition cost of the property.  
13 For purposes of this section, "net acquisition cost"  
14 means the acquired cost of the property including all  
15 foundations and installation cost less any excess cost  
16 adjustment.

17 2. For purposes of this section:

18 1 a. Property assessed by the department of  
19 revenue and finance pursuant to sections 428.24 to  
20 428.29, or chapters 433, 434 and 436 to 438 shall not  
21 receive the benefits of this section.

22 2 b. Property acquired before January 1, 1982,  
23 which was owned or used before January 1, 1982, by a  
24 related person shall not receive the benefits of this  
25 section.

26 3 c. Property acquired on or after January 1,  
27 1982, which was owned and used by a related person  
28 shall not receive any additional benefits under this  
29 section.

30 4 d. Property which was owned or used before  
31 January 1, 1982, and subsequently acquired by an  
32 exchange of like property shall not receive the  
33 benefits of this section.

34 5 e. Property which was acquired on or after  
35 January 1, 1982, and subsequently exchanged for like  
36 property shall not receive any additional benefits  
37 under this section.

38 6 f. Property acquired before January 1, 1982,  
39 which is subsequently leased to a taxpayer or related  
40 person who previously owned the property shall not  
41 receive the benefits of this section.

42 7 g. Property acquired on or after January 1,  
43 1982, which is subsequently leased to a taxpayer or  
44 related person who previously owned the property shall  
45 not receive any additional benefits under this  
46 section.

47 h. For purposes of this section, "related "Related  
48 person" means a person who owns or controls the

49 taxpayer's business and another business entity from  
50 which property is acquired or leased or to which

Page 8

1 property is sold or leased. Business entities are  
2 owned or controlled by the same person if the same  
3 person directly or indirectly owns or controls fifty  
4 percent or more of the assets or any class of stock or  
5 who directly or indirectly has an interest of fifty  
6 percent or more in the ownership or profits.

7 3. Property assessed pursuant to this section  
8 shall not be eligible to receive a partial exemption  
9 under sections 427B.1 to 427B.6.

10 4. a. A city council or county board of  
11 supervisors may provide by ordinance an exemption from  
12 taxation for property defined in this section whose  
13 valuation is computed pursuant to subsection 1, and  
14 which is acquired after December 31, 1993. The  
15 ordinance shall provide that an application be filed  
16 for each project for which an exemption is claimed.

17 b. An ordinance enacted by a city shall exempt  
18 that entire portion of the total levy against property  
19 defined in this section which is equal to the sum of  
20 the city levy and school district levy for school  
21 districts whose taxable property is located within the  
22 incorporated area of the city. An ordinance enacted  
23 by a county shall exempt that entire portion of the  
24 total levy against property defined in this section  
25 which is equal to the sum of the county levy in the  
26 unincorporated and incorporated areas of the county  
27 and the school district levy for school districts  
28 whose taxable property is located in the  
29 unincorporated area of the county.

30 c. The ordinance may be enacted not less than  
31 thirty days after a public hearing on the ordinance is  
32 held. Notice of the hearing shall be published in  
33 accordance with section 331.305 in the case of a  
34 county, or section 362.3 in the case of a city.

35 d. If in the opinion of the city council or the  
36 county board of supervisors continuation of the  
37 exemption granted under this subsection ceases to be  
38 of benefit to the city or county, the city council or  
39 the county board of supervisors may repeal the  
40 ordinance authorized by this subsection. Exemptions  
41 allowed prior to repeal of the ordinance shall  
42 continue until their expiration.

43 Sec. \_\_\_\_ . TASK FORCE ESTABLISHED. A task force to  
44 examine the service delivery system for economic  
45 development programs and to study the relationship

46 between local and state governments and businesses in  
 47 utilizing financial and tax incentives as economic  
 48 development tools is established. Membership on the  
 49 task force is the following:  
 50 1. Ten voting members from the senate and house of

**Page 9**

1 representatives, three members appointed by the  
 2 majority leader of the senate, two members appointed  
 3 by the minority leader of the senate, three members  
 4 appointed by the speaker of the house of  
 5 representatives, and two members appointed by the  
 6 minority leader of the house of representatives.  
 7 2. Eight nonvoting members as follows:  
 8 a. The director of the department of economic  
 9 development or the director's designee.  
 10 b. One member each designated by the association  
 11 of business and industry, the Iowa state association  
 12 of counties, the league of Iowa municipalities, the  
 13 professional developers of Iowa, the Iowa business  
 14 council, and two statewide labor organizations.  
 15 3. The task force shall report its findings and  
 16 recommendations to the governor and the general  
 17 assembly not later than December 1, 1994.  
 18 Sec. \_\_\_\_ . EFFECTIVE DATES. This Act, being deemed  
 19 of immediate importance, take effect upon enactment."

WAYNE BENNETT

S-5038

1 Amend the amendment, S-5027, to House File 2180, 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:  
 6 "Program.  
 7 \_\_\_\_ . "Project completion" means the first date  
 8 upon which the average annualized production of  
 9 finished product for the preceding ninety-day period  
 10 at a facility operated by an eligible business is at  
 11 least fifty percent of the initial design capacity of  
 12 the facility. The eligible business shall inform the  
 13 community in writing within two weeks of project  
 14 completion."  
 15 2. Page 4, by inserting after line 3 the  
 16 following:  
 17 "\_\_\_\_ . Page 10, line 28, by inserting after the  
 18 word "Iowa." the following: "Upon approval of the



- 19 community, by ordinance or resolution, property  
 20 installed at a cost of one hundred million dollars or  
 21 more within three years prior to the effective date of  
 22 this Act in a facility which on the effective date of  
 23 this Act has not yet achieved project completion shall  
 24 be exempt.  
 25 3. By renumbering as necessary.

JIM RIORDAN  
 TONY BISIGNANO  
 WILLIAM W. DIELEMAN  
 BILL FINK  
 JACK W. HESTER  
 JOHN W. JENSEN  
 JIM KERSTEN  
 ANDY McKEAN  
 PAUL D. PATE

S-5039

- 1 Amend House File 2180, as amended, passed, and re-  
 2 printed by the House, as follows:  
 3 1. By striking page 12, line 31, through page 20,  
 4 line 32, and inserting the following:  
 5 "Sec. \_\_\_\_ . EFFECTIVE DATE. This Act, being deemed  
 6 of immediate importance, takes effect upon enactment."  
 7 2. Title page, by striking lines 1 through 5 and  
 8 inserting the following: "An Act relating to the  
 9 establishment of the new jobs and income program and  
 10 providing an effective date."  
 11 3. By renumbering as necessary.

JIM RIORDAN  
 WILLIAM W. DIELEMAN  
 EMIL J. HUSAK

S-5040

- 1 Amend House File 2180, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 8, line 5, by inserting after the word  
 4 "information." the following: "However, prior to  
 5 granting any economic development incentives under  
 6 this division the department shall make a finding that  
 7 the business has not been in violation, or if it has  
 8 been in violation within the previous five years of  
 9 any federal, state, or foreign country's environmental  
 10 protection or occupational safety and health statute,  
 11 regulation, or rule, the department found that the  
 12 violation did not seriously affect public health,

13 safety, or the environment or if it did that there  
 14 were mitigating circumstances. In making its  
 15 findings, the department shall consult with the state  
 16 industrial commissioner and the state department of  
 17 natural resources."

18 2. Page 20, line 19, by inserting after the words  
 19 "supporting business." the following: "However, prior  
 20 to granting any economic development assistance under  
 21 subsections 3 through 9 the department shall make a  
 22 finding that the primary or supporting business has  
 23 not been in violation, or if it has been in violation  
 24 within the previous five years of any federal, state,  
 25 or foreign country's environmental protection or  
 26 occupational safety and health statute, regulation, or  
 27 rule, the department found that the violation did not  
 28 seriously affect public health, safety, or the  
 29 environment or if it did that there were mitigating  
 30 circumstances. In making its findings, the department  
 31 shall consult with the state industrial commissioner  
 32 and the state department of natural resources."

RALPH ROSENBERG

S-5041

1 Amend the amendment, S-5027, to House File 2180 as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 2, line 39, by striking the words "one  
 5 hundred" and inserting the following: "twenty".

JAMES KERSTEN

S-5042

1 Amend the amendment, S-5030, to House File 2180, 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 13, by inserting after line 13 the  
 7 following:  
 8 "Sec. \_\_\_ . NEW SECTION. 15A.1A ECONOMIC  
 9 DEVELOPMENT - HEALTH INSURANCE REQUIREMENTS.  
 10 Before public funds are used for grants, loans, tax  
 11 incentives, or other financial assistance to private  
 12 persons or on behalf of private persons for economic  
 13 development, the person seeking to receive the  
 14 economic development assistance shall provide evidence  
 15 that the person pays, or will pay, at least eighty

16 percent of the cost of a comprehensive medical and  
17 dental insurance plan for all full-time employees of  
18 the person.””

19 2. Page 1, line 4, by inserting after the word  
20 “compensation” the following: “, which shall not  
21 include the cost of the business’ contribution to  
22 retirement or health benefit plans.”

RALPH ROSENBERG  
JIM RIORDAN

S-5043

1 Amend House File 2180, as amended, passed, and re-  
2 printed by the House, as follows:

3 1. Page 14, line 11, by striking the words “two  
4 thousand five hundred” and inserting the following:  
5 “one thousand”.

6 2. Page 15, lines 1 and 2, by striking the words  
7 “two thousand five hundred” and inserting the  
8 following: “one thousand”.

TOM VILSACK

S-5044

1 Amend the amendment, S-5030, to House File 2180, as  
2 amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 1, by striking lines 10 and 11 and  
5 inserting the following:

6 “ — . Page 19, line 34, by inserting after the  
7 word “zone,” the following: “up to one thousand  
8 contiguous acres.””

9 2. By renumbering as necessary.

TOM VILSACK

S-5045

1 Amend House File 2180, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 8, by inserting before line 16 the  
4 following: “Prior to granting any economic  
5 development incentives under this division the  
6 department shall make a finding that the business has  
7 not been in violation, or if it has been in violation  
8 within the previous five years of any federal, state,  
9 or foreign country’s environmental protection or  
10 occupational safety and health statute, regulation, or

11 rule, the department found that the violation did not  
12 seriously affect public health, safety, or the  
13 environment or if it did that there were mitigating  
14 circumstances. In making its findings, the department  
15 shall consult with the state industrial commissioner  
16 and the state department of natural resources."

RALPH ROSENBERG

S-5046

- 1 Amend the amendment, S-5030, to House File 2180, as  
2 amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 1, by striking lines 10 and 11 and  
5 inserting the following:  
6 "\_\_\_ . Page 19, line 34, by inserting after the  
7 word "zone," the following: "up to six hundred forty  
8 contiguous acres,""  
9 2. By renumbering as necessary.

JIM RIORDAN

S-5047

- 1 Amend Senate File 2071 as follows:  
2 1. Page 1, by striking lines 1 through 12 and  
3 inserting the following:  
4 "Sec. \_\_\_ . Section 481A.12, Code 1993, is amended  
5 to read as follows:  
6 481A.12 SEIZURE OF WILDLIFE TAKEN OR HANDLED  
7 ILLEGALLY.  
8 The director or any peace officer shall seize with  
9 or without warrant and take possession of, or direct  
10 the disposal of, any fish, furs, birds, or animals, or  
11 mussels, clams, or frogs, which have been caught,  
12 taken, or killed at a time, in a manner, or for a  
13 purpose, or had in possession or under control, or  
14 offered for shipment, or illegally transported in the  
15 state or to a point beyond its borders, contrary to  
16 the Code.  
17 Sec. \_\_\_ . Section 481A.87, Code 1993, is amended  
18 to read as follows:  
19 481A.87 OPEN SEASONS.  
20 Except as otherwise provided, a person shall not  
21 take, capture, kill, or have in possession a fur-  
22 bearing animal or any of its parts at any time except  
23 during the open season as set by the commission except  
24 where the killing, trapping, or ensnaring is for the  
25 protection of a person or public or private property

- 26 with the prior ~~written~~ permission of a duly appointed  
 27 representative of the commission. If prior permission  
 28 is impractical or impossible to obtain and the fur-  
 29 bearing animal represents a threat to a person,  
 30 domestic animal, or private property, the fur-bearing  
 31 animal may be taken without prior permission. All  
 32 fur-bearing animals so taken shall be relinquished to  
 33 a representative of the commission or disposed of at  
 34 the representative's direction."  
 35 2. By renumbering as necessary.

COMMITTEE ON NATURAL RESOURCES  
 BILL FINK, Chairperson

S-5048

- 1 Amend Senate File 2116 as follows:  
 2 1. Page 1, line 12, by striking the word "a" and  
 3 inserting the following: "a the person's own".  
 4 2. Page 1, line 13, by inserting before the word  
 5 "parent" the following: "person's".

RAY TAYLOR

S-5049

- 1 Amend Senate File 2092 as follows:  
 2 1. By striking page 1, line 33 through page 2,  
 3 line 6.  
 4 2. Title page, by striking lines 1 and 2 and  
 5 inserting the following: "An Act relating to the  
 6 osteopathic forgivable loan program".

RAY TAYLOR

S-5050

- 1 Amend Senate File 2078 as follows:  
 2 1. Page 1, by inserting after line 12 the  
 3 following:  
 4 "Sec. \_\_\_\_ . This Act applies only to a child who  
 5 lives in a facility or home pursuant to section 282.19  
 6 who is not included in the budget enrollment for the  
 7 budget year beginning July 1, 1994, of the school  
 8 district in which the facility or home is located."  
 9 2. Title page, line 3, by inserting after the

10 word "purposes" the following: "and providing an  
11 applicability provision".

COMMITTEE ON EDUCATION  
MICHAEL CONNOLLY, Chairperson

S-5051

1 Amend Senate File 2053 as follows:

2 1. Page 1, by striking lines 7 and 8 and  
3 inserting the following: "a recognized nursing  
4 specialty, other than the specialty of nurse  
5 anesthetist, may prescribe substances or devices,  
6 that".

7 2. Page 1, by inserting after line 17 the  
8 following:

9 "However, a licensed advanced registered nurse  
10 practitioner who is a certified registered nurse  
11 anesthetist, practicing in a city in Iowa that has  
12 less than ten thousand residents according to the most  
13 recent decennial census and which is not included in a  
14 metropolitan statistical area as defined by the bureau  
15 of census of the United States department of commerce,  
16 may prescribe and dispense prescription drugs,  
17 controlled substances, or medical devices necessary in  
18 the anesthesia management and care of a patient with  
19 physician collaboration if an anesthesiologist or  
20 physician is not available."

JIM LIND

S-5052

1 Amend the amendment, S-5023, to Senate File 2080,  
2 as follows:

3 1. Page 1, by inserting after line 28 the  
4 following:

5 "Sec. \_\_\_\_ . Section 321E.1, Code 1993, is amended  
6 to read as follows:

7 321E.1 PERMITS BY DEPARTMENT AND LOCAL  
8 AUTHORITIES.

9 The department and local authorities may in their  
10 discretion and upon application and with good cause  
11 being shown issue permits for the movement of  
12 construction machinery or asphalt repavers being  
13 temporarily moved on streets, roads or highways and  
14 for vehicles with indivisible loads which exceed the  
15 maximum dimensions and weights specified in sections  
16 321.452 to 321.466, but not to exceed the limitations  
17 imposed in sections 321E.1 to 321E.15 except as

18 provided in sections 321E.29 and 321E.30. Vehicles  
 19 permitted to transport indivisible loads may exceed  
 20 the width and length limitations specified in sections  
 21 321.454 and 321.457 for the purpose of picking up an  
 22 indivisible load or returning from delivery of the  
 23 indivisible load. Permits issued may be single-trip  
 24 permits or annual permits. Permits shall be in  
 25 writing and shall be carried in the cab of the vehicle  
 26 for which the permit has been issued and shall be  
 27 available for inspection at all times. The vehicle  
 28 and load for which the permit has been issued shall be  
 29 open to inspection by a peace officer or an authorized  
 30 agent of a permit granting authority. When in the  
 31 judgment of the issuing local authority in cities and  
 32 counties the movement of a vehicle with an indivisible  
 33 load or construction machinery which exceeds the  
 34 maximum dimensions and weights will be unduly  
 35 hazardous to public safety or will cause undue damage  
 36 to streets, avenues, boulevards, thoroughfares,  
 37 highways, curbs, sidewalks, trees, or other public or  
 38 private property, the permit shall be denied and the  
 39 reasons for denial endorsed on the application.  
 40 Permits issued by local authorities shall designate  
 41 the days when and routes upon which loads and  
 42 construction machinery may be moved within the a  
 43 county on other than primary roads.

44 Sec. \_\_\_\_ . Section 321E.2, Code 1993, is amended by  
 45 adding the following new unnumbered paragraph:  
 46 NEW UNNUMBERED PARAGRAPH. At the request of a  
 47 local authority, the department shall issue annual and  
 48 single-trip permits that are under the jurisdiction of  
 49 the local authority."

50 2. By renumbering as necessary.

WAYNE BENNETT  
 MERLIN E. BARTZ

S-5053

1 Amend the amendment, S-5023, to Senate File 2080 as  
 2 follows:

3 1. Page 1, by inserting after line 28 the

4 following:

5 "Sec. \_\_\_\_ . Section 321E.1, Code 1993, is amended

6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Local authorities shall

8 allow persons requesting permits under this chapter to

9 do so by means of a telephone or facsimile machine,

10 authorizing payment for the permits to be made upon

11 receipt of an invoice sent to the persons by the local

12 authorities.”

13 2. By renumbering as necessary.

EUGENE FRAISE  
RICHARD F. DRAKE

S-5054

1 Amend Senate File 2038 as follows:  
2 1. Page 1, line 8, by inserting after the word  
3 “occurs.” the following: “However, the director shall  
4 not destroy operating records of holders of commercial  
5 drivers licenses which pertain to arrests or  
6 convictions for operating while intoxicated after the  
7 expiration of twelve years.”

COMMITTEE ON JUDICIARY  
AL STURGEON, Chairperson

S-5055

1 Amend Senate File 2124 as follows:  
2 1. Page 1, by inserting after line 16 the  
3 following:  
4 “Sec. \_\_\_\_ . Section 321.178, subsection 1,  
5 unnumbered paragraph 2, Code 1993, is amended to read  
6 as follows:  
7 Every public school district in Iowa shall offer or  
8 make available to all students residing in the school  
9 district or Iowa students attending a nonpublic school  
10 in the district an approved course in driver  
11 education. The courses may be offered at sites other  
12 than at the public school, including nonpublic school  
13 facilities within the public school districts. An  
14 approved course offered during the summer months, on  
15 Saturdays, after regular school hours during the  
16 regular terms or partly in one term or summer vacation  
17 period and partly in the succeeding term or summer  
18 vacation period, as the case may be, shall satisfy the  
19 requirements of this section to the same extent as an  
20 approved course offered during the regular school  
21 hours of the school term. A student who successfully  
22 completes and obtains certification in an approved  
23 course in driver education or an approved course in  
24 motorcycle education may, upon proof of such fact, be  
25 excused from any field test which the student would  
26 otherwise be required to take in demonstrating the  
27 student's ability to operate a motor vehicle.  
28 Certification shall include a statement indicating the  
29 approval or disapproval of the minor's parent or



- 30 guardian for the minor to become an organ donor.  
 31 Sec. \_\_\_\_ . The department of public health shall  
 32 cooperate with the department of education to provide  
 33 materials and information for driver's education  
 34 courses which promote organ donation with the goal of  
 35 increasing the number of potential organ donors. The  
 36 materials shall include an organ donor statement as  
 37 referred to in section 321.178."  
 38 2. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION  
 JEAN LLOYD-JONES, Chairperson

S-5056

- 1 Amend House File 2180, as amended, passed, and re-  
 2 printed by the House, as follows:  
 3 1. Page 20, by inserting after line 28 the fol-  
 4 lowing:  
 5 "Sec. \_\_\_\_ . Section 257.1, Code 1993, is amended by  
 6 adding the following new subsection:  
 7 NEW SUBSECTION. 4. FOUNDATION PROPERTY TAX. In  
 8 any school district where property defined in section  
 9 427A.1, subsection 1, paragraphs "e" and "j", is  
 10 exempt from property tax, the amount of foundation  
 11 property tax revenues raised for computing state  
 12 foundation aid shall equal the sum of the foundation  
 13 levy on all taxable property in the district plus the  
 14 amount that would have been raised if the exempt  
 15 property was valued pursuant to section 427B.17."

BERL E. PRIEBE

S-5057

- 1 Amend Senate File 2061 as follows:  
 2 1. Page 1, by striking line 4 and inserting the  
 3 following:  
 4 "1. "Athletic training" means the".  
 5 2. Page 1, line 5, by inserting after the word  
 6 "prevention," the following: "physical".  
 7 3. Page 1, by striking lines 12 and 13 and  
 8 inserting the following:  
 9 "4. "Licensed athletic trainer" means a person  
 10 licensed pursuant to this chapter to practice athletic  
 11 training."  
 12 3. Page 1, line 17, by striking the word  
 13 "trainer" and inserting the following: "training".  
 14 4. Page 1, line 20, by striking the words "an  
 15 athletic trainer" and inserting the following:

- 16 "athletic training".
- 17 5. Page 2, by striking lines 9 and 10 and  
18 inserting the following:
- 19 "The provisions of this chapter do not apply to the  
20 following classes of persons:
- 21 1. Persons otherwise licensed to practice medicine  
22 and surgery,".
- 23 6. Page 2, by inserting after line 14 the  
24 following:
- 25 "2. Elementary or secondary school teachers,  
26 coaches, or authorized volunteers who do not hold  
27 themselves out to the public as athletic trainers.
- 28 3. Students of athletic training who practice  
29 athletic training under the supervision of a licensed  
30 athletic trainer in connection with a regular course  
31 of athletic training instruction at a school providing  
32 such instruction."
- 33 7. Page 3, line 18, by striking the words  
34 "practice as an athletic trainer" and inserting the  
35 following: "athletic training".
- 36 8. Page 4, by striking lines 17 through 22 and  
37 inserting the following:
- 38 "Sec. \_\_\_\_ . TEMPORARY PROVISIONS. A person  
39 actively engaged in the practice of athletic training  
40 may, within the discretion of the board of athletic  
41 trainer examiners, be issued a license if the person  
42 submits an application for a license and pays the  
43 required license fee."
- 44 9. By renumbering as necessary.

AL STURGEON

S-5058

- 1 Amend Senate File 2020 as follows:
- 2 1. Page 1, line 12, by inserting after the word  
3 "department" the following: "of human services".
- 4 2. Page 1, line 28, by inserting after the word  
5 "department" the following: "of human services".

AL STURGEON

S-5059

- 1 Amend Senate file 2184 as follows:
- 2 1. Page 1, line 8, by striking the word and  
3 figure "and 2" and inserting the following: " , 2, and  
4 3".
- 5 2. Page 1, by inserting after line 29 the follow-  
6 ing:

7 "3. The financing for the procurement costs for  
8 the entirety of Part I of the system, and the video,  
9 data, and voice capacity for state agencies for Part  
10 II and Part III of the system, shall be provided by  
11 the state. The financing for the procurement costs  
12 for Part II of the system shall be provided from the  
13 state. The financing for the procurement and  
14 maintenance costs for Part III of the system shall be  
15 provided eighty percent from the state and twenty  
16 percent from the ~~local school boards of the areas~~  
17 corporations which receive transmissions from the  
18 system. A ~~local school board~~ corporation may elect to  
19 provide one hundred percent of the financing for the  
20 procurement and maintenance costs for Part III to  
21 become part of the system. The ~~local school boards~~  
22 corporations may meet all or part of the match  
23 requirements of Part III of the system through a  
24 cooperative arrangement with community colleges. The  
25 basis for the state match is eighty percent of a  
26 single interactive audio and one-way video for Part  
27 III of the system, and such data and voice capacity as  
28 is necessary. The ~~local school boards~~ corporations  
29 and community colleges may meet the match requirements  
30 for Part III of the system from funds they have  
31 already spent for their systems, from funds available  
32 in the ~~school corporation or college~~ budget, or from  
33 funds received from other nonstate sources. In the  
34 case of existing systems, in order to upgrade  
35 facilities to the specifications of the state  
36 communications network, the ~~local school boards~~  
37 corporations and community colleges, in lieu of a cash  
38 match, may meet the match requirements from funds they  
39 have already spent for their systems provided that the  
40 state match does not exceed the lesser of eighty  
41 percent of the total cost of the upgraded system or  
42 eighty percent of the replacement cost of the system.  
43 The communications equipment funds used as a match by  
44 a community college shall be calculated based on  
45 verified expenditures for capital, equipment,  
46 hardware, and software for long-distance learning  
47 technologies, including both audio and visual  
48 transmission. The communications equipment used as a  
49 match shall not subsequently be used as a match by  
50 another educational entity or for another part of the

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1 system. A local school board may request the school  
2 budget review committee to adjust the allowable growth  
3 for the school district so that the resulting increase

4 in budget could be used for the match. A ~~local~~ school  
 5 board corporation may also elect not to become part of  
 6 the system. Such election shall be made on an annual  
 7 basis. State matching funds shall not be provided for  
 8 Part III of the system until Part I and Part II of the  
 9 system have been completed. Construction of Part III  
 10 of the system may proceed before Part I and Part II of  
 11 the system have been completed.”  
 12 2. Renumber as necessary.

JOE WELSH

S-5060

1 Amend Senate File 2208 as follows:  
 2 1. Page 12, by inserting after line 24, the  
 3 following:  
 4 “Sec. \_\_\_\_ . Section 321.463, Code 1993, is amended  
 5 by adding the following new unnumbered paragraph:  
 6 NEW UNNUMBERED PARAGRAPH. A vehicle designed to  
 7 tow wrecked or disabled vehicles shall be exempt from  
 8 the weight limitations in this section while the  
 9 vehicle is towing a wrecked or disabled vehicle.”  
 10 2. Title page, line 6, by inserting after the  
 11 word “lights,” the following: “weight limitations on  
 12 tow vehicles.”  
 13 3. By renumbering as necessary.

RICHARD F. DRAKE  
 MIKE CONNOLLY

S-5061

1 Amend Senate File 2207 as follows:  
 2 1. Page 1, line 1, by inserting after the figure  
 3 “7,” the following: “8, 10.”  
 4 2. Page 4, by inserting after line 13 the  
 5 following:  
 6 “8. A pupil participating in open enrollment shall  
 7 be counted, for state school foundation aid purposes,  
 8 in the pupil's district of residence. A pupil's  
 9 residence, for purposes of this section, means a  
 10 residence under section 282.1. The board of directors  
 11 of the district of residence shall pay to the  
 12 receiving district the ~~lower district cost per pupil~~  
 13 ~~of the two districts state aid portion of the resident~~  
 14 district's cost per pupil, plus one-half of the  
 15 property tax portion of the resident district's cost  
 16 per pupil, plus any moneys received for the pupil as a  
 17 result of non-English speaking weighting under section

18 280.4, subsection 4 3, for each school year. The  
19 district of residence shall also transmit the phase  
20 III moneys allocated to the district for the full-time  
21 equivalent attendance of the pupil, who is the subject  
22 of the request, to the receiving district specified in  
23 the request for transfer.

24 10. If a parent or guardian of a child, who is  
25 participating in open enrollment under this section,  
26 moves to a different school district during the course  
27 of either district's academic year, the child's first  
28 district of residence shall be responsible for payment  
29 of the cost per pupil plus weightings amounts  
30 specified in subsection 8 or special education costs  
31 to the receiving school district for the balance of  
32 the school year in which the move took place. The new  
33 district of residence shall be responsible for the  
34 payments during succeeding years.

35 If a request to transfer is due to a change in  
36 family residence, change in the state in which the  
37 family residence is located, a change in a child's  
38 parents' marital status, a guardianship proceeding,  
39 placement in foster care, adoption, participation in a  
40 foreign exchange program, or participation in a  
41 substance abuse or mental health treatment program,  
42 and the child, who is the subject of the request, is  
43 not currently using any provision of open enrollment,  
44 the parent or guardian of the child shall have the  
45 option to have the child remain in the child's  
46 original district of residence under open enrollment  
47 with no interruption in the child's educational  
48 program. If a parent or guardian exercises this  
49 option, the child's new district of residence is not  
50 required to pay the lower of the two district costs

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1 per pupil amounts specified in subsection 8 or other  
2 costs to the receiving district until the start of the  
3 first full year of enrollment of the child.

4 Quarterly payments shall be made to the receiving  
5 district.

6 If the transfer of a pupil from one district to  
7 another results in a transfer from one area education  
8 agency to another, the sending district shall forward  
9 a copy of the request to the sending district's area  
10 education agency. The receiving district shall  
11 forward a copy of the request to the receiving  
12 district's area education agency. Any moneys received  
13 by the area education agency of the sending district  
14 for the pupil who is the subject of the request shall

15 be forwarded to the receiving district's area  
 16 education agency.  
 17 A district of residence may apply to the school  
 18 budget review committee if a student was not included  
 19 in the resident district's enrollment count during the  
 20 fall of the year preceding the student's transfer  
 21 under open enrollment."  
 22 3. Page 5, by striking lines 15 and 16 and  
 23 inserting the following: "under this subsection may  
 24 withhold from the ~~district cost per pupil amount~~  
 25 amounts specified in subsection 8, that is are to be  
 26 paid to the receiving district, an".  
 27 4. Title page, line 1, by inserting after the  
 28 word "procedures" the following: "and funding".

JOHN P. KIBBIE

S-5062

1 Amend Senate File 2054 as follows:  
 2 1. Page 1, line 14, by striking the words  
 3 "propose or".  
 4 2. Page 1, line 16, by striking the words  
 5 "propose or".  
 6 3. Page 1, line 27, by striking the words  
 7 "Planning and zoning." and inserting the following:  
 8 "Any amendment or ordinance affecting the county  
 9 zoning ordinance."  
 10 4. Title page, line 1, by inserting after the  
 11 word "power" the following: "in its home rule  
 12 charter".  
 13 5. Title page, line 2, by striking the words  
 14 "propose or".

COMMITTEE ON LOCAL GOVERNMENT  
 ALBERT SORENSEN, Chairperson

S-5063

1 Amend Senate File 2063 as follows:  
 2 1. Page 1, line 6, by striking the words "propose  
 3 or".  
 4 2. Page 1, line 11, by striking the words  
 5 "propose or".  
 6 3. Page 1, line 18, by inserting after the word  
 7 "contracts" the following: "and granting of  
 8 franchises pursuant to section 364.2".  
 9 4. Page 1, line 21, by striking the words  
 10 "Planning and zoning." and inserting the following:  
 11 "Any amendment or ordinance affecting the city zoning

12 ordinance.”

13 5. Title page, line 1, by inserting after the  
14 word “power” the following: “in its home rule  
15 charter”.

16 6. Title page, line 2, by striking the words  
17 “propose or”.

COMMITTEE ON LOCAL GOVERNMENT  
ALBERT SORENSEN, Chairperson

S-5064

1 Amend Senate File 2124 as follows:

2 1. Page 1, line 12, by inserting after the word  
3 “Act.” the following: “Classroom instruction shall  
4 include a minimum of twenty minutes of instruction  
5 concerning railroad grade crossing safety.”

JEAN LLOYD-JONES

S-5065

1 Amend Senate File 2144 as follows:

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

4 “Section 1. Section 15.108, Code Supplement 1993,  
5 is amended by adding the following new subsection:  
6 NEW SUBSECTION. 11. COMMUNITY ACTION PROGRAM. To  
7 provide administration and coordination of the  
8 community action program through community action  
9 agencies as provided in sections 115.321 through  
10 115.334.

11 Sec. 2. NEW SECTION. 15.321 DEFINITIONS.

12 For purposes of this part, unless the context  
13 otherwise requires:

14 1. “Administrator” means the administrator of  
15 another division of the department who is assigned  
16 coordination of the administration of the community  
17 action programs.

18 2. “Commission” means the commission on community  
19 action agencies.

20 3. “Community action agency” means a public agency  
21 or a private nonprofit agency which is authorized  
22 under its charter or bylaws to receive funds to  
23 administer community action programs and is designated  
24 by the governor to receive and administer the funds.

25 4. “Community action program” means a program  
26 conducted by a community action agency which includes  
27 projects to provide a range of services to improve the  
28 conditions of poverty in the area served by the

29 community action agency.

30 5. "Delegate agency" means a subgrantee or  
31 contractor selected by the community action agency.

32 6. "Division" means another division of the  
33 department assigned the duty of coordinating the  
34 administration of the community action programs.

35 Sec. 3. NEW SECTION. 15.322 ADMINISTRATOR --  
36 DUTIES.

37 The administrator shall do all of the following:

38 1. Coordinate the administration of the community  
39 action programs.

40 2. Implement requirements of the community action  
41 programs.

42 3. Issue an annual report to the governor and  
43 general assembly regarding the community action  
44 programs conducted within the state.

45 Sec. 4. NEW SECTION. 15.323 COMMISSION  
46 ESTABLISHED.

47 1. The commission on community action agencies is  
48 created, composed of nine members appointed by the  
49 governor, subject to confirmation by the senate. The  
50 membership of the commission shall reflect the

## Page 2

1 composition of local community action agency boards as  
2 follows:

3 a. One-third of the members shall be elected  
4 officials.

5 b. One-third of the members shall be  
6 representatives of business, industry, labor,  
7 religious, welfare, and educational organizations, or  
8 other major interest groups.

9 c. One-third of the members shall be persons who,  
10 according to federal guidelines, have incomes at or  
11 below poverty level.

12 2. Commission members shall serve three-year terms  
13 which shall begin and end pursuant to section 69.19.

14 Vacancies on the commission shall be filled for the  
15 remainder of the term of the original appointment.

16 Members whose terms expire may be reappointed.

17 Members of the commission shall receive actual  
18 expenses for their services. Members may also be

19 eligible to receive compensation as provided in  
20 section 7E.6. Members as specified under subsection

21 1, paragraph "c", however, shall receive per diem

22 compensation as provided in section 7E.6 and actual

23 expenses. The membership of the commission shall also

24 comply with the political party affiliation and gender

25 balance requirements of sections 69.16 and 69.16A.



26 3. The commission shall select from its membership  
 27 a chairperson and other officers as it deems  
 28 necessary. A majority of the members of the  
 29 commission shall constitute a quorum.

30 Sec. 5. NEW SECTION. 15.324 DUTIES OF THE  
 31 COMMISSION.

32 The commission shall:

33 1. Meet at least quarterly to review the progress  
 34 of community action programs.

35 2. Adopt rules pursuant to chapter 17A as it deems  
 36 necessary for the commission and division duties  
 37 related to community action programs.

38 3. Supervise the collection of data relative to  
 39 the scope of services provided by the community action  
 40 agencies.

41 4. Recommend legislation to the governor and the  
 42 general assembly designed to improve the status of  
 43 low-income persons in the state.

44 Sec. 6. NEW SECTION. 15.325 ESTABLISHMENT OF  
 45 COMMUNITY ACTION AGENCIES.

46 The division shall recognize and assist in the  
 47 designation of certain community action agencies to  
 48 assist in the delivery of community action programs.  
 49 These programs shall include, but not be limited to,  
 50 outreach, low-income energy assistance, and

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1 weatherization programs. If a community action agency  
 2 is in effect and currently serving an area, that  
 3 community action agency shall become the designated  
 4 community action agency for that area. If there is  
 5 not a designated community action agency in the area a  
 6 city council or county board of supervisors or any  
 7 combination of one or more councils or boards may  
 8 establish a community action agency and may apply to  
 9 the division for recognition. The council or board or  
 10 the combination may adopt an ordinance or resolution  
 11 establishing a community action agency if a community  
 12 action agency has not been designated. It is the  
 13 purpose of the division to strengthen, supplement, and  
 14 coordinate efforts to develop the full potential of  
 15 each citizen by recognizing certain community action  
 16 agencies and the continuation of certain community-  
 17 based programs delivered by community action agencies.

18 Sec. 7. NEW SECTION. 15.326 COMMUNITY ACTION  
 19 AGENCY BOARD.

20 1. A recognized community action agency shall be  
 21 governed by a board of directors composed of at least  
 22 nine members. The board membership shall be as

23 follows:

24 a. One-third of the members of the board shall be  
25 elected public officials currently holding office or  
26 their representatives. However, if the number of  
27 elected officials available and willing to serve is  
28 less than one-third of the membership of the board,  
29 the membership of the board consisting of appointive  
30 public officials may be counted as fulfilling the  
31 requirement that one-third of the members of the board  
32 be elected public officials.

33 b. At least one-third of the members of the board  
34 shall be chosen in accordance with procedures  
35 established by the community action agency to assure  
36 representation of the poor in an area served by the  
37 agency.

38 c. The remainder of the members of the board shall  
39 be members of business, industry, labor, religious,  
40 welfare, education, or other major groups or interests  
41 in the community.

42 2. Notwithstanding subsection 1, a public agency  
43 shall establish an advisory board or may contract with  
44 a delegate agency to assist the governing board. The  
45 advisory board or delegate agency board shall be  
46 composed of the same type of membership as a board of  
47 directors for community action agencies under  
48 subsection 1. However, the public agency acting as  
49 the community action agency shall determine annual  
50 program budget requests.

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1 Sec. 8. NEW SECTION. 15.327 DUTIES OF BOARD.

2 1. The governing board, delegate agency board, or  
3 advisory board shall:

4 a. Provide for:

5 (1) Comprehensive planning of the community action  
6 agency.

7 (2) Local needs assessment surveys conducted by  
8 the community action agency.

9 b. Approve overall program plans and priorities  
10 developed by the community action agency.

11 2. The governing board may:

12 a. Own, purchase, and dispose of property  
13 necessary for the operation of the community action  
14 agency.

15 b. Receive and administer funds and contributions  
16 from private or public sources which may be used to  
17 support community action programs.

18 c. Receive and administer funds from a federal or  
19 state assistance program pursuant to which a community

20 action agency could serve as a grantee, a contractor,  
21 or a sponsor of a project appropriate for inclusion in  
22 a community action program.

23 Sec. 9. NEW SECTION. 15.328 DUTIES OF COMMUNITY  
24 ACTION AGENCY.

25 A community action agency or delegate agency shall:

26 1. Plan for a community action program by  
27 establishing priorities among projects, activities,  
28 and areas to provide for the most efficient use of  
29 possible resources.

30 2. Obtain and administer assistance from available  
31 sources on a common or cooperative basis, in an  
32 attempt to provide additional opportunities to low-  
33 income persons.

34 3. Establish effective procedures by which the  
35 concerned low-income persons and area residents may  
36 influence the community action programs affecting them  
37 by providing for methods of participation in the  
38 implementation of the community action programs and by  
39 providing technical support to assist persons to  
40 secure assistance available from public and private  
41 sources.

42 4. Encourage and support self-help, volunteer,  
43 business, labor, and other groups and organizations to  
44 assist public officials and agencies in supporting a  
45 community action program which results in the  
46 additional use of private resources while developing  
47 new employment opportunities, encouraging investments  
48 which have an impact on reducing poverty among the  
49 poor in areas of concentrated poverty, and providing  
50 methods by which low-income persons can work with

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1 private organizations, businesses, and institutions in  
2 seeking solutions to problems of common concern.

3 Sec. 10. NEW SECTION. 15.329 ADMINISTRATION.

4 A community action agency or a delegate agency may  
5 administer the components of a community action  
6 program when the program is consistent with plans and  
7 purposes and applicable law. The community action  
8 programs may be projects which are eligible for  
9 assistance from any source. The programs shall be  
10 developed to meet local needs and may be designed to  
11 meet eligibility standards of a federal or state  
12 program providing assistance to a plan to meet local  
13 needs.

14 Sec. 11. NEW SECTION. 15.330 AUDIT.

15 Each community action agency shall be audited  
16 annually but shall not be required to obtain a

17 duplicate audit to meet the requirements of this  
 18 section. In lieu of an audit by the auditor of state,  
 19 the community action agency may contract with or  
 20 employ a certified public accountant to conduct the  
 21 audit, pursuant to the applicable terms and conditions  
 22 prescribed by sections 11.6 and 11.19 and an audit  
 23 format prescribed by the auditor of state. Copies of  
 24 each audit shall be furnished to the division within  
 25 three months following the annual audit.

26 Sec. 12. NEW SECTION. 15.331 ALLOCATION OF  
 27 FINANCIAL ASSISTANCE.

28 The administrator shall provide financial  
 29 assistance for community action agencies to implement  
 30 community action programs, as permitted by the  
 31 community service block grant, administer the low-  
 32 income energy assistance block grants, department of  
 33 energy funds for weatherization received in Iowa, and  
 34 other possible funding sources.

35 If a political subdivision is the agency, the  
 36 financial assistance shall be allocated to the  
 37 political subdivision.

38 Sec. 13. NEW SECTION. 15.332 EMERGENCY  
 39 WEATHERIZATION FUND.

40 The division shall continue implementation of the  
 41 weatherization goals of each community action agency  
 42 based on the inventory developed for the 1987-1988  
 43 winter heating season.

44 Sec. 14. NEW SECTION. 15.333 ENERGY CRISIS FUND.

45 1. An energy crisis fund is created in the state  
 46 treasury. Moneys deposited in the fund shall be used  
 47 to assist low-income families who qualify for the low-  
 48 income heating energy assistance program to avoid loss  
 49 of essential heating.

50 2. The fund may receive moneys including, but not

Page 6

1 limited to, the following:

2 a. Moneys appropriated by the general assembly for  
 3 the fund.

4 b. Moneys credited to the fund under section  
 5 473.11.

6 c. Unclaimed patronage dividends of electric  
 7 cooperative corporations or associations applied to  
 8 the fund following the time specified in section  
 9 556.12 for claiming the dividend from the holder.

10 d. The fund may also receive contributions from  
 11 customer contribution funds established under section  
 12 476.66.

13 3. Under rules developed by the division, the fund

14 may be used to negotiate reconnection of essential  
15 utility services with the energy provider.

16 Sec. 15. NEW SECTION. 15.334 IOWA AFFORDABLE  
17 HEATING PROGRAM ESTABLISHED.

18 1. The division shall establish an Iowa affordable  
19 heating program for the purpose of assisting low-  
20 income persons in paying for primary heating fuel  
21 costs.

22 2. In order to be eligible for participation in  
23 the Iowa affordable heating program, an applicant must  
24 meet all of the following requirements:

25 a. Meet the income guidelines established pursuant  
26 to the federal low-income home energy assistance  
27 program, with income at or below one hundred ten  
28 percent of the federal poverty income guidelines  
29 established by the office of management and budget.

30 The division may adjust the income threshold by rule  
31 as necessitated by budgetary restrictions.

32 b. Participate in annual level payment plans for  
33 both gas and electric services if such plans are  
34 available to the participant. The division shall  
35 develop an alternative plan for participants whose  
36 energy providers do not provide such plans.

37 c. Participate in the weatherization assistance  
38 program, if eligible.

39 d. Have insufficient finances, as determined by  
40 rule, which prohibit the payment of the entire cost of  
41 the heating of the applicant's home.

42 e. Submit to the administering agency within  
43 thirty days of application for participation in the  
44 program third-party verification of all of the  
45 following:

46 (1) The gross income of all of the members of the  
47 applicant's household in accordance with the rules  
48 adopted for the low-income home energy assistance  
49 program.

50 (2) The applicant's unreimbursed medical expenses

Page 7

1 for the time period corresponding to that used for the  
2 income calculation with proof of personal  
3 responsibility for these expenses.

4 f. Participate in counseling, provided by the  
5 administering agency, regarding energy efficiency.

6 3. In determination of the amount of the  
7 affordable heating payment for which the participant  
8 is eligible, the following formula shall be used:

9 a. An annual adjusted income amount shall be  
10 calculated.

11 (1) To be eligible, an applicant must also apply  
12 and be eligible for participation in the low-income  
13 home energy assistance program. A participant's  
14 income shall be determined as the amount verified on a  
15 low-income home energy assistance program application.

16 (2) A participant's adjusted income shall be  
17 determined by subtracting from the verified income,  
18 the actual costs incurred for each of the following:

19 (a) Annual rental or mortgage payments, real  
20 estate taxes, and real estate insurance payments not  
21 to exceed a maximum established by division rule based  
22 on the statewide low-income housing cost average.

23 (b) Annual unreimbursed medical expenses, not to  
24 exceed two thousand four hundred dollars.

25 (c) Annual child support and alimony payments.

26 (d) The annual costs of water, basic local  
27 telephone, and nonheating electric services as defined  
28 by division rule.

29 (e) Annual child care costs incurred by a  
30 participant due to employment or participation in an  
31 academic or job-training program.

32 b. A predicted heating cost shall be calculated.

33 (1) When applicable, the predicted heating costs  
34 shall be the annual total calculated under subsection  
35 2, paragraph "b", for level payment plans.

36 (2) Where subsection 3, paragraph "b",  
37 subparagraph (1), does not apply, the predicted  
38 heating cost shall be based upon, but is not limited  
39 to, primary heating fuel usage incurred during the  
40 twelve-month period immediately preceding application,  
41 first adjusted for weather and then adjusted for rate  
42 changes occurring during the twelve-month period  
43 immediately preceding application.

44 c. Following the calculation of the participant's  
45 adjusted income and predicted heating cost, the  
46 participant's adjusted heating cost shall be  
47 calculated by:

48 (1) Adding the predicted heating cost figure to  
49 any scheduled repayment of an arrearage which has been  
50 negotiated between the participant and the primary

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1 heating fuel provider. The arrearage shall not exceed  
2 three hundred dollars annually. Any remaining  
3 arrearage shall be considered in subsequent years.

4 (2) Subtracting from the figure determined under  
5 paragraph "b" the federal low-income home energy  
6 assistance program grant, if a grant is received.

7 d. The division shall promulgate rules to

8 establish a standard percentage not to exceed twenty-  
 9 five percent of household heating costs to adjusted  
 10 income, taking into consideration household family  
 11 size. For each participant, the administering agency  
 12 shall determine the percentage of adjusted heating  
 13 cost to adjusted income. If the participant's  
 14 percentage exceeds the standard percentage, an  
 15 affordable heating payment shall be made as prescribed  
 16 by rule. The payment shall be made to the  
 17 participant's primary heating fuel provider and  
 18 credited to the participant's heating account for the  
 19 year in which the participant is eligible.

20 (1) When offered by the primary heating fuel  
 21 provider, the provider shall calculate or recalculate  
 22 the participant's annual level payment plan after all  
 23 forms of assistance are credited. A monthly level  
 24 payment shall be established. However, each level  
 25 payment shall not be less than a monthly minimum as  
 26 established by division rule.

27 (2) Reconciliation shall occur as prescribed in  
 28 the rules of the Iowa utilities board or, at a  
 29 minimum, annually, for unregulated heating fuel  
 30 providers.

31 4. A participant in the Iowa affordable heating  
 32 program who maintains the monthly level payment shall  
 33 be protected from disconnection of service by the  
 34 participant's primary heating fuel provider.

35 5. The department shall adopt rules pursuant to  
 36 chapter 17A which establish the criteria under which a  
 37 participant in the Iowa affordable heating program  
 38 would be determined ineligible for continued  
 39 participation in the program. The criteria shall  
 40 include but are not limited to a requirement that the  
 41 participant maintains the monthly level payment in  
 42 order to maintain eligibility in the program.

43 6. Any moneys appropriated for the Iowa affordable  
 44 heating program which are not expended by April 30 of  
 45 each fiscal year shall be used to fund the low-income  
 46 energy assistance program."

47 2. Page 1, line 5, by striking the figure  
 48 "217.44" and inserting the following: "15.321".

49 3. Page 20, line 22, by striking the word "of"  
 50 and inserting the following: "of with responsibility

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1 for".

2 4. Page 20, by striking line 23, and inserting  
 3 the following: "agencies in under the department of  
 4 human rights economic development or the".

- 5 5. By striking page 20, line 25 through page 30,  
6 line 23.
- 7 6. Page 33, line 13, by striking the word "of"  
8 and inserting the following: "of with responsibility  
9 for".
- 10 7. Page 33, line 14, by striking the words  
11 "agencies of" and inserting the following: "agencies  
12 of under".
- 13 8. Page 33, by striking line 15 and inserting the  
14 following: "human rights economic development, the  
15 administrator of the energy and".
- 16 9. Page 34, by striking line 5 and inserting the  
17 following: "administered by the division of with  
18 responsibility for community action agencies of  
19 under".
- 20 10. Page 34, by striking line 6, and inserting  
21 the following: "the department of human rights  
22 economic development. The written".
- 23 11. Page 35, by striking lines 5 and 6 and  
24 inserting the following: "program administered by the  
25 division of with responsibility for community action  
26 agencies of under the department of human rights  
27 economic development."
- 28 12. Page 35, by striking lines 17 and 18 and  
29 inserting the following: "the fund results. The  
30 division of with responsibility for community action  
31 agencies of the department of human rights economic  
32 development shall prepare an".
- 33 13. Page 43, line 7, by striking the word "human  
34 services" and inserting the following: "economic  
35 development".
- 36 14. By renumbering, relettering and correcting  
37 internal references as necessary.

COMMITTEE ON STATE GOVERNMENT  
MICHAEL GRONSTAL, Chairperson

S-5066

- 1 Amend Senate File 2215 as follows:
- 2 1. Page 3, line 7, by striking the figures and  
3 word "1, 5, and 6" and inserting the following: "1,  
4 6, and 7".
- 5 2. Page 3, line 10, by striking the figures and  
6 word "4, and 7" and inserting the following: "4, 5,  
7 and 8".

WILLIAM W. DIELEMAN



S-5067

- 1 Amend Senate File 2009 as follows:
- 2 1. Page 1, line 15, by striking the words "five
- 3 working days" and inserting the following: "twenty-
- 4 four hours".
- 5 2. Page 1, by striking lines 16 through 19 and
- 6 inserting the following: "of making the referral. If
- 7 the examination raises child protection concerns. If
- 8 physician who performed the examination upon referral
- 9 by the department shall contact the department
- 10 concerning the results of the examination within
- 11 twenty-four hours of performing the examination."

COMMITTEE ON HUMAN RESOURCES  
ELAINE SZYMONIAK, Chairperson

S-5068

- 1 Amend Senate File 2222 as follows:
- 2 1. Page 9, line 7, by striking the word
- 3 "subsections" and inserting the following:
- 4 "subsection".
- 5 2. Page 9, by striking lines 20 through 24.

ELAINE SZYMONIAK

S-5069

- 1 Amend Senate File 2112 as follows:
- 2 1. Page 1, line 5, by striking the word "less"
- 3 and inserting the following: "more".
- 4 2. Page 2, line 8, by striking the word "less"
- 5 and inserting the following: "more".

COMMITTEE ON JUDICIARY  
AL STURGEON, Chairperson

S-5070

- 1 Amend Senate File 2129 as follows:
- 2 1. Page 7, by striking lines 14 through 25.
- 3 2. Title page, by striking lines 3 and 4 and
- 4 inserting the following: "providing false
- 5 information."
- 6 3. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION  
BY JEAN LLOYD-JONES, Chairperson

S-5071

- 1 Amend Senate File 2233 as follows:
- 2 1. Page 3, line 1, by striking the words "by the
- 3 state registrar" and inserting the following: "by the
- 4 state registrar".
- 5 2. Page 3, line 5, by striking the words "Fees
- 6 collected by the".
- 7 3. Page 3, by striking line 6.
- 8 4. Page 3, line 7, by striking the word "fund."

ALBERT SORENSEN

S-5072

- 1 Amend Senate File 2218 as follows:
- 2 1. Page 2, line 28, by striking the words "and
- 3 businesses subject to inspections" and inserting the
- 4 following: ", the businesses subject to inspections,
- 5 and employees of the businesses".

TOM VILSACK

S-5073

- 1 Amend Senate File 2218 as follows:
- 2 1. Page 16, by striking lines 20 through 35.

LARRY MURPHY  
JOHN W. JENSEN

S-5074

- 1 Amend Senate File 2217 as follows:
- 2 1. Page 12, by inserting after line 34, the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 97B.49, subsection 16,
- 5 paragraph d, subparagraph (7), Code Supplement 1993,
- 6 is amended to read as follows:
- 7 (7) An employee of the state department of
- 8 transportation who is designated as a "peace officer"
- 9 by resolution under section 321.477, but only if the
- 10 employee retires on or after July 1, 1990. For
- 11 purposes of this subparagraph, service as a traffic
- 12 weight officer employed by the highway commission
- 13 prior to the creation of the state department of
- 14 transportation or as a peace officer employed by the
- 15 Iowa state commerce commission prior to the creation
- 16 of the state department of transportation shall be
- 17 included in computing the employee's years of

18 membership service.

19 Sec. \_\_\_\_ . Section 321.1, subsection 50, Code  
20 Supplement 1993, is amended to read as follows:

21 50. "Peace officer" means every officer an  
22 employee designated as a peace officer by the  
23 department who is authorized to direct or regulate  
24 traffic or to make arrests for violations of traffic  
25 regulations in addition to its meaning in carry out  
26 and enforce all laws of the state and the rules and  
27 regulations of the department or any other peace  
28 officer included in the definition of peace officers  
29 under section 801.4.

30 Sec. \_\_\_\_ . Section 321.477, Code 1993, is amended  
31 to read as follows:

32 321.477 EMPLOYEES AS PEACE OFFICERS.

33 The department may shall designate by resolution as  
34 peace officers certain of its full-time employees upon  
35 each of whom there is hereby conferred who shall have  
36 the authority of a peace officer to control and direct  
37 to carry out and enforce all laws of the state and  
38 rules and regulations of the department. Each  
39 designated employee's peace officer authority shall  
40 include, but not be limited to, controlling and  
41 directing traffic and weigh, weighing vehicles, and to  
42 make making arrests for violations of the motor  
43 vehicle laws relating to the operating authority,  
44 registration, size, weight, and load of motor vehicles  
45 and trailers and registration of a motor carrier's  
46 interstate transportation service with the department.

47 Sec. \_\_\_\_ . Section 327B.2, Code 1993, is amended to  
48 read as follows:

49 327B.2 ENFORCEMENT.

50 The state State department of transportation may

Page 2

1 designate by resolution certain of its employees upon  
2 each of whom there is hereby conferred employees  
3 designated as peace officers under section 321.477  
4 shall have the authority of a peace officer to make  
5 arrests for violations of laws relating to the  
6 registration of a motor carrier's interstate  
7 transportation service with the state department of  
8 transportation.

9 Sec. \_\_\_\_ . Section 801.4, subsection 11, paragraph  
10 h, Code 1993, is amended to read as follows:

11 h. Such employees Employees of the state  
12 department of transportation as who are designated as  
13 "peace officers" by resolution of the department under

14 section 321.477.”

15 2. By renumbering as necessary.

MICHAEL E. GRONSTAL  
JEAN LLOYD-JONES  
RICHARD F. DRAKE  
JOHN W. JENSEN

S-5075

1 Amend Senate File 2219 as follows:

2 1. Page 11, line 9, by striking the words “or the  
3 voter” and inserting the following: “, otherwise the  
4 election official”.

RICHARD F. DRAKE  
MICHAEL E. GRONSTAL

S-5076

1 Amend Senate File 2196 as follows:

2 1. Page 1, lines 18 and 19, by striking the words  
3 “association for retarded citizens.” and inserting the  
4 following: “the arc of Iowa which was formerly known  
5 as the association for retarded citizens of Iowa.”.

MAGGIE TINSMAN

S-5077

1 Amend Senate File 2234 as follows:

2 1. Page 3, by inserting after line 3 the  
3 following:  
4 “Sec. \_\_\_\_ . Section 260C.28, subsection 2, Code  
5 1993, is amended to read as follows:  
6 2. However, the board of directors may annually  
7 certify for levy a tax on taxable property in the  
8 merged area at a rate in excess of the three cents per  
9 thousand dollars of assessed valuation specified under  
10 subsection 1 if the excess tax levied does not cause  
11 the total rate certified to exceed a rate of nine  
12 cents per thousand dollars of assessed valuation, and  
13 the excess revenue generated is used for purposes of  
14 program sharing between community colleges or for the  
15 purchase of instructional equipment. Programs that  
16 are shared shall be designed to increase student  
17 access to community college programs and to achieve  
18 efficiencies in program delivery at the community  
19 colleges, including, but not limited to, the programs  
20 described under sections 260C.45 and 260C.46. Prior

21 to expenditure of the excess revenues generated under  
22 this subsection, the board of directors shall obtain  
23 the approval of the director of the department of  
24 education.”  
25 2. By renumbering as necessary.

JOHN P. KIBBIE

S-5078

1 Amend Senate File 2229 as follows:  
2 1. Page 2, by inserting after line 26 the  
3 following:  
4 “Savings achieved in providing telecommunications  
5 services shall be used by the department of general  
6 services to increase efficiencies in the provision of  
7 those services. The department of general services  
8 shall report not later than August 31, 1995, on the  
9 projects undertaken to the chairpersons and the  
10 ranking members of the joint appropriations  
11 subcommittee on administration and to the legislative  
12 fiscal bureau. The report shall include a listing of  
13 the projects and efficiencies undertaken during the  
14 fiscal year, the cost of each project, and the  
15 benefits, including the projected savings on an annual  
16 basis and for the life of the efficiency improvement.”

PATTY JUDGE

S-5079

1 Amend Senate File 344 as follows:  
2 1. Page 1, by striking lines 19 and 20 and  
3 inserting the following:  
4 “ \_\_\_\_ . “Investment adviser” does not mean any of  
5 the following:  
6 ( ) An individual who does not own and manage an  
7 enterprise engaged in a business described in  
8 paragraph “a” or does not provide services described  
9 in paragraph “a.”  
10 2. Page 3, by inserting after line 2 the  
11 following:  
12 “As used in this subsection, “compensation” does  
13 not include a commission, fee, or a combination of a  
14 commission and a fee, which is paid to an insurance  
15 agent licensed under chapter 522, if the insurance  
16 agent receives the commission, fee, or the combination  
17 of a commission and a fee, for the sale to the client  
18 of insurance as regulated pursuant to Title XIII,  
19 subtitle 1.”

20 3. Page 3, line 4, by striking the words "a  
21 person" and inserting the following: "an individual".

22 4. Page 3, by striking lines 17 and 18 and  
23 inserting the following:

24 "\_\_\_ . "Investment adviser representative" does not  
25 mean any of the following:".

26 5. Page 3, line 20, by striking the words "A  
27 natural person" and inserting the following: "An  
28 individual".

29 6. Page 4, by inserting after line 29, the  
30 following:

31 "\_\_\_ . The person's principal place of business is  
32 in this state, and the person's business manages more  
33 than ten million dollars of assets.

34 \_\_\_ . The person is a wholly owned subsidiary of an  
35 insurance company organized pursuant to the laws of  
36 this state whose principle place of business is in  
37 this state."

38 7. Page 12, by inserting after line 22 the  
39 following:

40 "Sec. \_\_\_ . **NEW SECTION. 502.305 EXEMPTIONS FROM**  
41 **REGISTRATION -- INVESTMENT ADVISER REPRESENTATIVES WHO**  
42 **PASS AN EXAMINATION.**

43 The administrator may adopt rules requiring the  
44 passage of an examination by an individual who is an  
45 investment adviser representative or another  
46 individual who is registered as an investment adviser  
47 and who is the sole owner of a noncorporate business  
48 entity and the sole individual acting as the repre-  
49 sentative of the investment adviser as provided in  
50 section 502.102, subsection 8B. However, a person who

## Page 2

1 is registered between January 1, 1994, and December  
2 31, 1994, shall not be required to pass an  
3 examination, for as long as the person maintains the  
4 registration."

5 8. Page 16, by striking lines 18 through 23 and  
6 inserting the following:

7 "Sec. \_\_\_ . **CONDITION TO IMPLEMENTION.** This Act  
8 shall only be implemented if and when the general  
9 assembly makes an annualized appropriation of at least  
10 ninety-two thousand dollars to the insurance division  
11 of the department of commerce for the implementation  
12 of this Act."

13 9. Page 16, line 25, by striking the figure

- 14 "1994" and inserting the following: "1995".  
15 10. By relettering as necessary.

COMMITTEE ON COMMERCE  
PATRICK DELUHERY, Chairperson

S-5080

1 Amend House File 545, as passed by the House, as  
2 follows:

3 1. Page 1, by striking lines 7 through 29 and  
4 inserting the following:

5 "Sec. \_\_\_\_ . Section 325.34, Code 1993, is amended  
6 by striking the section and inserting in lieu thereof  
7 the following:

8 325.34 SCHEDULED VIOLATIONS -- PENALTY.

9 An owner, officer, agent or employee of a motor  
10 carrier or other person who violates this chapter or a  
11 rule adopted pursuant to this chapter, or who aids or  
12 abets a person in a failure to comply with this  
13 chapter or a rule adopted pursuant to this chapter  
14 shall be subject to a fine of two hundred fifty  
15 dollars. If a second violation occurs within twelve  
16 months of the first violation the fine shall be five  
17 hundred dollars. If a third or subsequent violation  
18 occurs within the same twelve-month time period in  
19 which the first and second violations occurred, the  
20 fine shall be one thousand dollars.

21 Sec. \_\_\_\_ . Section 327.22, Code 1993, is amended by  
22 striking the section and inserting in lieu thereof the  
23 following:

24 327.22 SCHEDULED VIOLATIONS -- PENALTY.

25 An owner, officer, agent or employee of a truck  
26 operator or other person who violates this chapter or  
27 a rule adopted pursuant to this chapter, or who aids  
28 or abets a person in a failure to comply with this  
29 chapter or a rule adopted pursuant to this chapter  
30 shall be subject to a fine of two hundred fifty  
31 dollars. If a second violation occurs within twelve  
32 months of the first violation the fine shall be five  
33 hundred dollars. If a third or subsequent violation  
34 occurs within the same twelve-month time period in  
35 which the first and second violations occurred, the  
36 fine shall be one thousand dollars."

37 2. Page 2, by inserting after line 4, the  
38 following:

39 "Sec. \_\_\_\_ . Section 327A.18, Code 1993, is amended  
40 by striking the section and inserting in lieu thereof  
41 the following:

42 327A.18 SCHEDULED VIOLATIONS -- PENALTY.

43 An owner, officer, agent or employee of a liquid  
44 transport carrier or other person who violates this  
45 chapter or a rule adopted pursuant to this chapter, or  
46 who aids or abets a person in a failure to comply with  
47 this chapter or a rule adopted pursuant to this  
48 chapter shall be subject to a fine of two hundred  
49 fifty dollars. If a second violation occurs within  
50 twelve months of the first violation the fine shall be

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1 five hundred dollars. If a third or subsequent  
2 violation occurs within the same twelve-month time  
3 period in which the first and second violations  
4 occurred, the fine shall be one thousand dollars.”  
5 3. Page 2, by striking lines 9 through 16.  
6 4. By renumbering as necessary.

RICHARD F. DRAKE  
WILLIAM W. DIELEMAN

S-5081

1 Amend Senate File 2217 as follows:  
2 1. Page 5, by inserting after line 3 the  
3 following:  
4 “f. It is the intent of the general assembly that  
5 the public retirement systems committee established in  
6 section 97D.4 shall consider increasing the surviving  
7 spouse benefits of the peace officers’ retirement,  
8 accident and disability system provided for in chapter  
9 97A.”

MERLIN BARTZ  
MICHAEL E. GRONSTAL

S-5082

1 Amend Senate File 2168 as follows:  
2 1. Page 1, line 4, by striking the word  
3 “contracts” and inserting the following:  
4 “arrangements”.  
5 2. Page 1, line 5, by striking the word  
6 “contracts” and inserting the following:  
7 “arrangements”.  
8 3. Page 1, by inserting after line 5 the fol-  
9 lowing:  
10 “Sec. \_\_\_\_ . Section 8.46, unnumbered paragraph 1,  
11 Code 1993, is amended to read as follows:  
12 For the purposes of this section, unless the



13 context otherwise requires, "state agency" means any  
 14 executive, judicial, or legislative department,  
 15 commission, board, institution, division, bureau,  
 16 office, agency, or other entity of state government.  
 17 The term "lease-purchase arrangement" includes  
 18 arrangements in which title of ownership passes when  
 19 the final installment payment is made and installment  
 20 acquisitions in which title of ownership passes when  
 21 the first installment payment is made.

22 Sec. \_\_\_\_ . Section 8.46, subsection 1, unnumbered  
 23 paragraph 1, Code 1993, is amended to read as follows:

24 Before At least thirty days prior to entering into  
 25 a contract involving a lease-purchase arrangement in  
 26 which any part or the total amount of the contract is  
 27 at least ~~fifty~~ thirty thousand dollars, a state agency  
 28 shall notify the legislative fiscal bureau regarding  
 29 the contract. The legislative fiscal bureau shall  
 30 compile the notifications for submission to the  
 31 legislative fiscal committee of the legislative  
 32 council regarding the contract. The notification is  
 33 required regardless of the source of payment for the  
 34 lease-purchase arrangement. The notification shall  
 35 include all of the following information:

36 Sec. \_\_\_\_ . Section 8.46, subsection 3, unnumbered  
 37 paragraph 1, Code 1993, is amended to read as follows:

38 A state agency shall report quarterly annually by  
 39 July 15 to the legislative fiscal bureau for  
 40 submission to the legislative fiscal committee  
 41 concerning its contracts involving a lease-purchase  
 42 arrangement in which payments were made during the  
 43 immediately preceding fiscal year. The format of the  
 44 report shall be determined by the legislative fiscal  
 45 bureau in consultation with the department of  
 46 management. The report shall include all of the  
 47 following information:".

48 4. Page 1, by striking lines 12 through 14 and  
 49 inserting the following: "estimates which relate to a  
 50 proposed lease-purchase contract."

## Page 2

1 5. Title page, line 2, by striking the word "con-  
 2 tracts" and inserting the following: "arrangements".

LARRY MURPHY

S-5083

1 Amend Senate File 2197 as follows:

2 1. Page 1, line 6, by inserting after the word

3 "shall" the following: "identify the organizational  
4 structure of the centers, and".

5 2. Page 1, line 34, by striking the words  
6 "councils of government" and inserting the following:  
7 "regional planning entities".

8 3. Page 2, line 1, by striking the words  
9 "councils of government" and inserting the following:  
10 "regional planning entities".

11 4. Page 2, line 3, by inserting after the word  
12 "government" the following: "and department of human  
13 services county offices, recipient agencies of the  
14 department of human services".

15 5. Page 2, line 7, by inserting after the word  
16 "of" the following: "consumers in".

17 6. Page 2, line 16, by inserting after the word  
18 "pay." the following: "School districts shall be  
19 reimbursed for the costs of providing transportation  
20 services to individuals other than students based upon  
21 the sliding fee schedule developed, and shall be  
22 responsible for paying for any transportation services  
23 provided for district students under contract by  
24 third-party transportation providers."

25 7. Page 2, line 19, by striking the words  
26 "councils of government" and inserting the following:  
27 "regional planning entities".

28 8. Page 2, line 24, by inserting before the word  
29 "the" the following: "a program to fund".

30 9. By striking page 2, line 28, through page 3,  
31 line 1, and inserting the following: "disabled  
32 individuals. The department shall develop a model for  
33 vehicle and transportation costs.

34 Sec. \_\_\_\_ . Section 324A.3, unnumbered paragraph 1,  
35 Code 1993, is amended to read as follows:

36 The department shall, at the request of a political  
37 subdivision, or public and private providers of  
38 transportation services affected by this chapter,  
39 assist the providers in the development of a fiscal  
40 and service plan which they may be used by them use to  
41 ~~co-ordinate~~ coordinate and consolidate all forms of  
42 urban and rural transportation services ~~except public~~  
43 ~~school transportation~~; including, but not limited to,  
44 the following:

45 Sec. \_\_\_\_ . Section 324A.4, subsection 1, Code 1993,  
46 is amended to read as follows:

47 1. The department shall compile and maintain  
48 current information on available and pending federal,  
49 state, local, and private aid affecting urban and  
50 rural public transit programs. Public, private, and

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1 private nonprofit organizations applying for or  
2 receiving federal, state or local aid for providing  
3 transit services shall provide a copy of their fiscal  
4 year operating budget annually prior to June 1  
5 depicting funds used for public transit programs and  
6 such other information as the department may require  
7 prior to receiving any federal or state funds or any  
8 aid from a political subdivision of the state. The  
9 operating budget shall list all of the funding sources  
10 of the organization along with the listing of funds  
11 expended by that organization during the preceding  
12 fiscal year. The department, in co-operation with the  
13 regional planning agencies as the responsible agency  
14 for annual updating the regional transit development  
15 programs, shall compile this information annually.  
16 Any state agency or organization administering funds  
17 for transit services is required to submit all funding  
18 requests through the regional and state clearinghouse  
19 and the state department of transportation. Any  
20 organization, state agency, political subdivision, and  
21 public transit system, ~~except public school~~  
22 ~~transportation~~, receiving federal, state or local aid  
23 to provide or contract for public transit services or  
24 transportation to the general public and specific  
25 client groups, must coordinate and consolidate funding  
26 and resulting service, to the maximum extent possible,  
27 with the urban or regional transit system.  
28 Sec. \_\_\_\_ . Section 324A.5, subsection 1, Code 1993,  
29 is amended by striking the subsection."  
30 10. By renumbering as necessary.

LARRY MURPHY

S-5084

1 Amend Senate File 2184 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 18.133, subsections 1, 2, and  
5 3, Code Supplement 1993, are amended to read as  
6 follows:  
7 1. "Director" means the executive director of the  
8 department of general services or the director's  
9 designee appointed pursuant to section 18.133B.  
10 2. "Private agency" means an accredited nonpublic  
11 schools and school, a nonprofit institutions  
12 institution of higher education eligible for tuition  
13 grants, or a hospital licensed pursuant to chapter

14 135B to the extent provided in section 18.136,  
15 subsection 13A.

16 3. "Public agency" means a state agency, a school  
17 corporation, a city library, a regional library as  
18 provided in chapter 256, ~~and~~ a county library as  
19 provided in chapter 336, or an agency of the federal  
20 government, not including the United States postal  
21 service or a United States post office.

22 Sec. 2. Section 18.136, subsections 1 and 2, Code  
23 Supplement 1993, are amended to read as 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 ~~state Iowa~~ communications network  
32 consists of Part I, Part II, and Part III of the  
33 system.

34 2. For purposes of this section, unless the  
35 context otherwise requires:

36 a. "Part I of the system" means the communications  
37 connections between central switching and the regional  
38 switching centers for the remainder of the network.

39 b. "Part II of the system" means the  
40 communications connections between the regional  
41 switching centers and the secondary switching centers.

42 c. "Part III of the system" means the  
43 communications connection between the secondary  
44 switching centers and the agencies defined in section  
45 18.133, subsections ~~3~~ 2 and 4 3, including, but not  
46 limited to, all network connections constructed on or  
47 after January 1, 1994.

48 Sec. 3. Section 18.136, subsections 4 and 12, Code  
49 Supplement 1993, are amended to read as follows:

50 4. The ~~department of general services Iowa~~

Page 2

1 communications network board shall develop and adopt  
2 by rule pursuant to chapter 17A, minimum standards for  
3 a Part III connection and develop the requests for  
4 proposals that are needed for a state an Iowa  
5 communications network with sufficient capacity to  
6 serve the video, data, and voice requirements of state  
7 agencies and the educational telecommunications  
8 applications required by the Iowa public broadcasting  
9 communications network board. The department shall  
10 develop a request for proposals for each of the

11 systems that will make up the network. Rules adopted  
12 establishing the minimum standards for a Part III  
13 connection shall not be adopted pursuant to the  
14 emergency rulemaking procedures under section 17A.4,  
15 subsection 2, and section 17A.5, subsection 2,  
16 paragraph "b". The department may Iowa communications  
17 network board shall develop a request for proposals  
18 for each definitive component of Part I, Part II, and  
19 Part III of the system or the department board may  
20 provide in the request for proposals for each such  
21 system that separate contracts may shall be entered  
22 into for each definitive component covered by the  
23 request for proposals. The requests for proposals for  
24 components of Parts I and II may be for the purchase,  
25 lease-purchase, or lease of the component parts of the  
26 system network, may require maintenance costs to be  
27 identified, and the resulting contract may provide for  
28 maintenance for parts of the system network. The  
29 master contract may provide for electronic classrooms,  
30 satellite equipment, receiving equipment, studio and  
31 production equipment, and other associated equipment  
32 as required. The requests for proposals for all  
33 component parts for Part III for which state funding  
34 is provided shall be for the lease of the component  
35 parts. A request for proposals shall be issued for  
36 each authorized user, or for a group of authorized  
37 users who wish to receive proposals which include the  
38 connections for all members of such group, for which a  
39 Part III connection is to be leased by the state  
40 pursuant to this section. A request for proposals for  
41 such connection of the authorized user shall be issued  
42 by such authorized user, or by the board upon the  
43 request of the authorized user. The board may review  
44 any lease entered into relating to Part III.  
45 12. a. The Iowa public broadcasting  
46 communications network board, in consultation with its  
47 narrowcast system advisory committee, shall determine  
48 the fee fees to be charged per course or credit hour  
49 by the state for Parts I, II, and III to the  
50 originating institution, and the public and private

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1 agencies authorized to use the network. The fees  
2 shall be substantially the same for comparable courses  
3 uses and authorized users.  
4 b. An hourly fee established by the board pursuant  
5 to paragraph "a" for a user authorized by the general  
6 assembly to be offered access on or after January 1,  
7 1994, shall be established at an appropriate

8 commercial rate so that, at a minimum, there is no  
9 state subsidy related to the costs of the connection  
10 or use of the network related to such user.  
11 c. An authorized user of the network may request a  
12 hearing on a fee approved by the Iowa communications  
13 network board.

14 Sec. 4. Section 18.136, Code Supplement 1993, is  
15 amended by adding the following new subsections:  
16 **NEW SUBSECTION. 4A.** The board of a school  
17 corporation shall determine the type of classroom  
18 facility and equipment to be provided and the type of  
19 facility or equipment to be used in providing the  
20 network connection to the school corporation, or the  
21 classroom of the school corporation. If the type of  
22 facility or equipment to be used in providing the  
23 network connection to the school corporation, or the  
24 classroom of the school corporation, which the school  
25 corporation board determines it would like to use,  
26 does not meet the minimum standards as developed by  
27 the Iowa communications network board pursuant to  
28 subsection 4, the school corporation board may  
29 petition the network board for a waiver of compliance  
30 with the minimum standards. The network board shall  
31 approve a plan which is consistent with the goals and  
32 objectives of the network. A plan which is approved  
33 by the network board is eligible to receive state  
34 funding in the same manner as a plan which meets the  
35 minimum standards.

36 **NEW SUBSECTION. 4B.** The state shall lease all  
37 component parts for Part III connections from  
38 qualified providers and the state shall not own a  
39 component part of Part III, except for those component  
40 parts owned by the state as of January 1, 1994, or  
41 those component parts related to a facility under the  
42 control of the armory board appointed pursuant to  
43 section 29A.57.

44 **NEW SUBSECTION. 13A.** Access shall be offered to  
45 hospitals licensed pursuant to chapter 135B and  
46 agencies of the federal government. A hospital or an  
47 agency of the federal government shall contribute, at  
48 a minimum, an amount consistent with its share of use  
49 for the part of the network in which the hospital or  
50 agency participates as determined by the Iowa

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1 communications network board. Access to the network  
2 shall be offered to hospitals licensed pursuant to  
3 chapter 135B for diagnostic, clinical, consultative,  
4 and educational services which require the use of

5 interactive video, the transmission of high quality  
 6 images, or the combination of data, text, video,  
 7 visual, or graphic information; the transmission of  
 8 payments and claims information to and from the  
 9 medicare program established under Title XVIII of the  
 10 federal Social Security Act and the medical assistance  
 11 program established pursuant to chapter 249A, the  
 12 health data commission or its successor agency, the  
 13 Iowa department of public health, and the community  
 14 health management information system, where such  
 15 information transmission assists in satisfying an  
 16 information-gathering duty assigned by statute; and  
 17 the transmission of government payments and claims  
 18 information to hospitals.”  
 19 2. Title page, line 1, by striking the words “the  
 20 procurement” and inserting the following: “access to,  
 21 procurement of.”

JOHN W. JENSEN  
 EUGENE FRAISE  
 JIM KERSTEN  
 EMIL J. HUSAK  
 DERRYL McLAREN  
 WILLIAM W. DIELEMAN

S-5085

1 Amend Senate File 2292 as follows:  
 2 1. Page 1, by striking lines 15 and 16 and  
 3 inserting the following: “Achtung: Das Trinken von  
 4 Alkohol waehrend der Schwangerschaft Koennte  
 5 Geburtsfehler verursachen”.

MERLIN E. BARTZ

S-5086

1 Amend Senate File 2222 as follows:  
 2 1. Page 6, line 17, by inserting after the figure  
 3 “155A,” the following: “or a home care services  
 4 program certified under Title XVIII or XIX of the  
 5 federal Social Security Act or a home care services  
 6 program under contract with the department of public  
 7 health.”

ELAINE SZYMONIAK

S-5087

- 1 Amend Senate File 2222 as follows:
- 2 1. Page 2, by inserting after line 18 the
- 3 following:
- 4 "Sec. \_\_\_\_ . NEW SECTION. 135.63A EXEMPTION FROM
- 5 CERTIFICATE OF NEED.
- 6 This division does not apply to a health care
- 7 provider or an institutional health facility which
- 8 receives fifty percent or more of its revenue under a
- 9 capitated payment system."
- 10 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5088

- 1 Amend Senate File 2065 as follows:
- 2 1. Page 1, line 28, by inserting after the word
- 3 "include" the following: ", but are not limited to,".
- 4 2. Page 1, by striking lines 31 and 32.
- 5 3. Page 1, line 33, by striking the word "A" and
- 6 inserting the following: "If rules for alternative
- 7 regulation are adopted, a".
- 8 4. Page 1, line 34, by striking the words
- 9 "services may" and inserting the following: "services
- 10 shall".
- 11 5. Page 2, by striking lines 5 through 10 and
- 12 inserting the following: "involving the utility."
- 13 6. Page 3, by striking line 20, and inserting the
- 14 following:
- 15 "A utility furnishing communications services
- 16 pursuant to an approved".
- 17 7. Page 4, line 26, by striking the words "an
- 18 approved" and inserting the following: "a".
- 19 8. By renumbering as necessary.

JOHN JENSEN

S-5089

- 1 Amend Senate File 2190 as follows:
- 2 1. Page 1, line 15, by striking the word
- 3 "permanent" and inserting the following: "perimeter".
- 4 2. Page 1, lines 19 through 21, by striking the
- 5 words "A pier footing system, set below frost level
- 6 and according to manufacturer's specifications, is a
- 7 permanent foundation system." and inserting the
- 8 following: "For purposes of this section, a permanent
- 9 foundation may be a pier footing foundation system



10 designed and constructed to be compatible with the  
11 structure and the conditions of the site."

12 3. Page 1, lines 32 through 35, by striking the  
13 words "A mobile home as defined in section 435.1 is  
14 not a manufactured home, unless it has been converted  
15 to real property as provided in section 435.26, and  
16 shall be taxed as a site-built dwelling."

17 4. Page 2, line 16, by striking the word  
18 "permanent" and inserting the following: "perimeter".

19 5. Page 2, lines 20 through 22, by striking the  
20 words "A pier footing system, set below frost level  
21 and according to manufacturer's specifications, is a  
22 permanent foundation system" and inserting the  
23 following: "For purposes of this section, a permanent  
24 foundation may be a pier footing foundation system  
25 designed and constructed to be compatible with the  
26 structure and the conditions of the site."

27 6. Page 2, lines 33 through 35, by striking the  
28 words "A mobile home as defined in section 435.1 is  
29 not a manufactured home, unless it has been converted  
30 to real property as provided in section 435.26, and  
31 shall be taxed as".

32 7. Page 3, line 1, by striking the words "a site-  
33 built dwelling."

34 8. Page 3, line 14, by inserting after the figure  
35 "1976." the following: "If a mobile home is placed  
36 outside a mobile home park, the home is to be assessed  
37 and taxed as real estate."

38 9. Page 3, line 16, by striking the word  
39 "subsection" and inserting the following:  
40 "subsections".

41 10. Page 3, by inserting after line 16 the  
42 following:

43 "NEW SUBSECTION. 1A. "Home" means a mobile home,  
44 a manufactured home, or a modular home."

45 11. Page 3, line 17, by striking the figure and  
46 letter "1A" and inserting the following: "1B".

47 12. Page 3, lines 17 and 18, by striking the  
48 words "mobile home except that a manufactured home is"  
49 and inserting the following: "factory-built  
50 structure".

## Page 2

1 13. Page 3, line 25, by inserting after the word  
2 "is" the following: "to be".

3 14. Page 4, by striking lines 2 through 10 and  
4 inserting the following:

5 "3. "Modular home" means a factory-built structure  
6 which is manufactured to be used as a place of human

7 habitation, is constructed to comply with the Iowa  
 8 state building code for modular factory-built  
 9 structures, and must display the seal issued by the  
 10 state building code commissioner. If a modular home  
 11 is placed in a mobile home park, the home is subject  
 12 to the mobile home square footage tax. If a modular  
 13 home is placed outside a mobile home park, the home  
 14 shall be considered real property and is to be  
 15 assessed and taxed as real estate."

16 15. Page 4, by inserting after line 10 the  
 17 following:

18 "Sec. \_\_\_\_ . Section 435.22, unnumbered paragraph 1,  
 19 Code 1993, is amended to read as follows:

20 The owner of each mobile home, manufactured home,  
 21 or modular home, located within a mobile home park  
 22 shall pay to the county treasurer an annual tax.

23 However, when the owner is any educational institution  
 24 and the mobile home is used solely for student housing  
 25 or when the owner is the state of Iowa or a  
 26 subdivision ~~thereof of the state,~~ the owner shall be  
 27 exempt from the tax. The annual tax shall be computed  
 28 as follows:

29 Sec. \_\_\_\_ . Section 435.22, subsections 1, 2, and 3,  
 30 Code 1993, are amended to read as follows:

31 1. Multiply the number of square feet of floor  
 32 space each mobile home contains when parked and in use  
 33 by twenty cents. In computing floor space, the  
 34 exterior measurements of the mobile home shall be used  
 35 as shown on the certificate of registration and title,  
 36 but not including any area occupied by a hitching  
 37 device.

38 2. If the owner of the mobile home is an Iowa  
 39 resident, has attained the age of eighteen years on or  
 40 before December 31 of the base year, and has an income  
 41 when included with that of a spouse which is less than  
 42 six thousand dollars per year, the annual tax shall  
 43 not be imposed on the mobile home. If the income is  
 44 six thousand dollars or more but less than fourteen  
 45 thousand dollars, the annual tax shall be computed as  
 46 follows:

	If the Household	Annual Tax Per
	Income is:	Square Foot:
49	\$ 6,000 -- 6,999.99	3.0 cents
50	7,000 -- 7,999.99	6.0

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1	8,000 -- 9,999.99	10.0
2	10,000 -- 11,999.99	13.0
3	12,000 -- 13,999.99	15.0

4 For purposes of this subsection "income" means  
5 income as defined in section 425.17, subsection 7, and  
6 "base year" means the calendar year preceding the year  
7 in which the claim for a reduced rate of tax is filed.  
8 The mobile home reduced rate of tax shall only be  
9 allowed on the mobile home in which the claimant is  
10 residing at the time in which the claim for a reduced  
11 rate of tax is filed.

12 3. The amount thus computed shall be the annual  
13 tax for all mobile homes, except as follows:

14 a. For the sixth through ninth years after the  
15 year of manufacture the annual tax is ninety percent  
16 of the tax computed according to subsection 1 or 2 of  
17 this section, whichever is applicable.

18 b. For all mobile homes ten or more years after  
19 the year of manufacture the annual tax is eighty  
20 percent of the tax computed according to subsection 1  
21 or 2 of this section, whichever is applicable.

22 Sec. \_\_\_\_ . Section 435.22, subsection 5, unnumbered  
23 paragraph 1, Code 1993, is amended to read as follows:

24 A claim for credit for mobile home tax due  
25 shall not be paid or allowed unless the claim is  
26 actually filed with the county treasurer between  
27 January 1 and June 1, both dates inclusive,  
28 immediately preceding the fiscal year during which the  
29 mobile home taxes are due and, with the exception of a  
30 claim filed on behalf of a deceased claimant by the  
31 claimant's legal guardian, spouse, or attorney, or by  
32 the executor or administrator of the claimant's  
33 estate, contains an affidavit of the claimant's intent  
34 to occupy the mobile home for six months or more  
35 during the fiscal year beginning in the calendar year  
36 in which the claim is filed. The county treasurer  
37 shall submit the claim to the director of revenue and  
38 finance on or before August 1 each year.

39 Sec. \_\_\_\_ . Section 435.23, Code 1993, is amended to  
40 read as follows:

41 435.23 EXEMPTIONS -- PRORATING TAX.

42 The manufacturer's and dealer's inventory of mobile  
43 homes, manufactured homes, or modular homes not in use  
44 as a place of human habitation shall be exempt from  
45 the annual tax. All travel trailers shall be exempt  
46 from this tax. ~~Mobile~~ The homes and travel trailers  
47 in the inventory of manufacturers and dealers shall be  
48 exempt from personal property tax. ~~Mobile~~ The homes  
49 coming into Iowa from out of state shall be liable for  
50 the tax computed pro rata to the nearest whole month,

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1 for the time such mobile the home is actually situated  
2 in Iowa.  
3 Sec. \_\_\_\_ . Section 435.24, subsections 1 through 6,  
4 Code 1993, are amended to read as follows:  
5 1. The annual tax is due and payable to the county  
6 treasurer on or after July 1 in each fiscal year and  
7 is collectible in the same manner and at the same time  
8 as ordinary taxes as provided in sections 445.36,  
9 445.37, and 445.39. Interest at the rate prescribed  
10 by law shall accrue on unpaid taxes. Both  
11 installments of taxes may be paid at one time. The  
12 September installment represents a tax period  
13 beginning July 1 and ending December 31. The March  
14 installment represents a tax period beginning January  
15 1 and ending June 30. A mobile home, manufactured  
16 home, or modular home coming into this state from  
17 outside the state, put in use from a dealer's  
18 inventory, or put in use at any time after July 1 or  
19 January 1, is subject to the taxes prorated for the  
20 remaining unexpired months of the tax period, but the  
21 purchaser is not required to pay the tax at the time  
22 of purchase. Interest attaches the following April 1  
23 for taxes prorated on or after October 1. Interest  
24 attaches the following October 1 for taxes prorated on  
25 or after April 1. If the taxes are not paid, the  
26 county treasurer shall send a statement of delinquent  
27 taxes as part of the notice of tax sale as provided in  
28 section 446.9. The owner of a mobile home who sells  
29 the mobile home between July 1 and December 31 and  
30 obtains a tax clearance statement is responsible only  
31 for the September tax payment and is not required to  
32 pay taxes for subsequent tax periods. If the owner of  
33 a mobile home sells the mobile home, obtains a tax  
34 clearance statement, and obtains a replacement mobile  
35 home, the owner shall not pay taxes under this chapter  
36 for the newly acquired mobile home for the same tax  
37 period that the owner has paid taxes on the mobile  
38 home sold. Interest for delinquent taxes shall be  
39 calculated to the nearest whole dollar. In  
40 calculating interest each fraction of a month shall be  
41 counted as an entire month.  
42 2. Mobile The home owners upon issuance of a  
43 certificate of title or upon transporting to a new  
44 site shall file the address, township, and school  
45 district, of the location where the mobile home is  
46 parked with the county treasurer's office. Failure to  
47 comply is punishable as set out in section 435.18.  
48 3. Each mobile home park owner shall notify

49 monthly the county treasurer concerning any mobile  
50 home or manufactured home arriving in or departing

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1 from the park without a tax clearance statement. The  
2 records of the owner shall be open to inspection by a  
3 duly authorized representative of any law enforcement  
4 agency. Any property owner, manager or tenant shall  
5 report to the county treasurer mobile homes parked  
6 upon any property owned, managed, or rented by that  
7 person.

8 4. The tax is a lien on the vehicle senior to any  
9 other lien upon it except a judgment obtained in an  
10 action to dispose of an abandoned mobile home under  
11 section 555B.8. The mobile home bearing a current  
12 registration issued by any other state and remaining  
13 within this state for an accumulated period not to  
14 exceed ninety days in any twelve-month period is not  
15 subject to Iowa tax. However, when one or more  
16 persons occupying a mobile home bearing a foreign  
17 registration are employed in this state, there is no  
18 exemption from the Iowa tax. This tax is in lieu of  
19 all other taxes general or local on a mobile home.

20 5. A modular home as defined by this chapter is  
21 not subject to or assessed the annual tax pursuant to  
22 this section, but shall be assessed and taxed as real  
23 estate pursuant to chapter 427.

24 6. Before a mobile home may be moved from its  
25 present site by the owner or the owner's assignee, a  
26 tax clearance statement in the name of the owner must  
27 be obtained from the county treasurer of the county  
28 where the present site is located certifying that  
29 taxes are not owing under this section for previous  
30 years and that the taxes have been paid for the  
31 current tax period. However, a tax clearance  
32 statement is not required for a mobile home in a  
33 manufacturer's or dealer's stock which is not used as  
34 a place for human habitation. A tax clearance form is  
35 not required to move an abandoned mobile home. A tax  
36 clearance form is not required in eviction cases  
37 provided the mobile home park owner or manager advises  
38 the county treasurer that the tenant is being evicted.  
39 If a dealer acquires a mobile home from a person other  
40 than a manufacturer, the person shall provide a tax  
41 clearance statement in the name of the owner of record  
42 to the dealer. The tax clearance statement shall be  
43 provided by the county treasurer in a method  
44 prescribed by the department of transportation.

45 Sec. \_\_\_\_ . Section 435.24, subsection 7, paragraph

46 a, Code 1993, is amended to read as follows:

47 a. As an alternative to the semiannual or annual  
48 payment of taxes, the county treasurer may accept  
49 partial payments of current year mobile home taxes. A  
50 minimum payment amount shall be established by the

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1 treasurer. The treasurer shall transfer amounts from  
2 each taxpayer's account to be applied to each  
3 semiannual tax installment prior to the delinquency  
4 dates specified in section 445.37 and the amounts  
5 collected shall be apportioned by the tenth of the  
6 month following transfer. If, prior to the due date  
7 of each semiannual installment, the account balance is  
8 insufficient to fully satisfy the installment, the  
9 treasurer shall transfer and apply the entire account  
10 balance, leaving an unpaid balance of the installment.  
11 Interest shall attach on the unpaid balance in  
12 accordance with section 445.39. Unless funds  
13 sufficient to fully satisfy the delinquency are  
14 received, the treasurer shall collect the unpaid  
15 balance as provided in sections 445.3 and 445.4 and  
16 chapter 446. Any remaining balance in a taxpayer's  
17 account in excess of the amount needed to fully  
18 satisfy an installment shall remain in the account to  
19 be applied toward the next semiannual installment.  
20 Any interest income derived from the account shall be  
21 deposited in the county's general fund to cover  
22 administrative costs. The treasurer shall send a  
23 notice with the tax statement or by separate mail to  
24 each taxpayer stating that, upon request to the  
25 treasurer, the taxpayer may make partial payments of  
26 current year mobile home taxes.

27 Sec. \_\_\_\_ . Section 435.25, Code 1993, is amended to  
28 read as follows:

29 435.25 APPORTIONMENT AND COLLECTION OF TAXES.

30 The tax and interest for delinquent taxes collected  
31 under section 435.24 shall be apportioned in the same  
32 manner as though they were the proceeds of taxes  
33 levied on real property at the same location as the  
34 mobile home.

35 Chapters 446, 447, and 448 apply to the sale of a  
36 mobile home for the collection of delinquent taxes and  
37 interest, the redemption of a mobile home sold for the  
38 collection of delinquent taxes and interest, and the  
39 execution of a tax sale certificate of title for the  
40 purchase of a mobile home sold for the collection of  
41 delinquent taxes and interest in the same manner as  
42 though a mobile home were real property within the

43 meaning of these chapters to the extent consistent  
44 with this chapter. The certificate of title shall be  
45 issued by the county treasurer. The treasurer shall  
46 charge ten dollars for each certificate of title,  
47 except that the treasurer shall issue a tax sale  
48 certificate of title to the county at no charge.  
49 When a mobile home is removed from the county where  
50 delinquent taxes, regular or special, are owing, or

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1 when it is administratively impractical to pursue tax  
2 collection through the remedies of this section, all  
3 taxes, regular and special, interest, and costs shall  
4 be abated by resolution of the county board of  
5 supervisors. The resolution shall direct the  
6 treasurer to strike from the tax books the reference  
7 to that mobile home."

8 16. Page 4, line 23, by striking the words "may  
9 be" and inserting the following: "shall be converted  
10 to real estate by being".

11 17. Page 4, line 32, by striking the word  
12 "tendering" and inserting the following: "tendering  
13 the homeowner shall tender".

14 18. Page 5, line 1, by striking the word  
15 "obtaining" and inserting the following: "obtaining  
16 shall obtain the".

17 19. Page 5, by inserting after line 27 the  
18 following:

19 "Sec. . Section 435.27, Code 1993, is amended to  
20 read as follows:

21 435.27 CONVERSION TO MOBILE HOME.

22 1. A mobile home, manufactured home, or modular  
23 home converted to real estate under section 435.26 may  
24 be reconverted to a mobile home as provided in this  
25 section if it is moved to a mobile home park, a  
26 dealer's inventory, or another lawful storage place.

27 2. If the vehicular frame of the former mobile  
28 home can be modified to return it to the status of a  
29 mobile home, manufactured home or modular home, the  
30 owner or a secured party holding a mortgage or  
31 certificate of title pursuant to section 435.26 who  
32 has obtained possession of the mobile home may apply  
33 to the county treasurer as provided in section 321.20  
34 for a certificate of title for the mobile home. If a  
35 mortgage exists on the real estate, a security  
36 interest in the mobile home shall be given to a  
37 secured party not applying for reconversion and noted  
38 on the certificate of title with the same priority or  
39 a higher priority than the secured party's mortgage

40 interest. A reconversion shall not occur without the  
41 written consent of every secured party holding a  
42 mortgage or certificate of title.

43 If the secured party has elected to retain the  
44 mobile home vehicle title pursuant to section 435.26,  
45 subsection 2, paragraph "b", an owner applying for  
46 reconversion shall present to the county treasurer  
47 written consent to the reconversion from all secured  
48 parties and an affirmation from the secured party  
49 holding the title that the title is in its possession  
50 and is intact. Upon receipt of the affirmation, the

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1 county treasurer shall notify the assessor of the  
2 reconversion, which notification constitutes  
3 compliance by the owner with subsection 3.  
4 3. After complying with subsection 2 and receipt  
5 of the title, the owner shall notify the assessor of  
6 the reconversion. The assessor shall remove the  
7 assessed valuation of the mobile home from assessment  
8 rolls as of the succeeding January 1 when the mobile  
9 home becomes subject to taxation as provided under  
10 section 435.24.

11 Sec. \_\_\_\_ . Section 435.29, Code 1993, is amended to  
12 read as follows:

13 435.29 CIVIL PENALTY.

14 The owner of a mobile home, manufactured home, or  
15 modular home who moves the mobile home without having  
16 obtained a tax clearance statement as provided in  
17 section 435.24 shall pay a civil penalty of one  
18 hundred dollars. The penalty money shall be credited  
19 to the general fund of the county.

20 Sec. \_\_\_\_ . Section 435.33, Code 1993, is amended to  
21 read as follows:

22 435.33 RENT REIMBURSEMENT.

23 A mobile home owner who qualifies for a reduced tax  
24 rate provided in section 435.22 and who rents a space  
25 upon which to set the mobile home shall be entitled to  
26 the protections provided in sections 425.33 to 425.36  
27 and if the mobile home owner who qualifies for a  
28 reduced tax rate believes that a landlord has  
29 increased the mobile home owner's rent because the  
30 mobile home owner is eligible for a reduced tax rate,  
31 the provisions of sections 425.33 and 425.36 shall be  
32 applicable."

33 20. Page 5, by inserting after line 27 the  
34 following:

35 "Sec. \_\_\_\_ . Section 555B.1, Code Supplement 1993,  
36 is amended by adding the following new subsection:



37 NEW SUBSECTION. 4A. "Mobile home" includes "manu-  
 38 factured homes" and "modular homes" as those terms are  
 39 defined in section 435.1, if the manufactured homes or  
 40 modular homes are located in a mobile home park."

41 21. Page 6, by inserting before line 24 the  
 42 following:

43 "Sec. \_\_\_\_ . Section 562B.7, subsection 5, Code  
 44 1993, is amended to read as follows:

45 5. "Mobile home" means any vehicle without motive  
 46 power used or so manufactured or constructed as to  
 47 permit its being used as a conveyance upon the public  
 48 streets and highways and so designed, constructed, or  
 49 reconstructed as will permit the vehicle to be used as  
 50 a place for human habitation by one or more persons;

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1 but shall also include any such vehicle with motive  
 2 power not registered as a motor vehicle in Iowa.  
 3 References in this chapter to "mobile home" includes  
 4 "manufactured homes" and "modular homes" as those  
 5 terms are defined in section 435.1, if the  
 6 manufactured homes or modular homes are located in a  
 7 mobile home park."

ELAINE SZYMONIAK

S-5090

1 Amend Senate File 2229 as follows:  
 2 1. Page 21, line 7, by striking the words "state  
 3 director" and inserting the following: "state".

LARRY MURPHY

S-5091

1 Amend Senate File 2217 as follows:  
 2 1. Page 12, by inserting after line 25 the  
 3 following:  
 4 "Sec. \_\_\_\_ . The legislative council is requested to  
 5 authorize an interim study committee to study the  
 6 issue of transferring the motor vehicle enforcement  
 7 officers from the state department of transportation  
 8 to the department of public safety."  
 9 2. By renumbering as necessary.

JOHN P. KIBBIE  
 EUGENE S. FRAISE  
 DON GETTINGS

S-5092

- 1 Amend Senate File 2229 as follows:
- 2 1. Page 22, by inserting after line 18 the
- 3 following:
- 4 "3. This section shall not affect a payroll
- 5 deduction elected by a state employee pursuant to
- 6 section 70A.19."

TONY BISIGNANO  
FLORENCE BUHR

S-5093

- 1 Amend Senate File 2217 as follows:
- 2 1. Page 10, line 23, by striking the word "and".
- 3 2. Page 10, line 27, by inserting after the word
- 4 "City" the following: "and to provide up to \$15,000
- 5 in funding, with local authorities providing matching
- 6 funds, for the construction of demonstration trackage
- 7 for the operation of historic railroad equipment or
- 8 the rehabilitation or restoration of historic railroad
- 9 equipment".

MERLIN E. BARTZ  
JIM KERSTEN

S-5094

- 1 Amend Senate File 2237 as follows:
- 2 1. Page 1, by inserting after line 21 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 "pupils" the following: "and providing an
- 8 effective date".

BILL FINK

S-5095

- 1 Amend Senate File 2079 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 214.3, subsection 1, Code
- 5 1993, is amended to read as follows:
- 6 1. The license for inspection of a commercial
- 7 weighing and measuring device shall expire on December
- 8 31 of each year; ~~and for~~, However, the license for

9 inspection of a motor vehicle fuel pump shall expire  
 10 on June 30 of each year. If the motor vehicle fuel  
 11 pump is located at a site containing twenty-six or  
 12 more motor vehicle fuel pumps, the license for  
 13 inspection shall expire on June 30 and December 31 of  
 14 each year. The amount of the fee due for each license  
 15 shall be calculated as provided in subsection 3,  
 16 except that the fee for a motor vehicle fuel pump  
 17 shall be four dollars and fifty cents if paid within  
 18 one month from the date the license is due. If the  
 19 fee is not paid within one month from the date that  
 20 the license fee is due, disciplinary action shall  
 21 proceed as provided in section 214.4.

22 Sec. 2. Section 214.3, subsection 3, paragraph d,  
 23 subparagraphs (1) and (2), Code 1993, are amended to  
 24 read as follows:

25 (1) Bulk meters, nine seventeen dollars.

26 (2) Bulk liquid petroleum gas meters, fifty-two  
 27 thirty-four dollars and fifty cents.

28 Sec. 3. NEW SECTION. 214.4 LATE PAYMENT OF  
 29 LICENSE FEE -- DISCIPLINARY ACTION.

30 1. If the department does not receive payment of  
 31 the license fee required pursuant to section 214.3  
 32 within one month from the due date, the department  
 33 shall initiate disciplinary action. The department  
 34 shall send a notice to the owner or operator of the  
 35 device. The notice shall be delivered by certified  
 36 mail. The notice shall state all of the following:

37 a. The owner or operator is delinquent in the  
 38 payment of the required fee.

39 b. The owner or operator has fifteen days after  
 40 receipt of the notice to pay the license fee required  
 41 pursuant to section 214.3.

42 c. If the department does not receive payment of  
 43 the license fee as required, the department shall  
 44 assess a delinquency penalty for an amount as  
 45 calculated in this section and may summarily tag and  
 46 remove from service the commercial weighing and  
 47 measuring device.

48 2. If the license fee is not received by the  
 49 department within fifteen days after receipt of the  
 50 notice by the owner or operator of the commercial

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1 weighing and measuring device, the department shall  
 2 assess a delinquency penalty equalling twenty percent  
 3 of the amount of the license fee required to be paid  
 4 pursuant to section 214.3. The department may tag and  
 5 remove from service the device for which the license

6 fee has not been paid.

7 Sec. 4. Section 214.11, Code 1993, is amended to

8 read as follows:

9 214.11 INSPECTIONS -- RECALIBRATIONS -- PENALTY.

10 The department of agriculture and land stewardship  
11 shall provide for annual inspections of all motor  
12 vehicle fuel pumps licensed under this chapter.

13 However, the department shall provide for six-month  
14 inspections of motor vehicle fuel pumps located at  
15 sites containing twenty-six or more motor vehicle fuel

16 pumps. Inspections shall be for the purpose of  
17 determining the accuracy of the pumps' measuring  
18 mechanisms; and for such, In order to carry out this

19 purpose, the department's inspectors may enter upon  
20 the premises of any wholesale dealer or retail dealer,  
21 as they are defined in section 214A.1, of motor

22 vehicle fuel or fuel oil within this state. Upon  
23 completion of an inspection, the inspector shall affix  
24 the department's seal to the measuring mechanism of

25 the pump. The seal shall be appropriately marked,  
26 dated, and recorded by the inspector. If the owner of  
27 an inspected and sealed pump registered with the

28 department as a servicer in accordance with section  
29 215.23, or employs a person so registered as a  
30 servicer, the owner or other servicer may open the

31 pump, break the department's seal, recalibrate the  
32 measuring mechanism if necessary, and reseal the pump  
33 as long as the department is notified of the

34 recalibration within forty-eight hours, on a form  
35 provided by the department. A person violating a  
36 provision of this section is, upon conviction, guilty

37 of a simple misdemeanor.

38 Sec. 5. Section 215.4, Code 1993, is amended to

39 read as follows:

40 215.4 TAG FOR INACCURATE DEVICE -- REINSPECTION --  
41 FEE.

42 A commercial weighing and measuring device found  
43 determined to be inaccurate upon inspection by the  
44 department shall be tagged "condemned until repaired"

45 and the "licensed for commercial use" inspection  
46 sticker shall be removed. If notice is received by  
47 the department that the device has been repaired, and

48 upon reinspection the department shall reinspect the  
49 device is found to be accurate, the license fee shall  
50 not be charged for the reinspection. However, a

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1 second license fee shall be charged if upon

2 reinspection the device is found to be inaccurate. If

3 the department determines that the device is accurate,  
 4 the department shall remove the tag, and reinstate the  
 5 license. If the device is determined to be accurate,  
 6 the department shall charge a reinspection fee of  
 7 fifty percent of the license fee required as provided  
 8 in section 214.3. If the device is determined not to  
 9 be accurate, the department shall charge a  
 10 reinspection fee of one hundred percent of the license  
 11 fee. A reinspection fee shall be charged for each  
 12 reinspection of the same device performed by the  
 13 department."

14 2. Title page, line 1, by striking the word  
 15 "inspection" and inserting the following:  
 16 "regulation".

COMMITTEE ON WAYS AND MEANS  
 WILLIAM W. DIELEMAN, Chairperson

S-5096

1 Amend Senate File 2269 as follows:  
 2 1. Page 2, line 6, by striking the word "are" and  
 3 inserting the following: "may be required".  
 4 2. Page 2, by striking lines 9 and 10 and  
 5 inserting the following:  
 6 "RESTRAINED from verbally harassing, physically  
 7 assaulting, or molesting the other party or any child  
 8 of either".  
 9 3. Page 2, by striking lines 12 through 16.  
 10 4. Page 3, line 1, by inserting after the word  
 11 "requirement." the following: "Either party may apply  
 12 to the court for further temporary orders, for  
 13 modification, or for revocation of the automatic  
 14 temporary restraining order provided in this section."

TOM VILSACK

S-5097

1 Amend the amendment, S-5074, to Senate File 2217 as  
 2 follows:  
 3 1. Page 1, by inserting after line 29 the  
 4 following: "However, the primary responsibility of  
 5 motor vehicle enforcement officers shall be limited to  
 6 commercial motor vehicle enforcement. The primary  
 7 responsibility of motor vehicle investigators shall be  
 8 fraud investigations relating to vehicle transactions,  
 9 driver license applications, and issuance and  
 10 enforcement of laws and regulations relating to motor  
 11 vehicle dealers."

12 2. Page 2, by inserting after line 14 the  
 13 following:  
 14 "Sec. \_\_\_\_ . The amendments to section 97B.49,  
 15 subsection 16, section 321.1, subsection 50, section  
 16 321.477, section 327B.2, and section 801.4, subsection  
 17 11, paragraph "h", contained in this Act, are repealed  
 18 on July 1, 1995."

MICHAEL GRONSTAL  
 RICHARD F. DRAKE

S-5098

1 Amend the amendment, S-5091, to Senate File 2217 as  
 2 follows:  
 3 1. Page 1, line 8, by inserting after the word  
 4 "safety" the following: ", as well as the issue of  
 5 whether or not those motor vehicle enforcement  
 6 officers should have all the powers and duties of  
 7 other peace officers defined in section 801.4".

EUGENE S. FRAISE

S-5099

1 Amend Senate File 2217 as follows:  
 2 1. Page 12, line 1, by inserting after the words  
 3 "police association," the following: "community  
 4 colleges and higher education institutions offering  
 5 police science courses,".  
 6 2. Page 12, line 32, by inserting after the  
 7 figure "2" the following: "or state mandated  
 8 continuing education courses".

LARRY MURPHY

S-5100

1 Amend Senate File 2292 as follows:  
 2 1. Page 1, by inserting after line 16 the follow-  
 3 ing:  
 4 "\_\_\_\_ . The Iowa department of public health shall  
 5 adopt rules providing that a person who holds a  
 6 license or permit under chapter 123, or the person's  
 7 designee, shall require each individual, upon entering  
 8 the establishment, to visit the restroom of the  
 9 establishment and, following the visit to the  
 10 restroom, to sign a release form stating that the  
 11 individual has read the posted sign and understands

- 12 the language contained on the sign.”
- 13 2. By renumbering as necessary.

JIM LIND

S-5101

- 1 Amend Senate File 2217 as follows:
- 2 1. Page 11, by inserting after line 30 the
- 3 following:
- 4 “Sec. \_\_\_\_ . MOTOR VEHICLE ENFORCEMENT OFFICERS.
- 5 The office of motor vehicle enforcement of the motor
- 6 vehicle division of the state department of
- 7 transportation shall be transferred to the department
- 8 of public safety, effective July 1, 1994. The
- 9 appropriations, grants, motor vehicles, equipment,
- 10 supplies, and records of or used by the employees of
- 11 the office of motor vehicle enforcement of the state
- 12 department of transportation shall also be transferred
- 13 to the department of public safety, effective July 1,
- 14 1994. All references in the Code which authorize the
- 15 motor vehicle enforcement office of the motor vehicle
- 16 division of the state department of transportation to
- 17 perform enforcement related duties shall be considered
- 18 authority for the transferred employees to perform
- 19 those same enforcement related duties as employees of
- 20 the department of public safety. The commissioner of
- 21 public safety and the director of transportation shall
- 22 work jointly to implement the transfer authorized
- 23 under this Act.”
- 24 2. By renumbering as necessary.

JIM KERSTEN  
JIM LIND

S-5102

- 1 Amend Senate File 2217 as follows:
- 2 1. Page 3, by striking lines 34 and 35 and
- 3 inserting the following:
- 4 “ .....
- 5 ..... \$ 31,929,649
- 6 ..... FTEs 548.50”.

JEAN LLOYD-JONES  
DERRYL McLAREN

S-5103

- 1 Amend House File 2070, as passed by the House, as
- 2 follows:

- 3 1. Page 2, line 24, by striking the word "state"
- 4 and inserting the following: "agency".

RANDAL J. GIANNETTO  
SHELDON RITTNER  
BERL E. PRIEBE  
DERRYL McLAREN

S-5104

- 1 Amend Senate File 2217 as follows:
- 2 1. Page 5, by striking lines 24 through 26.
- 3 2. By renumbering and relettering as necessary.

LARRY MURPHY

S-5105

- 1 Amend Senate File 2196 as follows:
- 2 1. Page 1, lines 18 and 19, by striking the words
- 3 "association for retarded citizens" and inserting the
- 4 following: "the Iowa psychiatric nurse managers
- 5 network, the arc of Iowa which was formerly known as
- 6 the association for retarded citizens of Iowa, the
- 7 alliance for the mentally ill of Iowa".
- 8 2. By striking page 2, line 33 through page 3,
- 9 line 1 and inserting the following: "section, persons
- 10 with mental disorders resulting from Alzheimer's
- 11 disease or substance abuse shall not be considered
- 12 chronically mentally ill."

MAGGIE TINSMAN

S-5106

- 1 Amend Senate File 2234 as follows:
- 2 1. Page 7, line 17, by inserting after the word
- 3 "board" the following: "and each sale shall be
- 4 published by at least one insertion each week for two
- 5 consecutive weeks in some newspaper having general
- 6 circulation in the district".

MICHAEL E. GRONSTAL  
MIKE CONNOLLY

S-5107

- 1 Amend Senate File 2309 as follows:
- 2 1. Page 10, by inserting after line 29 the
- 3 following:



4 "Sec. \_\_\_\_ . Section 902.7, Code 1993, is amended to  
5 read as follows:

6 902.7 MINIMUM SENTENCE -- USE OF A FIREARM.

7 At the trial of a person charged with participating  
8 in a forcible felony, if the trier of fact finds  
9 beyond a reasonable doubt that the person is guilty of  
10 a forcible felony and that the person represented that  
11 the person was in the immediate possession and control  
12 of a firearm, displayed a firearm in a threatening  
13 manner, or was armed with a firearm while  
14 participating in the forcible felony the convicted  
15 person shall serve a minimum of five years of the  
16 sentence imposed by law. A person sentenced pursuant  
17 to this section shall not be eligible for parole until  
18 the person has served the minimum sentence of  
19 confinement imposed by this section. This section  
20 shall not apply if the person is an habitual violent  
21 offender under section 902.8A.

22 Sec. \_\_\_\_ . Section 902.8, Code 1993, is amended to  
23 read as follows:

24 902.8 MINIMUM SENTENCE -- HABITUAL OFFENDER.

25 An habitual offender is any person convicted of a  
26 class "C" or a class "D" felony, who has twice before  
27 been convicted of any felony in a court of this or any  
28 other state, or of the United States. An offense is a  
29 felony if, by the law under which the person is  
30 convicted, it is so classified at the time of the  
31 person's conviction. A person sentenced as an  
32 habitual offender shall not be eligible for parole  
33 until the person has served the minimum sentence of  
34 confinement of three years. This section shall not  
35 apply if the felony convictions meet the criteria  
36 specified in section 902.8A.

37 Sec. \_\_\_\_ . NEW SECTION. 902.8A LIFE IMPRISONMENT  
38 -- HABITUAL VIOLENT OFFENDER.

39 1. An habitual violent offender is any person  
40 convicted of a dangerous offense, who has, before the  
41 commission of the dangerous offense, twice been  
42 convicted of any dangerous offense in a court of this  
43 or any other state, or of the United States. An  
44 offense committed in another jurisdiction is a  
45 dangerous offense for purposes of this section if, by  
46 the law under which the person is convicted, the court  
47 finds that the elements of the offense, at the time of  
48 the person's conviction, are the same as or are  
49 substantially similar to the elements of any offense  
50 that constitutes a dangerous offense if committed in

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1 this state. A person sentenced as an habitual violent  
2 offender shall be imprisoned for the rest of the  
3 person's life and shall not be eligible for parole.  
4 Nothing in the Iowa corrections code pertaining to  
5 deferred judgment, deferred sentence, suspended  
6 sentence, or reconsideration of sentence applies to a  
7 sentence as an habitual violent offender.

8 2. For purposes of this section, a "dangerous  
9 offense" means any of the following offenses:

10 a. An offense which is a class "A" felony.

11 b. A offense which is a forcible felony as defined  
12 under section 702.11.

13 c. Any other felony offense which includes the  
14 causing of, or the intent to cause, death or serious  
15 injury as an element of the offense.

16 Sec. \_\_\_\_ . Section 902.9, Code Supplement 1993, is  
17 amended to read as follows:

18 902.9 MAXIMUM SENTENCE FOR FELONS.

19 The maximum sentence for any person convicted of a  
20 felony shall be that prescribed by statute or, if not  
21 prescribed by statute, if other than a class "A"  
22 felony shall be determined as follows:

23 1. An habitual violent offender shall be confined  
24 for the rest of the person's life.

25 2. A class "B" felon, not an habitual violent  
26 offender, shall be confined for no more than twenty-  
27 five years.

28 3. An habitual offender shall be confined for no  
29 more than fifteen years.

30 4. A class "C" felon, not an habitual offender  
31 or an habitual violent offender, shall be confined for  
32 no more than ten years, and in addition may be  
33 sentenced to a fine of at least five hundred dollars  
34 but not more than ten thousand dollars.

35 5. A class "D" felon, not an habitual offender  
36 or an habitual violent offender, shall be confined for  
37 no more than five years, and in addition may be  
38 sentenced to a fine of at least five hundred dollars  
39 but not more than seven thousand five hundred dollars.  
40 A class "D" felon, such felony being for a violation  
41 of section 321J.2, may be sentenced to imprisonment  
42 for up to one year in the county jail.

43 The criminal penalty surcharge required by section  
44 911.2 shall be added to a fine imposed on a class "C"  
45 or class "D" felon, as provided by that section, and  
46 is not a part of or subject to the maximums set in  
47 this section."

48 2. By numbering, renumbering, and changing  
49 internal references as necessary.

ANDY McKEAN  
DONALD B. REDFERN

S-5108

1 Amend Senate File 2268 as follows:  
2 1. Page 1, line 5, by striking the word "turn"  
3 and inserting the following: "emergency".  
4 2. Page 1, line 6, by striking the words "which  
5 identifies itself by".  
6 3. Page 1, line 7, by striking the word "by" and  
7 inserting the following: "identifying flags, and".  
8 4. Page 1, line 7, by inserting after the word  
9 "all" the following: "other".  
10 5. Page 1, by striking lines 15 through 21 and  
11 inserting the following: "the procession unless the  
12 operation is reckless."  
13 6. Page 1, line 23, by inserting after the word  
14 "only" the following: "in connection with the  
15 procession".  
16 7. By renumbering as necessary.

TOM VILSACK

S-5109

1 Amend Senate File 2219 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 39.3, Code Supplement 1993, is  
5 amended by adding the following new subsection:  
6 NEW SUBSECTION. 7A. "Infamous crime" means a  
7 felony as defined in section 701.7, or an offense  
8 classified as a felony under federal law."  
9 2. Page 2, by inserting after line 14 the fol-  
10 lowing:  
11 "9. A statement that the candidate is aware that  
12 the candidate is disqualified from holding office if  
13 the candidate has been convicted, and never pardoned,  
14 of a felony or other infamous crime."  
15 3. Page 5, by inserting after line 14 the  
16 following:  
17 "9. A statement that the candidate is aware that  
18 the candidate is disqualified from holding office if  
19 the candidate has been convicted, and never pardoned,  
20 of a felony or other infamous crime."  
21 4. Page 7, by inserting after line 23 the

22 following:

23 "i. A statement that the candidate is aware that  
24 the candidate is disqualified from holding office if  
25 the candidate has been convicted, and never pardoned,  
26 of a felony or other infamous crime."

27 5. Page 8, by inserting after line 25 the  
28 following:

29 "9. A statement that the candidate is aware that  
30 the candidate is disqualified from holding office if  
31 the candidate has been convicted, and never pardoned,  
32 of a felony or other infamous crime."

33 6. Page 19, by inserting after line 21 the  
34 following:

35 "Sec. \_\_\_\_ . Section 161A.5, subsection 3, Code  
36 1993, is amended to read as follows:

37 3. At each general election a successor shall be  
38 chosen for each commissioner whose term will expire in  
39 the succeeding January. Nomination of candidates for  
40 the office of commissioner shall be made by petition  
41 in accordance with chapter 45, except that each  
42 candidate's nominating petition shall be signed by at  
43 least twenty-five eligible electors of the district.  
44 The petition form shall be furnished by the county  
45 commissioner of elections. Every candidate shall file  
46 with the nomination papers an affidavit stating the  
47 candidate's name, the candidate's residence, that the  
48 person is a candidate and is eligible for the office  
49 of commissioner, and that if elected the candidate  
50 will qualify for the office. The affidavit shall also

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1 state that the candidate is aware that the candidate  
2 is disqualified from holding office if the candidate  
3 has been convicted, and never pardoned, of a felony or  
4 other infamous crime.

5 PARAGRAPH DIVIDED. The signed petitions shall be  
6 filed with the county commissioner of elections not  
7 later than five p.m. on the sixty-ninth day before the  
8 general election. The votes for the office of  
9 district commissioner shall be canvassed in the same  
10 manner as the votes for county officers, and the  
11 returns shall be certified to the commissioners of the  
12 district. A plurality is sufficient to elect  
13 commissioners, and a primary election for the office  
14 shall not be held. If the canvass shows that the two  
15 candidates receiving the highest and the second  
16 highest number of votes for the office of district  
17 commissioner are both residents of the same township,  
18 the board shall certify as elected the candidate who

19 received the highest number of votes for the office  
 20 and the candidate receiving the next highest number of  
 21 votes for the office who is not a resident of the same  
 22 township as the candidate receiving the highest number  
 23 of votes.

24 Sec. \_\_\_\_ . Section 277.4, unnumbered paragraph 2,  
 25 Code Supplement 1993, is amended to read as follows:

26 Each candidate shall be nominated by petition. If  
 27 the candidate is running for an at-large seat in the  
 28 district, the petition must be signed by eligible  
 29 electors equal in number to not less than one percent  
 30 of the qualified electors of the district or one  
 31 hundred eligible electors of the district, whichever  
 32 is less. If the candidate is running for a seat in a  
 33 director district, the petition must be signed by  
 34 eligible electors equal in number to not less than one  
 35 percent of the qualified electors in the director  
 36 district or one hundred eligible electors in the  
 37 district, whichever is less. Signers of nomination  
 38 petitions shall include their addresses and the date  
 39 of signing, and must reside in the same director  
 40 district as the candidate if directors are elected by  
 41 the voters of a director district, rather than at  
 42 large. A person may sign nomination petitions for  
 43 more than one candidate for the same office, and the  
 44 signature is not invalid solely because the person  
 45 signed nomination petitions for one or more other  
 46 candidates for the office. The petition shall be  
 47 filed with the affidavit of the candidate being  
 48 nominated, stating the candidate's name, place of  
 49 residence, that such person is a candidate and is  
 50 eligible for the office the candidate seeks, and that

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1 if elected the candidate will qualify for the office.  
 2 The affidavit shall also state that the candidate is  
 3 aware that the candidate is disqualified from holding  
 4 office if the candidate has been convicted, and never  
 5 pardoned, of a felony or other infamous crime."

6 7. Page 23, by inserting after line 17 the  
 7 following:

8 "Sec. \_\_\_\_ . Section 376.4, unnumbered paragraph 4,  
 9 Code 1993, is amended to read as follows:

10 The petition must include the affidavit of the  
 11 individual for whom it is filed, stating the  
 12 individual's name, the individual's residence, that  
 13 the individual is a candidate and eligible for the  
 14 office, and that if elected the individual will  
 15 qualify for the office. The affidavit shall also

16 state that the candidate is aware that the candidate  
17 is disqualified from holding office if the candidate  
18 has been convicted, and never pardoned, of a felony or  
19 other infamous crime."

20 8. By renumbering and correcting internal  
21 references as necessary.

MIKE CONNOLLY

S-5110

1 Amend Senate File 2099 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 91D.1, subsection 3, Code  
5 1993, is amended to read as follows:

6 3. The labor commissioner shall adopt rules to  
7 implement and administer this section. The rules  
8 adopted shall provide that the exemption from the  
9 minimum wage provisions of this section for an  
10 employee in a bona fide executive, administrative, or  
11 professional capacity shall only apply if the  
12 employee's weekly salary exceeds an amount equal to  
13 three times the weekly minimum wage for a forty-hour  
14 week, exclusive of board, lodging, and other  
15 facilities."

AL STURGEON

S-5111

1 Amend Senate File 2270 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section 22.7, subsection 5, Code  
5 Supplement 1993, is amended to read as follows:

6 .5. Peace officers' investigative reports, except  
7 where disclosure is authorized elsewhere in this Code.

8 However, the date, time, specific location, and  
9 immediate facts and circumstances surrounding a crime  
10 or incident shall not be kept confidential under this  
11 section, except in those unusual circumstances where  
12 disclosure would plainly and seriously jeopardize an  
13 investigation or pose a clear and present danger to  
14 the safety of an individual: as follows:

15 a. The crime or incident involves a violation of  
16 sections 709.2 through 709.4, or section 709.11, and  
17 the victim has requested that victim-identifying  
18 information remain confidential, except that for good  
19 cause and after reasonable notice to the victim or if

20 an indictment or information is filed against the  
21 alleged perpetrator of the sexual abuse, the victim-  
22 identifying information shall no longer remain  
23 confidential. In cases involving sections 709.2  
24 through 709.4, or section 709.11, law enforcement  
25 officers shall inform the victim that victim-  
26 identifying information shall remain confidential at  
27 the request of the victim, except for good cause and  
28 after reasonable notice to the victim. Law  
29 enforcement officers shall also inform the victim that  
30 if an indictment or information is filed against the  
31 alleged perpetrator of the sexual abuse, victim-  
32 identifying information shall no longer remain  
33 confidential.

34 A request under this paragraph that victim-  
35 identifying information remain confidential shall not  
36 make confidential other information surrounding the  
37 crime or incident which is not victim-identifying  
38 information.

39 b. The crime or incident involves unusual  
40 circumstances where disclosure would plainly and  
41 seriously jeopardize an investigation or pose a clear  
42 and present danger to the safety of an individual.  
43 For the purposes of this subsection, "victim-  
44 identifying information" means the victim's name and  
45 address.

46 Sec. 2. Section 22.7, subsection 18, paragraph c,  
47 Code Supplement 1993, is amended to read as follows:

48 c. Information contained in the communication is a  
49 public record to the extent that it the information  
50 indicates the date, time, specific location, and

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1 immediate facts and circumstances surrounding the  
2 occurrence of a crime or other illegal act, except to  
3 the extent that its disclosure would plainly and  
4 seriously jeopardize a continuing investigation or  
5 pose a clear and present danger to the safety of any  
6 person. In any action challenging the failure of the  
7 lawful custodian to disclose any particular  
8 information of the kind enumerated in this paragraph,  
9 the burden of proof is on the lawful custodian to  
10 demonstrate that the disclosure of that information  
11 would jeopardize such an investigation or would pose  
12 such a clear and present danger. as follows:

13 (1) The information involves a violation of  
14 sections 709.2 through 709.4, or section 709.11, and  
15 the victim has requested that victim-identifying  
16 information remain confidential, except that for good

17 cause and after reasonable notice to the victim or if  
18 an indictment or information is filed against the  
19 alleged perpetrator of the sexual abuse, the victim-  
20 identifying information shall no longer remain  
21 confidential. In cases involving sections 709.2  
22 through 709.4, or section 709.11, law enforcement  
23 officers shall inform the victim that victim-  
24 identifying information shall remain confidential at  
25 the request of the victim, except for good cause and  
26 after a reasonable notice to the victim. Law  
27 enforcement officers shall also inform the victim that  
28 if an indictment or information is filed against the  
29 alleged perpetrator of the sexual abuse victim-  
30 identifying information shall no longer remain  
31 confidential.

32 A request under this subparagraph that victim-  
33 identifying information remain confidential shall not  
34 make confidential other information surrounding the  
35 crime or incident which is not victim-identifying  
36 information.

37 (2) The disclosure of the information would  
38 plainly and seriously jeopardize a continuing  
39 investigation or pose a clear and present danger to  
40 the safety of an individual.

41 For the purposes of this subsection, "victim-  
42 identifying information" means the victim's name and  
43 address.

44 In any action challenging the failure of the lawful  
45 custodian under this lettered paragraph to disclose  
46 identifying information about a victim of sexual abuse  
47 or other information of the kind enumerated in this  
48 lettered paragraph, the burden of proof is on the  
49 lawful custodian to demonstrate that good cause does  
50 not exist for the disclosure of the identifying

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1 information or that disclosure of other information of  
2 the kind enumerated in this lettered paragraph would  
3 jeopardize an investigation or would pose a clear and  
4 present danger to the safety of an individual."

5 2. Title page, by striking line 2 and inserting  
6 the following: "regarding victim-identifying  
7 information in cases of sexual abuse and providing  
8 for".



S-5112

- 1 Amend Senate File 2219 as follows:  
 2 1. Page 23, by inserting after line 17 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 384.12, subsection 19,  
 5 paragraph c, Code 1993, is amended by striking the  
 6 paragraph and inserting in lieu thereof the following:  
 7 c. The ballot question shall be in substantially  
 8 the following form:  
 9 WHICH TAX LEVY SHALL BE ADOPTED FOR THE CITY  
 10 OF .....?  
 11 (Vote for only one of the following choices.)  
 12 CHANGE LEVY AMOUNT \_\_\_\_  
 13 Add to the existing levy amount a tax for the  
 14 purpose of ..... (state purpose of  
 15 proposed levy) at a rate of ..... (rate)  
 16 which will provide an additional \$.....  
 17 (amount).  
 18 KEEP CURRENT LEVY \_\_\_\_  
 19 Continue under the current maximum rate of  
 20 ....., providing \$.....  
 21 (amount)."  
 22 2. By renumbering as necessary.

SHELDON RITTMER

S-5113

- 1 Amend Senate File 2220 as follows:  
 2 1. Page 1, line 12, by striking the word "the"  
 3 and inserting the following: "an".  
 4 2. Page 1, line 14, by inserting after the word  
 5 "licensing" the following: "and the tribe has enacted  
 6 a tribal ordinance or regulation which includes  
 7 provisions for maintaining the confidentiality of such  
 8 data with sanctions for a violation".  
 9 3. Page 1, by inserting after line 20 the  
 10 following:  
 11 "Sec. \_\_\_\_ . EFFECTIVE DATE. This Act, being deemed  
 12 of immediate importance, takes effect upon enactment."  
 13 4. Title page, line 2, by inserting after the  
 14 word "information" the following: "and providing an  
 15 effective date".  
 16 5. By renumbering as necessary.

JOE WELSH

S-5114

1 Amend Senate File 2267 as follows:  
2 1. Page 1, by inserting after line 35 the  
3 following:  
4 "c. Notwithstanding paragraph "a", a prior  
5 determination of paternity by operation of law through  
6 the marriage of the established father and mother of  
7 the child may be overcome under this chapter if the  
8 established father and mother of the child submit a  
9 statement that both parties agree that the established  
10 father is not the biological father of the child and  
11 the court finds that it is in the best interest of the  
12 child to overcome the established paternity. In  
13 determining the best interest of the child, the court  
14 shall consider the criteria provided in section  
15 600B.41A, subsection 3, paragraph "e."

MERLIN E. BARTZ

S-5115

1 Amend Senate File 2010 as follows:  
2 1. Page 2, by inserting after line 3 the  
3 following:  
4 "Sec. 101. Section 262.9, Code Supplement 1993, is  
5 amended by adding the following new subsection:  
6 NEW SUBSECTION. 29. Appoint an executive  
7 director, subject to senate confirmation, to  
8 administer the office of the board. The executive  
9 director shall serve at the pleasure of the board,  
10 subject to reconfirmation by the senate every four  
11 years, and is exempt from the merit system provisions  
12 of chapter 19A. The salary of the executive director  
13 shall be set within a range established by the general  
14 assembly. The executive director shall possess  
15 education and experience in administration and with  
16 state educational institutions."  
17 2. Page 2, by inserting after line 13 the  
18 following:  
19 "Sec. \_\_\_\_ . EFFECTIVE DATE. Section 101 of this  
20 Act takes effect July 1, 1996."  
21 3. Title page, line 4, by inserting after the  
22 word "education" the following: "and the executive  
23 director of the office of the state board of regents,  
24 providing an effective date".

JIM KERSTEN

S-5116

1 Amend Senate File 2250 as follows:

- 2 1. Page 1, line 11, by inserting after the figure  
3 "2" the following: ", with the exception of property  
4 which is exempt from execution pursuant to chapter  
5 627".  
6 2. By striking page 2, line 35 through page 3,  
7 line 2, and inserting the following: "soon as  
8 practicable after the debt becomes delinquent. If  
9 service has not been made on a distress warrant by".

ELAINE SZYMONIAK

S-5117

1 Amend Senate File 2219 as follows:

- 2 1. Page 20, by inserting after line 30 the  
3 following:  
4 "Sec. 101. Section 331.237, subsection 2,  
5 paragraph a, Code 1993, is amended to read as follows:  
6 a. The adopted charter shall take effect July 1  
7 following the general election at which it is approved  
8 unless the charter provides a later effective date.  
9 If the adopted charter calls for a change in the form  
10 of government, ~~a special election shall be called to~~  
11 ~~elect the new elective officers to fill elective~~  
12 ~~offices shall be elected in the general election in~~  
13 ~~the even-numbered year following the adoption of the~~  
14 ~~charter. If the adopted charter provides for a~~  
15 ~~special election, the board shall direct the county~~  
16 ~~commissioner of elections to conduct the election.~~  
17 Those county officers holding office at the time of  
18 the adoption of the charter shall continue in office  
19 until the general election in the even-numbered year  
20 following the adoption of the charter. If the charter  
21 provides that one or more elective offices are  
22 combined, the board of supervisors shall appoint one  
23 of the elective officers of the combined offices to  
24 serve until the general election in the even-numbered  
25 year. If the charter calls for the elimination of an  
26 elective office, that elective officer's term of  
27 office shall expire on the date the adopted charter  
28 takes effect."  
29 2. Page 23, by inserting after line 29 the fol-  
30 lowing:  
31 "Sec. \_\_\_\_ . APPLICABILITY. Section 101 of this  
32 Act, which amends Code section 331.237, subsection 2,  
33 is applicable to charters adopted by the electorate on

34 or after the effective date of this Act.”

35 3. By renumbering as necessary.

TONY BISIGNANO  
O. GENE MADDOX  
FLORENCE BUHR  
MARY KRAMER

S-5118

1 Amend the amendment, S-5067, to Senate File 2009 as  
2 follows:

3 1. Page 1, by striking lines 6 through 11 and  
4 inserting the following: “inserting the following:  
5 “of making the referral. If the physician who  
6 performs the examination upon referral by the  
7 department reasonably believes the child has been  
8 abused, the physician shall report to the department  
9 within twenty-four hours of performing the  
10 examination.””

JEAN LLOYD-JONES

S-5119

1 Amend the amendment, S-5025, to Senate File 2136 as  
2 follows:

3 1. Page 1, by striking line 19 and inserting the  
4 following: “appointments to the position of fire  
5 fighter and for promotions in the position of fire  
6 fighter, additional lists of”.  
7 2. Page 1, line 28, by inserting after the word  
8 “appointments” the following: “to the position of  
9 fire fighter”.

TONY BISIGNANO

S-5120

1 Amend Senate File 2222 as follows:

2 1. Page 24, line 5, by striking the figure “5”  
3 and inserting the following: “9”.  
4 2. Page 24, line 10, by striking the figure “5”  
5 and inserting the following: “9”.  
6 3. Page 24, line 14, by striking the figure “6”  
7 and inserting the following: “10”.  
8 4. Page 24, line 19, by striking the figure “6”  
9 and inserting the following: “10”.  
10 5. Page 24, line 26, by striking the words and

11 figures "5 or section 6" and inserting the following:  
12 "9 or section 10".

ELAINE SZYMONIAK

S-5121

1 Amend Senate File 2097 as follows:

2 1. Page 1, line 2, by striking the word "CARDS"  
3 and inserting the following: "CARD".

4 2. Page 1, line 4, by striking the word  
5 "believes" and inserting the following: "has a  
6 reasonable belief based on factual evidence".

7 3. Page 1, line 5, by inserting after the word  
8 "card" the following: "issued pursuant to section  
9 321.190".

10 4. Page 1, by striking lines 8 through 13 and  
11 inserting the following: "permittee, or employee may  
12 retain the identification card. Within twenty-four  
13 hours, the card and a written report of the  
14 circumstances shall be delivered to the department of  
15 transportation which may investigate whether a  
16 violation of section 321.190 has occurred. If no  
17 investigation is initiated or no probable cause is  
18 established by the department, the card shall be  
19 delivered to the person to whom it was issued."

20 5. Page 1, by inserting after line 13 the  
21 following:

22 "2. Upon taking possession of an identification  
23 card as provided in subsection 1, a receipt for the  
24 card with the date and hour of seizure noted shall be  
25 provided to the person from whom the card was seized.  
26 A person from whom an operator's or chauffeur's or  
27 motorized bicycle license has been seized as provided  
28 in this section shall be exempt from the requirements  
29 of sections 321.174 and 321.189 that require  
30 possession of the license when operating a motor  
31 vehicle until the license is returned or notice of  
32 criminal or administrative enforcement proceedings has  
33 been given."

34 6. Page 1, line 14, by striking the number "2"  
35 and inserting the following: "3".

36 7. Page 1, line 18, by striking the word  
37 "subsection" and inserting the following:  
38 "subsections".

39 8. Page 1, line 19, by inserting after the figure  
40 "1" the following: "and 2".

JOE WELSH

S-5122

- 1 Amend Senate File 2258 as follows:
- 2 1. Page 2, by striking lines 17 and 18 and
- 3 inserting the following: "this section."
- 4 2. Page 2, by striking lines 22 and 23 and
- 5 inserting the following: "operated within the right-
- 6 of-way of a primary highway between the hours of
- 7 sunset and sunrise except on the right-hand side".
- 8 3. By striking page 2, line 27, through page 3,
- 9 line 3.
- 10 4. By renumbering as necessary.

MERLIN E. BARTZ  
JIM LIND  
ALLEN BORLAUG  
PAUL D. PATE  
JOHN P. KIBBIE  
BERL E. PRIEBE  
RANDAL J. GIANNETTO  
JOHN W. JENSEN

S-5123

- 1 Amend Senate File 2258 as follows:
- 2 1. Page 2, by striking lines 17 and 18 and
- 3 inserting the following: "this section."

JOHN JENSEN

S-5124

- 1 Amend Senate File 2258 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 97B.49, subsection 16,
- 5 paragraph d, subparagraph (7), Code Supplement 1993,
- 6 is amended to read as follows:
- 7 (7) An employee of the state department of
- 8 transportation who is designated as a "peace officer"
- 9 by resolution under section 321.477, but only if the
- 10 employee retires on or after July 1, 1990. For
- 11 purposes of this subparagraph, service as a traffic
- 12 weight officer employed by the highway commission
- 13 prior to the creation of the state department of
- 14 transportation or as a peace officer employed by the
- 15 Iowa state commerce commission prior to the creation
- 16 of the state department of transportation shall be
- 17 included in computing the employee's years of
- 18 membership service.

19 Sec. \_\_\_\_ . Section 321.1, subsection 50, Code  
 20 Supplement 1993, is amended to read as follows:  
 21 50. "Peace officer" means every officer authorized  
 22 to ~~direct or regulate traffic or to make arrests for~~  
 23 ~~violations of traffic regulations in addition to its~~  
 24 ~~meaning in carry out and enforce all laws of the state~~  
 25 ~~and the rules and regulations of the department or any~~  
 26 ~~other peace officer included in the definition of~~  
 27 ~~peace officers under section 801.4. However, the~~  
 28 ~~primary responsibility of motor vehicle enforcement~~  
 29 ~~officers shall be limited to commercial motor vehicle~~  
 30 ~~enforcement. The primary responsibility of motor~~  
 31 ~~vehicle investigators shall be fraud investigations~~  
 32 ~~relating to vehicle transactions, driver license~~  
 33 ~~applications, and issuance and enforcement of laws and~~  
 34 ~~regulations relating to motor vehicle dealers."~~

35 2. Page 1, by inserting after line 10 the  
 36 following:

37 "Sec. \_\_\_\_ . Section 321.477, Code 1993, is amended  
 38 to read as follows:

39 321.477 EMPLOYEES AS PEACE OFFICERS.

40 The department ~~may shall~~ designate ~~by resolution as~~  
 41 ~~peace officers~~ certain of its ~~full-time~~ employees upon  
 42 each of whom there is hereby conferred ~~who shall have~~  
 43 the authority of a peace officer to control and direct  
 44 ~~to carry out and enforce all laws of the state and~~  
 45 ~~rules and regulations of the department. Each~~  
 46 ~~designated employee's peace officer authority shall~~  
 47 ~~include, but not be limited to, controlling and~~  
 48 ~~directing traffic and weigh, weighing vehicles, and to~~  
 49 ~~make making~~ arrests for violations of the motor  
 50 vehicle laws relating to the operating authority,

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1 registration, size, weight, and load of motor vehicles  
 2 and trailers and registration of a motor carrier's  
 3 interstate transportation service with the  
 4 department."

5 3. Page 3, by inserting after line 10 the  
 6 following:

7 "Sec. \_\_\_\_ . Section 327B.2, Code 1993, is amended  
 8 to read as follows:

9 327B.2 ENFORCEMENT.

10 The state ~~State~~ department of transportation may  
 11 designate by resolution certain of its employees upon  
 12 each of whom there is hereby conferred ~~employees~~  
 13 ~~designated as peace officers under section 321.477~~  
 14 ~~shall have~~ the authority of a peace officer to make  
 15 arrests for violations of laws relating to the

16 registration of a motor carrier's interstate  
 17 transportation service with the state department of  
 18 transportation.  
 19 Sec. \_\_\_\_ . Section 801.4, subsection 11, paragraph  
 20 h, Code 1993, is amended to read as follows:  
 21 h. ~~Such employees~~ Employees of the state  
 22 department of transportation ~~as who~~ are designated as  
 23 "peace officers" by ~~resolution~~ of the department under  
 24 section 321.477."  
 25 4. Page 3, by inserting after line 11 the  
 26 following:  
 27 "Sec. \_\_\_\_ . The amendments to section 97B.49,  
 28 subsection 16, section 321.1, subsection 50, section  
 29 321.477, section 327B.2, and section 801.4, subsection  
 30 11, paragraph "h", contained in this Act, are repealed  
 31 on July 1, 1995."  
 32 5. Title page, line 5, by inserting after the  
 33 word "roads" the following: ", and relating to peace  
 34 officer authority".  
 35 6. By renumbering as necessary.

MICHAEL E. GRONSTAL  
 RICHARD F. DRAKE  
 JOHN W. JENSEN  
 JEAN LLOYD-JONES  
 LARRY MURPHY

S-5125

1 Amend Senate File 2256 as follows:  
 2 1. Page 4, line 15, by inserting after the word  
 3 "reside." the following: "For purposes of this  
 4 section, "legally obligated" means under a court  
 5 order."  
 6 2. Page 4, line 20, by striking the word  
 7 "clothing" and inserting the following: "other  
 8 expenses".  
 9 3. Page 5, by striking line 13 and inserting the  
 10 following: "In all criminal cases except".  
 11 4. Page 5, line 21, by striking the word  
 12 "assistance" and inserting the following: "assistance  
 13 compensation program".

AL STURGEON

S-5126

1 Amend Senate File 2184 as follows:  
 2 1. Page 1, line 8, by striking the word and  
 3 figure "and 2" and inserting the following: ", 2, and



4 3".

5 2. Page 1, by inserting after line 29 the follow-  
6 ing:

7 "3. The financing for the procurement costs for  
8 the entirety of Part I of the system, and the video,  
9 data, and voice capacity for state agencies for Part  
10 II and Part III of the system, shall be provided by  
11 the state. The financing for the procurement costs  
12 for Part II of the system shall be provided from the  
13 state. The financing for the procurement and  
14 maintenance costs for Part III of the system shall be  
15 provided eighty percent from the state and twenty  
16 percent from the local school boards of the areas and  
17 corporations which receive transmissions from the  
18 system. A local school board or corporation may elect  
19 to provide one hundred percent of the financing for  
20 the procurement and maintenance costs for Part III to  
21 become part of the system. The local school boards  
22 and corporations may meet all or part of the match  
23 requirements of Part III of the system through a  
24 cooperative arrangement with community colleges. The  
25 basis for the state match is eighty percent of a  
26 single interactive audio and one-way video for Part  
27 III of the system, and such data and voice capacity as  
28 is necessary. The local school boards, corporations,  
29 and community colleges may meet the match requirements  
30 for Part III of the system from funds they have  
31 already spent for their systems, from funds available  
32 in the school board, corporation, or college budget,  
33 or from funds received from other nonstate sources.  
34 In the case of existing systems, in order to upgrade  
35 facilities to the specifications of the state Iowa  
36 communications network, the local school boards,  
37 corporations, and community colleges, in lieu of a  
38 cash match, may meet the match requirements from funds  
39 they have already spent for their systems provided  
40 that the state match does not exceed the lesser of  
41 eighty percent of the total cost of the upgraded  
42 system or eighty percent of the replacement cost of  
43 the system. The communications equipment funds used  
44 as a match by a community college shall be calculated  
45 based on verified expenditures for capital, equipment,  
46 hardware, and software for long-distance learning  
47 technologies, including both audio and visual  
48 transmission. The communications equipment used as a  
49 match shall not subsequently be used as a match by  
50 another educational entity or for another part of the

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1 ~~system network~~. A local school board may request the  
2 school budget review committee to adjust the allowable  
3 growth for the school district so that the resulting  
4 increase in budget could be used for the match. A  
5 ~~local school board or corporation~~ may also elect not  
6 to become part of the ~~system network~~. Such election  
7 shall be made on an annual basis. State matching  
8 funds shall not be provided for Part III of the ~~system~~  
9 until Part I and Part II of the ~~system~~ have been  
10 completed. Construction of Part III of the ~~system~~ may  
11 proceed before Part I and Part II of the ~~system~~ have  
12 been completed.”  
13 2. Renumber as necessary.

JOE WELSH

S-5127

1 Amend Senate File 2209 as follows:  
2 1. Page 1, by inserting after line 12 the  
3 following:  
4 “Sec. \_\_\_\_ . Section 812.5, Code 1993, is amended to  
5 read as follows:  
6 812.5 EFFECT OF RESTORATION OF MENTAL CAPACITY.  
7 If the accused is committed to the department of  
8 human services or to the department of corrections for  
9 placement at the Iowa medical and classification  
10 center under section 812.4, after the expiration of a  
11 period not to exceed six months, the court shall upon  
12 hearing review the confinement and determine whether  
13 there is a substantial probability the accused will  
14 regain capacity within a reasonable time. If not, the  
15 state shall be directed to institute civil commitment  
16 proceedings. When it thereafter appears that the  
17 accused can effectively assist in the accused's  
18 defense, the department shall give notice to the  
19 sheriff and county attorney of the proper county of  
20 such fact, and the sheriff, without delay, shall  
21 receive and hold the accused in custody until the  
22 accused is brought to trial or judgment, as the case  
23 may be, or is legally discharged, the expense for  
24 conveying and returning the accused, or any other, to  
25 be paid in the first instance by the county from which  
26 the accused is sent, but such county may recover the  
27 same from another county or municipal body required to  
28 provide for or maintain the accused elsewhere, and the  
29 sheriff shall be allowed for the sheriff's services  
30 the same fees as are allowed for conveying persons to

- 31 institutions under section 331.655.”  
 32 2. Title page, line 3, by inserting after the  
 33 word “center” the following: “and providing for  
 34 periodic review of the commitment to determine whether  
 35 the persons have regained mental capacity”.  
 36 3. By numbering and renumbering as necessary.

RANDAL J. GIANNETTO  
 RALPH ROSENBERG  
 AL STURGEON  
 ANDY MCKEAN

S-5128

- 1 Amend Senate File 2272 as follows:  
 2 1. Page 8, by striking lines 24 and 25, and  
 3 inserting the following: “557B.”  
 4 2. Page 9, by inserting after line 14 the  
 5 following:  
 6 “Sec. \_\_\_\_ . IOWA LOTTERY DISCONTINUED --  
 7 DISPOSITION OF PROPERTY -- EMPLOYEES TRANSFERRED OR  
 8 LAID OFF.  
 9 1. The Iowa lottery board shall discontinue all  
 10 lottery games established pursuant to chapter 99E  
 11 effective July 1, 1994. The lottery board shall  
 12 provide for the termination of all contracts extending  
 13 beyond July 1, 1994, and provide for the disposition  
 14 of all property leased or owned by the lottery  
 15 division.  
 16 2. Any employee of the lottery division employed  
 17 pursuant to chapter 19A and whose duty assignment is  
 18 terminated by this Act, may be transferred to other  
 19 duties within the department of revenue and finance,  
 20 reassigned to other duties in another state department  
 21 or agency, or terminated. The personnel commission  
 22 shall adopt rules to carry out the transfer of  
 23 employees under this Act and to carry out subsequent  
 24 reclassification, reassignments, or terminations made  
 25 necessary by this Act. The personnel commission shall  
 26 arbitrate and decide a written appeal made by an  
 27 employee concerning a transfer, reassignment,  
 28 reclassification, or termination made necessary by  
 29 this Act. An employee shall not lose benefits  
 30 accrued, including but not limited to salary,  
 31 retirement, vacation, or sick leave because of a  
 32 transfer or reassignment.  
 33 3. The members of the lottery board, the  
 34 commissioner, and any additional employees deemed  
 35 necessary by the board may continue employment on or  
 36 after July 1, 1994, to provide for the orderly

37 discontinuation of the lottery games. However, not  
 38 later than September 30, 1994, the terms of office of  
 39 the lottery board members and the employment of the  
 40 commissioner and any other employees remaining on or  
 41 after July 1, 1994, shall terminate. Any matters  
 42 regarding the termination of the lottery games  
 43 established under chapter 99E which remain on October  
 44 1, 1994, are the responsibility of the director of  
 45 revenue and finance. The director of revenue and  
 46 finance shall complete the discontinuation of the  
 47 lottery games as expeditiously as possible.

48 Sec. \_\_\_\_ . REPEALS.

49 1. Chapters 99B, 99D, 99E, and 99F, Code 1993, are  
 50 repealed.

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- 1 2. Sections 99D.17, 99E.10, 99F.4, and 99F.7, Code  
 2 Supplement 1993, are repealed.”  
 3 3. By renumbering as necessary.

JIM LIND

**S-5129**

- 1 Amend Senate File 2258 as follows:  
 2 1. Page 2, by striking lines 17 and 18 and  
 3 inserting the following: “this section. An all-  
 4 terrain vehicle operated on a highway shall be  
 5 operated at speeds of less than thirty miles per hour  
 6 and a snowmobile operated on a highway shall be  
 7 operated at speeds of less than fifty-five miles per  
 8 hour.”

JOHN P. KIBBIE

**S-5130**

- 1 Amend Senate File 2272 as follows:  
 2 1. By striking page 6, line 29 through page 7,  
 3 line 4, and inserting the following:  
 4 “g. Knowingly sell, rent, exchange, transfer, or  
 5 otherwise furnish to or purchase from other persons,  
 6 financial data regarding Iowans disclosed in  
 7 connection with a prize promotion not in compliance  
 8 with this chapter. For purposes of this chapter,  
 9 financial data includes credit card numbers, bank  
 10 account numbers, other payment device numbers, and  
 11 dollars spent on prize promotions which are not in  
 12 compliance with this chapter.

13 h. Request an individual to disclose the  
14 individual's phone number, age, birthdate, credit card  
15 ownership, or financial data in connection with a  
16 prize promotion which is not in compliance with this  
17 chapter."

AL STURGEON

S-5131

1 Amend Senate File 2260 as follows:  
2 1. Page 2, by inserting after line 9 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 99B.3, subsection 1, paragraphs  
5 d and h, Code 1993, are amended to read as follows:  
6 d. The game is posted and the cost to play the  
7 game does not exceed ~~one dollar~~ three dollars.  
8 h. The actual retail value of any prize does not  
9 exceed ~~twenty-five~~ fifty dollars. If a prize consists  
10 of more than one item, unit or part, the aggregate  
11 retail value of all items, units or parts shall not  
12 exceed ~~twenty-five~~ fifty dollars."  
13 2. By renumbering sections.

BERL E. PRIEBE

S-5132

1 Amend Senate File 2256 as follows:  
2 1. Page 2, lines 3 and 4, by striking the words  
3 "plus any interest due on unsatisfied judgements".  
4 2. Page 2, by striking line 5, and inserting the  
5 following: "surcharges."  
6 3. Page 4, by inserting after line 30 the follow-  
7 ing:  
8 "Sec. \_\_\_\_ . Section 909.6, Code Supplement 1993, is  
9 amended to read as follows:  
10 909.6 FINE AS JUDGMENT - ~~INTEREST ASSESSED~~.  
11 Whenever a court has imposed a fine on any  
12 defendant, the judgment in such case shall state the  
13 amount of the fine, and shall have the force and  
14 effect of a judgment against the defendant for the  
15 amount of the fine. The law relating to judgment  
16 liens, executions, and other process available to  
17 creditors for the collection of debts shall be  
18 applicable to such judgments; provided, that no law  
19 exempting the personal property of the defendant from  
20 any lien or legal process shall be applicable to such  
21 judgments.  
22 ~~If a court imposes a fine on an offender, the court~~

23 shall impose interest charges on any amount remaining  
24 unsatisfied from the day after sentencing at the rate  
25 provided in section 535.3.

26 At the time of imposing the sentence, the court  
27 shall inform the offender of the amount of the fine  
28 and that the judgment includes the imposition of a  
29 criminal surcharge, court costs, and applicable fees.  
30 The court shall also inform the offender of the duty  
31 to pay the judgment in a timely manner and that  
32 interest will be charged on unsatisfied judgments."

33 4. By numbering and renumbering as necessary.

RALPH ROSENBERG

S-5133

1 Amend Senate File 2267 as follows:

2 1. Page 1, by striking line 18 and inserting the  
3 following: "section 600B.41A apply. If a petition to  
4 overcome paternity is filed under this subsection, the  
5 court shall not deny a request by a party that the  
6 child, mother, and established father of the child  
7 submit to blood or genetic tests."

8 2. Page 1, line 19, by striking the figure  
9 "600B.41" and inserting the following: "600B.41A".

ELAINE SZYMONIAK

S-5134

1 Amend the amendment, S-5124, to Senate File 2258 as  
2 follows:

3 1. Page 2, by inserting after line 26 the  
4 following:

5 "Sec. \_\_\_\_ . MOTOR VEHICLE ENFORCEMENT OFFICERS.

6 The office of motor vehicle enforcement of the motor  
7 vehicle division of the state department of  
8 transportation shall be transferred to the department  
9 of public safety, effective July 1, 1994. The  
10 appropriations, grants, motor vehicles, equipment,  
11 supplies, and records of or used by the employees of  
12 the office of motor vehicle enforcement of the state  
13 department of transportation shall also be transferred  
14 to the department of public safety, effective July 1,  
15 1994. All references in the Code which authorize the  
16 motor vehicle enforcement office of the motor vehicle  
17 division of the state department of transportation to  
18 perform enforcement related duties shall be considered  
19 authority for the transferred employees to perform  
20 those same enforcement related duties as employees of

21 the department of public safety. The commissioner of  
 22 public safety and the director of transportation shall  
 23 work jointly to implement the transfer authorized  
 24 under this Act.””

25 2. By renumbering as necessary.

JIM KERSTEN

S-5135

1 Amend Senate File 2258 as follows:

2 1. By striking page 1, line 11 through page 3,  
 3 line 11.

4 2. Title page, by striking lines 3 through 5 and  
 5 inserting the following: “with federal motor carrier  
 6 safety regulations.”

7 3. By renumbering as necessary.

JEAN LLOYD-JONES

S-5136

1 Amend Senate File 2222 as follows:

2 1. Page 4, line 7, by inserting after the word  
 3 “standards.” the following: “Access standards shall  
 4 include the assessment of prohibited referrals as  
 5 provided in section 135L.1.”

6 2. Page 6, by striking lines 15 through 17 and  
 7 inserting the following: “means a person licensed or  
 8 certified pursuant to chapters 147 through 154, and  
 9 chapters 154B and 155A, to provide professional health  
 10 care services in this”.

11 3. Page 6, line 18, by striking the word  
 12 “medical” and inserting the following: “health”.

13 4. Page 6, by inserting after line 19 the  
 14 following:

15 “Sec. — . **NEW SECTION. 135L.1 PROHIBITED**  
 16 **REFERRALS AND CLAIMS FOR PAYMENT.**

17 1. A health care provider shall not refer a  
 18 patient for the provision of designated health  
 19 services to an entity in which the health care  
 20 provider is an investor or has an investment interest.

21 2. A health care provider shall not refer a  
 22 patient for the provision of any other health care  
 23 item or service to an entity in which the health care  
 24 provider is an investor unless either of the following  
 25 applies:

26 a. The provider’s investment interest is in  
 27 registered securities purchased on a national exchange  
 28 or over-the-counter market and issued by a publicly

29 held corporation, whose shares are traded on a  
30 national exchange or on the over-the-counter market  
31 and whose total assets at the end of the corporation's  
32 most recent fiscal quarter exceeded fifty million  
33 dollars.

34 b. With respect to an entity other than a publicly  
35 held corporation described in paragraph "a", and a  
36 referring provider's investment interest in the  
37 entity, all of the following requirements arise:

38 (1) Not more than fifty percent of the value of  
39 the investment interests are held by investors who are  
40 in a position to make referrals to the entity.

41 (2) The terms under which an investment interest  
42 is offered to an investor, who is in a position to  
43 make referrals to the entity, are no different from  
44 the terms offered to investors who are not in a  
45 position to make referrals.

46 (3) The terms under which an investment interest  
47 is offered to an investor, who is in a position to  
48 make referrals to the entity, are not related to the  
49 previous or expected volume of referrals from the  
50 investor to the entity.

## Page 2

1 (4) There is no requirement that an investor make  
2 referrals or be in a position to make referrals to the  
3 entity as a condition for becoming or remaining an  
4 investor.

5 3. Except as provided under subsection 2, the  
6 entity or corporation shall not loan funds to or  
7 guarantee a loan for an investor who is in a position  
8 to make referrals to the entity or corporation. The  
9 investor shall not use any part of a loan obtained  
10 through an entity or corporation to obtain the  
11 investment interest.

12 4. Except as provided under subsection 2, the  
13 amount distributed to an investor representing a  
14 return on the investment interest shall be directly  
15 proportional to the amount of the capital investment,  
16 made by the investor in the entity or corporation,  
17 including the fair market value of any preoperational  
18 services rendered.

19 5. A claim for payment shall not be presented by  
20 an entity to any individual, third-party payor, or  
21 other entity for a service furnished pursuant to a  
22 referral prohibited under this section.

23 6. If an entity collects an amount that was billed  
24 in violation of this section, the entity shall refund  
25 the amount and any interest or late fee assessed on a



26 timely basis to the payor or individual as applicable.

27 7. Any person that presents or causes to be  
28 presented a bill or a claim for service that the  
29 person knows or should know is for a service for which  
30 payment may not be made under subsection 5, or for  
31 which a refund has not been made under subsection 6,  
32 is subject to a civil penalty of not more than fifteen  
33 thousand dollars for each service, to be imposed and  
34 collected by the appropriate board.

35 8. Any health care provider or other entity that  
36 enters into an arrangement or scheme, such as a cross-  
37 referral arrangement, which the physician or entity  
38 knows or should know has a principal purpose of  
39 assuring referrals by the physician to a particular  
40 entity which, if the physician directly made referrals  
41 to the entity, would be in violation of this section,  
42 is subject to a civil penalty of not more than one  
43 hundred thousand dollars for each circumvention  
44 arrangement or scheme, to be imposed and collected by  
45 the appropriate board or boards.

46 9. A health care provider or any provider of  
47 health care services shall not offer, pay, solicit, or  
48 receive a kickback, directly or indirectly, overtly or  
49 covertly, in the form of cash, consulting fees, wages,  
50 or in kind, for referring or soliciting patients.

**Page 3**

1 10. A violation of this section by a health care  
2 provider constitutes grounds for disciplinary action  
3 to be taken by the applicable board.

4 11. A health care professional licensed pursuant  
5 to chapters 147 through 154, and chapters 154B and  
6 155A, is subject to suspension or revocation of  
7 license if the person engages directly or indirectly  
8 in the division, transferring, assigning, rebating, or  
9 refunding of fees received for professional services  
10 or profits by means of a credit or other valuable  
11 consideration such as wages, an unearned commission,  
12 discount or gratuity with a person who referred a  
13 patient, or with any relative or business associate of  
14 the referring person. Nothing in this paragraph shall  
15 be construed as prohibiting the members of any legally  
16 organized business entity recognized by law and  
17 comprised of health care professionals licensed  
18 pursuant to chapters 147 through 154, and chapters  
19 154B and 155A, from making any division of their total  
20 fees among the health care professionals determined by  
21 contract necessary to defray their joint operating  
22 costs.

23 12. In addition to any other penalty or  
24 disciplinary action taken under this section, a health  
25 care provider who violates this section shall divest  
26 any investment interest which has resulted in the  
27 violation of this section.

28 13. This section shall not apply to a health care  
29 provider or other provider of health care services  
30 located in rural areas of the state as defined by the  
31 department of public health."

32 5. By renumbering as necessary.

JIM RIORDAN

S-5137

1 Amend Senate File 2222 as follows:

2 1. Page 4, line 14, by inserting after the word  
3 "practitioners." the following: "The plan of  
4 operation and annual report shall describe the extent  
5 and method of direct consumer access to health care  
6 practitioners including, but not limited to, health  
7 care practitioners licensed under chapter 148, 148A,  
8 148C, 149, 150, 150A, 151, 152, 153, 154, 154B, or  
9 155A. If access is restricted, the plan of operation  
10 shall indicate the business or professional reason  
11 that supports the restriction. The director may  
12 disapprove or require amendment of an arbitrary or  
13 capricious restriction. Consumer complaints  
14 concerning unreasonable restrictions on access to  
15 practitioners may be filed with the insurance  
16 division, and the director of public health may  
17 consider complaints against a health plan and the  
18 division's findings in evaluating a plan of operation  
19 or subsequent amendments. The plan of operation shall  
20 detail consumer access to participating health care  
21 practitioners and assure fair consumer access to  
22 participating practitioners. The plan of operation  
23 shall provide a point of service option to permit  
24 consumers direct access to participating  
25 practitioners, but may require a different copayment  
26 or deductible to access a participating practitioner  
27 or class of practitioners without prior approval or  
28 referral."

29 2. By striking page 21, line 14 through page 22,  
30 line 9.

31 3. Page 23, by inserting after line 7 the  
32 following:

33 "\_\_\_ . Minimum standards for evaluation of a health  
34 plan's relative access to health care practitioners,  
35 including but not limited to health care practitioners

36 licensed under chapter 148, 148A, 148C, 149, 150,  
37 150A, 151, 152, 153, 154, 154B, or 155A. The report  
38 card shall be prepared by a health insurance  
39 purchasing cooperative and shall also evaluate  
40 consumer satisfaction with access.”

41 4. By renumbering as necessary.

MERLIN E. BARTZ

S-5138

1 Amend Senate File 2295 as follows:  
2 1. Page 1, by striking lines 9 and 10 and  
3 inserting the following: “, a representative of a  
4 mortgage-”.  
5 2. Page 1, line 12, by striking the words “and  
6 two persons” and inserting the following: “a person”.  
7 3. Page 1, line 13, by striking the word  
8 “projects.” and inserting the following: “projects,  
9 and a public member. The Iowa association of realtors  
10 shall submit real estate broker nominees to the  
11 governor. The director of the Iowa finance authority  
12 shall submit to the governor nominees to represent the  
13 very low-income families or housing projects.”  
14 4. Page 1, line 26, by striking the word “the”  
15 and inserting the following: “all”.  
16 5. Page 1, by striking lines 27 through 29 and  
17 inserting the following: “collected as determined by  
18 the director, but not to exceed five percent, for the  
19 purpose of”.  
20 6. Page 2, line 4, by striking the words “at no  
21 cost”.  
22 7. Page 2, line 6, by inserting after the word  
23 “program” the following: “at no cost to the mortgage  
24 lenders”.  
25 8. Page 2, line 8, by inserting after the word  
26 “offering” the following: “seven-day”.  
27 9. Page 2, line 13, by striking the words  
28 “providing for the payment of” and inserting the  
29 following: “allowing”.  
30 10. Page 2, by striking lines 14 through 16 and  
31 inserting the following: “fee, as set by the  
32 director, to be paid to participating mortgage lenders  
33 for each title guaranty issued as a result of such  
34 participation.”  
35 5. The authority, through the title guaranty  
36 division, shall initiate a program providing for a  
37 payment of an origination fee not to exceed five  
38 dollars to the real estate education program  
39 established in section 543B.54 for each title guaranty

40 issued. The fees shall be paid to the program every  
41 six months and shall be set at an amount so that total  
42 fees assessed shall not exceed three hundred thousand  
43 dollars in a six-month period.

44 Sec. \_\_\_\_ . NEW SECTION. 16.93 AUTHORITY TO STAFF.

45 The title guaranty division may employ additional  
46 staff or contract for services to ensure that a title  
47 commitment is issued within seventy-two hours of  
48 receipt of the preliminary title opinion, and a title  
49 guaranty no later than fourteen days after receipt of  
50 the final title opinion."

Page 2

- 1 11. By renumbering as necessary.

JOE WELSH

S-5139

1 Amend House File 2256 as follows:

- 2 1. Page 6, line 12, by striking the word "new"  
3 and inserting the following: "new".  
4 2. Page 6, line 18, by striking the word "new"  
5 and inserting the following: "new".

JOHN W. JENSEN

S-5140

1 Amend Senate File 2208 as follows:

- 2 1. Page 6, line 13, by striking the word "new"  
3 and inserting the following: "new".  
4 2. Page 6, line 19, by striking the word "new"  
5 and inserting the following: "new".

JOHN JENSEN

S-5141

1 Amend Senate File 2272 as follows:

- 2 1. Page 3, line 17, by inserting after the word  
3 "notice" the following: "or lottery ticket or share".  
4 2. Page 3, line 25, by inserting after the word  
5 "notice" the following: "or on the lottery ticket or  
6 share".  
7 3. Page 4, by inserting after line 14 the  
8 following:  
9 "i. A statement that participating in a contest or  
10 other selection process for a prize is strictly for

11 recreational purposes.”

12 4. Page 4, line 15, by inserting after the word  
13 “notice” the following: “or on a lottery ticket or  
14 share”.

15 5. Page 5, line 5, by striking the word and  
16 letter “and h” and inserting the following: “h”  
17 and “i”.

18 6. Page 5, line 14, by inserting after the word  
19 “notice,” the following: “lottery ticket or share.”

20 7. Page 8, line 25, by striking the number  
21 “99E.”

BRAD BANKS

S-5142

1 Amend Senate File 2222 as follows:

2 1. Page 8, lines 20 and 21, by striking the words  
3 “any of the factors as provided for in subsection 1”  
4 and inserting the following: “health status or claim  
5 experience”.

6 2. Page 9, line 7, by striking the word  
7 “subsections” and inserting the following:  
8 “subsection”.

9 3. Page 9, by striking lines 20 through 24.

10 4. Page 13, by striking lines 29 and 30.

11 5. Page 13, line 31, by striking the words  
12 “Experiencing rating” and inserting the following:  
13 “Rating”.

14 6. Page 18, line 35, by striking the words “the  
15 same as” and inserting the following: “substantially  
16 similar to those”.

17 7. By renumbering as necessary.

ELAINE SZYMONIAK  
MARY E. KRAMER

S-5143

1 Amend Senate File 2222 as follows:

2 1. Page 2, line 15, by inserting after the figure  
3 “1395(x),” the following: “nonprofit health care  
4 provider organizations.”

ELAINE SZYMONIAK

HOUSE AMENDMENT TO  
SENATE FILE 2089

S-5144

1 Amend Senate File 2089, as passed by the Senate, as  
2 follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. Section 2.32, Code 1993, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 9. If an appointment subject to  
8 senate confirmation is required by statute to be made  
9 by an appointing authority other than the governor,  
10 the duties assigned under this section to the governor  
11 shall be performed by the appointing authority.

12 Sec. 2. Section 18.133, subsection 1, Code  
13 Supplement 1993, is amended to read as follows:

14 1. "Director" means the executive director of the  
15 department of general services or the director's  
16 designee appointed pursuant to section 18.133B.

17 Sec. 3. Section 18.133, Code Supplement 1993, is  
18 amended by adding the following new subsection:

19 NEW SUBSECTION. 1A. "Network" means the Iowa com-  
20 munications network or the state communications  
21 network.

22 Sec. 4. NEW SECTION. 18.133A IOWA COMMUNICATIONS  
23 NETWORK BOARD.

24 1. NETWORK BOARD ESTABLISHED.

25 a. An Iowa communications network board is  
26 established, as an agency of the state exercising  
27 public and essential governmental functions, with the  
28 authority to supervise the management and operation of  
29 the Iowa communications network. The board shall  
30 ensure that educational users and educational  
31 applications of the network be given the highest  
32 priority in supervising the management and operation  
33 of the network. The board shall ensure that the  
34 network operates in an efficient and responsible  
35 manner consistent with the provisions of this chapter  
36 for the purpose of providing the best economic service  
37 attainable to network users consistent with the  
38 state's financial capacity. The board shall provide  
39 for the centralized, coordinated use and control of  
40 the network.

41 b. The board shall do all of the following:

42 (1) Establish a comprehensive financing plan for  
43 Part III to be delivered to the general assembly for  
44 review and approval, including projections for future  
45 revenue and operating expenditures, the cost of

46 completing Part III, and sources of additional revenue  
47 necessary to complete Part III including state general  
48 fund appropriations.

49 (2) Develop and issue a request for proposals for  
50 the completion of Part III.

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1 (3) Make recommendations to the general assembly  
2 for the construction and implementation of Part III,  
3 and for authorizing additional users of the network.

4 (4) Provide the requests for proposals for all  
5 component parts for Part III for an authorized user or  
6 a consortium of authorized users to solicit bids from,  
7 and enter into contracts with, qualified bidders for  
8 the purpose of completing the necessary work to  
9 connect the authorized user or consortium of  
10 authorized users to the network, consistent with the  
11 minimum standards established for Part III  
12 connections.

13 (5) Deliver a written report and all proposals  
14 submitted in response to the request for proposals  
15 issued under subparagraph (2) to the general assembly  
16 no later than January 1, 1995. The board shall not  
17 enter into any agreement related to such proposals  
18 without prior authorization by a constitutional  
19 majority of each house of the general assembly and  
20 approval by the governor.

21 c. The board shall adopt rules pursuant to chapter  
22 17A as deemed appropriate and directly related to the  
23 operations of the board.

24 d. The recommendations of the board contained in  
25 the long-term network plan shall include a detailed  
26 plan for the connection of all public schools to the  
27 network, including a discussion and evaluation of all  
28 potential financing options, an estimate of all costs  
29 incurred in providing such connections, and a schedule  
30 for completing such connections, including the  
31 anticipated final completion date for such  
32 connections.

33 2. MEMBERSHIP.

34 a. The board consists of nine voting members, who  
35 shall be citizens of this state, appointed by the  
36 governor, subject to senate confirmation.  
37 Additionally, four ex officio nonvoting members shall  
38 be appointed who shall be members of the general  
39 assembly, with two members appointed from the senate,  
40 one to be appointed by the majority leader of the  
41 senate and one to be appointed by the minority leader  
42 of the senate, and two members appointed from the

43 house of representatives, one to be appointed by the  
44 speaker of the house and one to be appointed by the  
45 minority leader of the house. Members of the board  
46 shall not serve in any manner or be employed by an  
47 authorized user of the network. Members of the board  
48 appointed by the governor shall serve four-year  
49 staggered terms as designated by the governor and  
50 appointments to the board are subject to the

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1 requirements of sections 69.16, 69.16A, and 69.19.  
2 Vacancies shall be filled by the governor for the  
3 duration of the unexpired term.

4 b. Members of the board shall be reimbursed for  
5 all actual and necessary expenses incurred in the  
6 performance of duties as members.

7 c. Meetings of the board shall be held at the call  
8 of the chairperson of the board or on written request  
9 of two members.

10 d. Members shall elect a chairperson and vice  
11 chairperson annually and other officers as they  
12 determine. The executive director shall serve as  
13 secretary to the board.

14 Sec. 5. NEW SECTION. 18.133B EXECUTIVE DIRECTOR  
15 APPOINTED.

16 The board shall appoint an executive director of  
17 the board, subject to confirmation by the senate.  
18 Such individual shall not serve as a member of the  
19 board. The executive director shall serve at the  
20 pleasure of the board, but shall be subject to  
21 reconfirmation by the senate every four years. The  
22 executive director shall be selected primarily for  
23 administrative ability and knowledge in the field,  
24 without regard to political affiliation. The salary  
25 and support of the executive director shall be paid  
26 from funds deposited in the state communications  
27 network fund.

28 Sec. 6. NEW SECTION. 18.133C EDUCATION  
29 TELECOMMUNICATIONS COUNCIL ESTABLISHED --  
30 ADMINISTRATION AND TECHNOLOGY COUNCIL ESTABLISHED --  
31 ADVISORY COMMITTEES.

32 1. a. An education telecommunications council is  
33 established to advise the Iowa communications network  
34 board concerning the educational telecommunication  
35 applications of the network and other matters as  
36 assigned by the board. The council consists of  
37 seventeen members and shall include the following:  
38 two persons appointed by the state board of regents;  
39 two persons appointed by the Iowa association of



40 community college trustees; two persons appointed by  
41 the area education agency boards; two persons  
42 appointed by the Iowa association of school boards;  
43 two persons appointed by the school administrators of  
44 Iowa; two persons appointed by the Iowa association of  
45 independent colleges and universities; two persons  
46 appointed by the Iowa state education association; and  
47 three persons appointed by the director of the  
48 department of education including one person  
49 representing libraries, one person representing  
50 nonpublic schools, and one person who shall be a staff

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1 person. The council shall recommend long-range plans  
2 for enhancements needed for educational applications.  
3 Administrative support and staffing for the council  
4 shall be provided by the department of education.  
5 The education telecommunications council shall do  
6 all of the following:  
7 (1) Coordinate and direct all educational  
8 activities and applications related to the network,  
9 pursuant to rules adopted by the board.  
10 (2) Recommend to the board reasonable and  
11 appropriate distance learning applications of the  
12 network.  
13 (3) Resolve all scheduling conflicts, pursuant to  
14 rules adopted by the network board, between the merged  
15 areas if an appropriate agreement is not entered into  
16 between the affected merged areas. A determination  
17 made by the council pursuant to this subparagraph  
18 shall be final.  
19 (4) Resolve scheduling conflicts, pursuant to  
20 rules adopted by the network board, which a regional  
21 telecommunications council is unable to resolve  
22 satisfactorily at the request of an affected  
23 authorized user. A determination made by the council  
24 pursuant to this subparagraph shall be final.  
25 (5) Establish scheduling policies to be  
26 implemented by the regional telecommunications  
27 councils.  
28 (6) Develop proposed rules or proposed changes to  
29 rules to be submitted to the network board as deemed  
30 appropriate by the council to implement the duties  
31 delegated to the council pursuant to this section and  
32 by the board.  
33 2. An administration and technology council is  
34 established which consists of nine members as  
35 appointed by the board. The council shall include  
36 three persons representing telecommunications vendors;

37 one person representing the department of general  
38 services; one person representing persons providing  
39 maintenance services associated with the network;  
40 three persons representing government users; and one  
41 person representing hospitals. The council shall be  
42 responsible for those duties assigned to it by the  
43 board. The council shall develop proposed rules to be  
44 submitted to the network board as deemed appropriate  
45 by the council to implement the duties delegated to  
46 the council pursuant to this section and by the board.  
47 3. The board may establish other advisory  
48 committees as necessary representing authorized users  
49 of the network.

50 Sec. 7. NEW SECTION. 18.133D REGIONAL

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1 TELECOMMUNICATIONS COUNCILS -- MEMBERS -- DUTIES.

2 1. A regional telecommunications council is  
3 established in each of the merged areas established  
4 pursuant to chapter 260C consisting of nine members,  
5 including one member each to be appointed by each of  
6 the appointing authorities under section 18.133C,  
7 subsection 1.

8 2. The regional telecommunications councils shall  
9 do all of the following:

10 a. Assess local needs and potential uses of the  
11 network and other related educational applications of  
12 technology.

13 b. Coordinate program activities within the merged  
14 area, including scheduling.

15 c. Resolve scheduling conflicts between  
16 educational users and noneducational users, with  
17 priority given to educational users.

18 Sec. 8. Section 18.134, subsection 1, Code  
19 Supplement 1993, is amended to read as follows:

20 1. The department of general services board may  
21 purchase, lease-purchase, lease, and improve property,  
22 equipment, and services for telecommunications for  
23 public and private agencies, including the broadcast  
24 and narrowcast systems, and may dispose of property  
25 and equipment when not necessary for its purposes.  
26 However, the department of general services board  
27 shall not enter into a contract for the purchase,  
28 lease-purchase, lease, or improvement of property,  
29 equipment, or services for telecommunications pursuant  
30 to this subsection in an amount greater than two  
31 hundred fifty thousand dollars without prior  
32 authorization by a constitutional majority of each  
33 house of the general assembly. The board also shall

34 not provide or resell communications services to  
35 entities other than public and private agencies. The  
36 public or private agency shall not provide  
37 communication services of the network to another  
38 entity at a cost greater than that charged to the  
39 agency pursuant to section 18.136, subsections  
40 subsection 11 and 12. The department board may  
41 arrange for joint use of available services and  
42 facilities, and may enter into leases and agreements  
43 with private and public agencies with respect to a  
44 state the Iowa communications system network, and  
45 public agencies are authorized to enter into leases  
46 and agreements with respect to the system network for  
47 their use and operation. Rentals and other amounts  
48 due under the agreements or leases entered into  
49 pursuant to this section by a state agency are payable  
50 from funds annually appropriated by the general

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1 assembly or from other funds legally available. Other  
2 public agencies may pay the rental costs and other  
3 amounts due under an agreement or lease from their  
4 annual budgeted funds or other funds legally available  
5 or to become available. This section comprises a  
6 complete and independent authorization and procedure  
7 for a public agency, with the approval of the  
8 department board, to enter into a lease or agreement  
9 and related security enhancement arrangements and this  
10 section is not a qualification of any other powers  
11 which a public agency may possess and the  
12 authorizations and powers granted under this section  
13 are not subject to the terms, requirements, or  
14 limitations of any other provisions of law. All  
15 moneys received by the department board from  
16 agreements and leases entered into pursuant to this  
17 section with private and public agencies shall be  
18 deposited in the state Iowa communications network  
19 fund.

20 It is the intent of the general assembly that  
21 rental and other costs due under agreements and leases  
22 entered into pursuant to this section by state  
23 agencies be replaced by supplemental appropriations to  
24 the state agencies.

25 Sec. 9. NEW SECTION. 18.134A DISPOSITION OF  
26 NETWORK -- APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.

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 Part I, II, or III without prior

31 authorization by a constitutional majority of each  
32 house of the general assembly and approval by the  
33 governor. The board shall develop the request or  
34 requests for proposals which are necessary for the  
35 sale of Parts I, II, and III which are owned by the  
36 state. Such request or requests shall be delivered to  
37 the general assembly no later than January 1, 1995,  
38 for review and approval. The request or requests for  
39 proposals developed for the sale of Parts I, II, and  
40 III which are owned by the state shall provide, at a  
41 minimum, the following:  
42 1. Guaranteed access and use to all current  
43 authorized users whether such users are currently  
44 connected to or utilizing the network. The access  
45 guaranteed under this subsection shall assure such  
46 capacity for video, data, and voice requirements as  
47 provided in the request for proposals developed by the  
48 department of general services for the installation  
49 and maintenance of Part III connections of the Iowa  
50 communications network, and dated November 3, 1993.

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1 2. Guaranteed access and use for operations  
2 related to an agency of the federal government whose  
3 activities are directly related to the activities at  
4 facilities under the control of the armory board  
5 appointed pursuant to section 29A.57.  
6 Sec. 10. Section 18.135, Code 1993, is amended to  
7 read as follows:  
8 18.135 RULES.  
9 The ~~director~~ board shall adopt rules relating to  
10 state communications in accordance with this chapter.  
11 The ~~director~~ board shall also adopt and provide for  
12 standard communications procedures and policies to be  
13 used by state agencies.  
14 Sec. 11. Section 18.136, subsections 1, 2, 3, 4,  
15 6, 7, 8, 9, 10, 12, 13, and 14, Code Supplement 1993,  
16 are amended to read as follows:  
17 1. Moneys in the state communications network fund  
18 are appropriated to the ~~Iowa public broadcasting~~ board  
19 for purposes of providing financing for the  
20 procurement, operation, and maintenance of a state  
21 communications network with sufficient capacity to  
22 serve the video, data, and voice requirements of state  
23 agencies and the educational telecommunications  
24 system. The ~~state Iowa~~ communications network  
25 consists of Part I, Part II, and Part III ~~of the~~  
26 ~~system~~.  
27 2. For purposes of this section, unless the

28 context otherwise requires:

29 a. "Part I of the system" means the communications  
30 connections between central switching and the regional  
31 switching centers for the remainder of the network.

32 b. "Part II of the system" means the  
33 communications connections between the regional  
34 switching centers and the secondary switching centers.

35 c. "Part III of the system" means the  
36 communications connection between the secondary  
37 switching centers and the agencies defined in section  
38 18.133, subsections 3 2 and 4 3.

39 3. The financing for the procurement costs for the  
40 entirety of Part I of the system, and the video, data,  
41 and voice capacity for state agencies for Part II and  
42 Part III of the system, shall be provided by the  
43 state. The financing for the procurement costs for  
44 Part II of the system shall be provided from the  
45 state. The financing for the procurement and  
46 maintenance costs for Part III of the system shall be  
47 provided eighty percent from by the state and twenty  
48 percent from the local school boards of the areas  
49 which receive transmissions from the system. A local  
50 school board may elect to provide one hundred percent

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1 of the financing for the procurement and maintenance  
2 costs for Part III to become part of the system. The  
3 local school boards may meet all or part of the match  
4 requirements of Part III of the system through a  
5 cooperative arrangement with community colleges. The  
6 basis for the amount of state match financing is  
7 eighty one hundred percent of a single interactive  
8 audio and one-way interactive video connection for  
9 Part III of the system, and such data and voice  
10 capacity as is necessary. The local school boards and  
11 community colleges may meet the match requirements for  
12 Part III of the system from funds they have already  
13 spent for their systems, from funds available in the  
14 school budget, or from funds received from other  
15 nonstate sources. In the case of existing systems, in  
16 order to upgrade facilities to the specifications of  
17 the state communications network, the local school  
18 boards and community colleges, in lieu of a cash  
19 match, may meet the match requirements from funds they  
20 have already spent for their systems provided that the  
21 state match does not exceed the lesser of eighty  
22 percent of the total cost of the upgraded system or  
23 eighty percent of the replacement cost of the system.  
24 The communications equipment funds used as a match by

25 a community college shall be calculated based on  
26 verified expenditures for capital, equipment,  
27 hardware, and software for long-distance learning  
28 technologies, including both audio and visual  
29 transmission. The communications equipment used as a  
30 match shall not subsequently be used as a match by  
31 another educational entity or for another part of the  
32 system. A local school board may request the school  
33 budget review committee to adjust the allowable growth  
34 for the school district so that the resulting increase  
35 in budget could be used for the match. A local school  
36 board may also elect not to become part of the system  
37 network. Such election shall be made on an annual  
38 basis. State matching funds shall not be provided for  
39 Part III of the system until Part I and Part II of the  
40 system have been completed. Construction of Part III  
41 of the system may proceed before Part I and Part II of  
42 the system have been completed.

43 4. The department of general services board shall  
44 develop the requests for proposals that are needed for  
45 a state communications network with sufficient  
46 capacity to serve the video, data, and voice  
47 requirements of state agencies and the for educational  
48 telecommunications applications required by the Iowa  
49 public broadcasting board. The department board shall  
50 develop a request for proposals for each of the

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1 systems that will make up the network. The department  
2 board may develop a request for proposals for each  
3 definitive component of Part I, Part II, and Part III  
4 of the system or the department board may provide in  
5 the request for proposals for each such system that  
6 separate contracts may be entered into for each  
7 definitive component covered by the request for  
8 proposals. The requests for proposals may be for the  
9 purchase, lease-purchase, or lease of the component  
10 parts of the system, may require maintenance costs to  
11 be identified, and the resulting contract may provide  
12 for maintenance for parts of the system. The master  
13 contract may provide for electronic classrooms,  
14 satellite equipment, receiving equipment, studio and  
15 production equipment, and other associated equipment  
16 as required.

17 6. Prior to the awarding of a contract under this  
18 section, the department board shall notify the  
19 legislative council and the department of management  
20 of the department's board's intent to award a contract  
21 and of the cost to the state. The department of

22 management and the legislative council shall determine  
23 if the anticipated financial resources of the state  
24 are adequate to fund the expenditure during the fiscal  
25 years covered by the contract, and if so, the  
26 department of management legislative council shall  
27 certify the determination to the department board.  
28 Upon certification, the department board may enter  
29 into the contract.

30 7. The department of general services board shall  
31 be responsible for the network system design and shall  
32 be responsible for the implementation of each  
33 component of the network as it is incorporated into  
34 the network system. The final design selected shall  
35 optimize the routing for all users in order to assure  
36 maximum utilization by all agencies of the state.  
37 Efficiencies achieved in the implementation of the  
38 network shall be used to fund further implementation  
39 and enhancement of the network, and shall be  
40 considered part of the operational cost of the  
41 network. The department board shall be responsible  
42 for all management, operations, control switching,  
43 diagnostics, and maintenance functions of Part I and  
44 Part II of the system operations, except as designated  
45 in subsection 8. The performance of these duties is  
46 intended to provide optimal utilization of the  
47 facilities, and the assurance that future growth  
48 requirements will be provided for, and that sufficient  
49 network capacity will be available to meet the needs  
50 of all users. The telecommunications information

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1 management council, created by executive order of the  
2 governor, shall provide general oversight for these  
3 functions:

4 8. The Iowa public broadcasting board retains sole  
5 authority over the educational telecommunications  
6 applications of Part I of the system, Part II, and  
7 Part III, and its authority shall include management  
8 and operational control, programming, budget,  
9 personnel, scheduling, and program switching of  
10 educational material carried by Part I of the system.  
11 The Iowa public broadcasting board, through its  
12 narrowcast system advisory committee, retains  
13 coordination authority over the educational  
14 telecommunications applications of Part II and Part  
15 III of the system. Community colleges are responsible  
16 for scheduling and switching of educational materials  
17 carried by Part II and Part III of the system within  
18 their respective areas. Such responsibility may be

19 accomplished by a chapter 28E agreement with the  
20 department of general services board.

21 The narrowcast system advisory committee shall  
22 review all requests for grants for educational  
23 telecommunications applications, if they are a part of  
24 the state communications network, to ensure that the  
25 educational telecommunications application is  
26 consistent with the telecommunications plan. If the  
27 narrowcast system advisory committee finds that a  
28 grant request is inconsistent with the  
29 telecommunications plan, the grant request shall not  
30 be allowed.

31 9. The procurement and maintenance of electronic  
32 equipment including, but not limited to, master  
33 receiver antenna systems, studio and production  
34 equipment, and broadcast system components shall be  
35 provided for under department of general services' the  
36 board's contracts. The Iowa public broadcasting board  
37 and other educational entities within the state have  
38 the option to use their existing or replacement  
39 resources and agreements in the operation and  
40 maintenance of these systems.

41 10. In addition to the other evaluation criteria  
42 specified in the request for proposals issued pursuant  
43 to this section, the department of general services  
44 board, in evaluating proposals, shall base up to two  
45 percent of the total possible points on the public  
46 benefit that can be derived from a given proposal due  
47 to the increased private telecommunications capacity  
48 available to Iowa citizens located in rural Iowa. For  
49 purposes of this subsection, an area of the state is  
50 considered rural if it is not part of a federally

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1 designated standard metropolitan statistical area.  
2 ~~12. The Iowa public broadcasting board, in~~  
3 ~~consultation with its narrowcast system advisory~~  
4 ~~committee, shall determine the fee to be charged per~~  
5 ~~course or credit hour by the originating institution,~~  
6 ~~and the fees shall be substantially the same for~~  
7 ~~comparable courses.~~

8 ~~12. Access to the network shall be offered on~~  
9 ~~an equal basis to public and private agencies under~~  
10 ~~subsection 8 if the private agency contributes an~~  
11 ~~amount toward the match requirement comparable to its~~  
12 ~~share of use for the part of the system in which it~~  
13 ~~participates.~~

14 12A. Notwithstanding any other provision of this  
15 section, all fees and charges assessed by the board



16 and collected from entities defined as private or  
 17 public agencies which are provided access to the  
 18 network on or after March 1, 1994, shall be under the  
 19 control of the board and shall be used to pay for the  
 20 costs of Part III connections, including connections  
 21 for public elementary and middle schools.

22 ~~14~~ 13. Notwithstanding chapter 476, the provisions  
 23 of chapter 476 shall not apply to a public utility in  
 24 furnishing a telecommunications service or facility to  
 25 the ~~department of general services board~~ for the state  
 26 communications network.

27 Sec. 12. Section 18.136, Code Supplement 1993, is  
 28 amended by adding the following new subsection:

29 NEW SUBSECTION. 12A. The auditor of state shall,  
 30 no less than annually, examine the financial condition  
 31 and transactions of the board as provided in chapter  
 32 11. A copy of the auditor's report concerning such  
 33 examination shall be provided to the general assembly.

34 Sec. 13. NEW SECTION. 18.136A FINANCING PROPOSAL  
 35 SUBMITTED EACH YEAR.

36 The board shall annually prepare and submit to the  
 37 general assembly for approval or rejection a proposed  
 38 financing program for the network. Such proposal  
 39 shall include an estimate of the maximum amount of  
 40 financing expected to be necessary for the coming  
 41 fiscal year. The proposal and estimate shall be  
 42 submitted no later than seven days after the convening  
 43 of each regular session of the general assembly. The  
 44 program shall contain a list of all facilities or  
 45 activities to be funded and the method of financing.  
 46 The board shall not provide for the financing proposed  
 47 or enter into any contracts related to the facilities  
 48 or activities listed in the program until the program  
 49 is approved by a constitutional majority of each house  
 50 and approved by the governor.

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1 Sec. 14. Section 18.137, Code 1993, is amended to  
 2 read as follows:

3 18.137 STATE IOWA COMMUNICATIONS NETWORK FUND.

4 There is created in the office of the treasurer of  
 5 state a ~~temporary~~ fund to be known as the state Iowa  
 6 communications network fund. ~~There is appropriated to~~  
 7 the state communications network fund for the fiscal  
 8 year beginning July 1, 1989, and ending June 30, 1990,  
 9 the sum of two million one hundred forty-two thousand  
 10 six hundred twenty-one dollars from the general fund  
 11 of the state. There is appropriated from the general  
 12 fund of the state to the state Iowa communications

13 network fund for each fiscal year of the fiscal period  
14 beginning July 1, 1991, and ending June 30, 1996, the  
15 sum of five million dollars. ~~Notwithstanding section~~  
16 ~~8.33, unobligated and unencumbered moneys from the~~  
17 ~~appropriation for a fiscal year remaining on June 30~~  
18 ~~of that fiscal year shall not revert to the general~~  
19 ~~fund of the state but shall remain available for~~  
20 ~~expenditure during the next following fiscal year.~~  
21 There shall also be deposited into the state Iowa  
22 communications network fund proceeds from bonds issued  
23 for purposes of projects authorized pursuant to  
24 section 18.136, matching funds received from the  
25 community colleges and the local school boards  
26 corporations, funds received from leases pursuant to  
27 section 18.134, and other moneys by law credited to or  
28 designated by a person for deposit into the fund.  
29 ~~Notwithstanding the requirements of section 18.136,~~  
30 ~~subsection 1, for the fiscal year beginning July 1,~~  
31 ~~1990, and ending June 30, 1991, thirty-one thousand~~  
32 ~~dollars of moneys in the state communications network~~  
33 ~~fund may be expended for the state's share of the cost~~  
34 ~~for the design of a disaster recovery facility to be~~  
35 ~~built in conjunction with the Iowa communications~~  
36 ~~network facility and emergency operation center. The~~  
37 ~~department of general services may increase its fees~~  
38 ~~for data processing in order to collect an additional~~  
39 ~~amount not exceeding two hundred thousand dollars~~  
40 ~~during the fiscal year beginning July 1, 1991, to pay~~  
41 ~~for the state's share of the cost of construction of~~  
42 ~~the disaster recovery facility.~~  
43 The Iowa public broadcasting board shall use the  
44 net increase in the federal match awarded to the Iowa  
45 public broadcasting board as a result of this  
46 appropriation in order to meet the needs of the  
47 educational telecommunications system. These funds  
48 shall be deposited in a separate account within the  
49 state Iowa communications network fund, and shall be  
50 administered by the Iowa public broadcasting board for

### Page 13

1 purposes of the fund.

2 Sec. 15. The Iowa communications network board  
3 shall annually, in consultation with the utilities  
4 board, submit a written report to the general assembly  
5 on or before February 1 of each year which shall  
6 evaluate and review the impact of the Iowa  
7 communications network on local exchange companies in  
8 this state and on the services such companies provide.  
9 The utilities board shall cooperate with the network

10 board in the development of the written report.  
 11 Sec. 16. EDUCATIONAL PROGRAMMING REVIEW. The  
 12 board shall review and assess the impact of  
 13 educational programming and courses of instruction  
 14 offered on the network by authorized users at  
 15 locations other than where such authorized user is  
 16 located, at educational institutions located at or  
 17 near such locations offering similar or identical  
 18 educational programming and courses of instruction.  
 19 The board shall provide a written report to the  
 20 general assembly annually on or before February 1  
 21 concerning such review and assessment, which shall  
 22 include any recommendations of the board regarding the  
 23 review.  
 24 Sec. 17. SCHOOL CORPORATION CONNECTIONS. The  
 25 state shall provide access to the network and provide  
 26 the connection to implement such access for all school  
 27 corporations in this state by no later than December  
 28 1, 1996.  
 29 Sec. 18. INITIAL IOWA COMMUNICATIONS NETWORK BOARD  
 30 APPOINTMENTS. The initial members of the Iowa  
 31 communications network board shall be appointed on or  
 32 before July 1, 1994, to the following terms:  
 33 1. Three members shall be appointed for a term of  
 34 four years.  
 35 2. Two members shall be appointed for a term of  
 36 three years.  
 37 3. Two members shall be appointed for a term of  
 38 two years.  
 39 4. Two members shall be appointed for a term of  
 40 one year.  
 41 Sec. 19. CODE EDITOR TRANSFERS. The Code editor  
 42 shall transfer sections 18.132 through 18.137 to be a  
 43 new chapter 8D. The Code editor shall correct all  
 44 internal citations and references consistent with the  
 45 transfer of Code sections as provided in this section.  
 46 Sec. 20. EFFECTIVE DATE. This Act, being deemed  
 47 of immediate importance, is effective upon enactment."

S-5145

1 Amend Senate File 2216 as follows:  
 2 1. Page 1, by striking lines 1 through 13 and  
 3 inserting the following:  
 4 "Section 1. Section 455B.392, subsection 1,  
 5 paragraph a, Code Supplement 1993, is amended to read  
 6 as follows:  
 7 a. The reasonable cleanup costs incurred by the  
 8 state or its political subdivisions, by governmental  
 9 subdivisions, or by any other persons participating in

10 the prevention or mitigation of damages with the  
 11 approval of the director, as a result of the failure  
 12 of the person to clean up a hazardous substance  
 13 involved in a hazardous condition caused by that  
 14 person.

15 Sec. 2. Section 455B.392, subsection 5, Code  
 16 Supplement 1993, is amended to read as follows:  
 17 5. Money collected pursuant to this section shall  
 18 be deposited in the hazardous waste remedial fund  
 19 created in section 455B.423 ~~and~~. Moneys shall be used  
 20 to reimburse governmental subdivisions requested to  
 21 assist in the cleanup for which the moneys were  
 22 collected. The remainder of the moneys shall be used  
 23 in the manner permitted for the fund."

24 2. By renumbering as necessary.

MICHAEL E. GRONSTAL  
 RALPH ROSENBERG

S-5146

1 Amend Senate File 2222 as follows:

2 1. By striking page 1, line 28, through page 2,  
 3 line 3.

4 2. Page 4, by striking lines 4 through 7 and  
 5 inserting the following:

6 "f. Procedures for departmental access to data  
 7 collected".

8 3. By striking page 4, line 29, through page 5,  
 9 line 12.

10 4. Page 6, by inserting before line 20 the  
 11 following:

12 "Sec. \_\_\_\_ . NEW SECTION. 144D.1 HEALTH ACCOUNTING  
 13 SYSTEM.

14 A statewide health accounting system shall be  
 15 established in conjunction with the community health  
 16 management information system established in chapter  
 17 144C, if enacted by the Seventy-fifth General  
 18 Assembly. The community health management information  
 19 system board shall propose accounting standards for  
 20 cost and quality to the commissioner of insurance for  
 21 approval. The commissioner, upon review and approval  
 22 of such standards, shall enforce the standards in  
 23 conjunction with the community health management  
 24 information system board."

25 2. Renumber as necessary.

ELAINE SZYMONIAK  
 MARY E. KRAMER

S-5147

1 Amend the amendment, S-5095, to Senate File 2079 as  
2 follows:

3 1. Page 1, by striking lines 6 through 18 and  
4 inserting the following:

5 "1. The license for inspection of a commercial  
6 weighing and measuring device shall expire on December  
7 31 of each year, and for a motor vehicle fuel pump on  
8 June 30 of each year. The amount of the fee due for  
9 each license shall be as provided in subsection 3,  
10 except that the fee for a motor vehicle fuel pump  
11 shall be four dollars and fifty cents if paid within  
12 one month from the date the license is due. If the".

13 2. Page 1, by striking lines 43 through 45 and  
14 inserting the following: "the license fee as  
15 required, the department may summarily tag and".

16 3. Page 1, line 47, by inserting after the word  
17 "device." the following: "The notice shall state that  
18 if the device is not a motor vehicle fuel pump, a  
19 delinquency penalty shall apply in an amount as  
20 calculated under this section."

21 4. Page 2, by striking lines 1 through 6 and  
22 inserting the following: "weighing and measuring  
23 device, the department may tag and remove from service  
24 the device for which the license fee has not been  
25 paid. If the device is not a motor vehicle fuel pump,  
26 the department shall assess a delinquency penalty  
27 equalling twenty percent of the amount of the license  
28 fee required to be paid pursuant to section 214.3."

29 5. Page 2, by striking lines 7 through 37.

30 6. Page 3, by inserting after line 13 the  
31 following:

32 "Sec. \_\_\_\_ . Section 312.2, Code Supplement 1993, is  
33 amended by adding the following new subsection:

34 **NEW SUBSECTION. 22.** The treasurer of state,  
35 before making the allotments provided for in this  
36 section, shall credit annually from the road use tax  
37 fund to the state department of transportation an  
38 amount which shall be paid by the department of  
39 transportation to the department of agriculture and  
40 land stewardship for the purpose of reimbursing the  
41 department of agriculture and land stewardship for  
42 administrative expenses incurred by the department of  
43 agriculture and land stewardship for the inspection of  
44 retail motor vehicle fuel pumps. The amount subject  
45 to reimbursement shall be the amount required to  
46 perform the inspections less the amount in fees  
47 collected by the department of agriculture and land  
48 stewardship for licenses for inspection of retail

49 motor vehicle fuel pumps as provided in section 214.3.  
 50 However, the annual amount shall not be more than two

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1 hundred fifty thousand dollars. The department of  
 2 agriculture and land stewardship shall certify the  
 3 amount to the department of transportation. The  
 4 department of transportation may require the auditor  
 5 of state to validate the amount, before the department  
 6 of transportation pays the amount to the department of  
 7 agriculture and land stewardship."

8 7. Page 3, by inserting after line 16 the  
 9 following:

10 "\_\_\_ . Title page, line 2, by striking the words  
 11 "for fees" and inserting the following: "moneys to  
 12 support the costs of the regulation"."

13 8. By renumbering as necessary.

TONY BISIGNANO

S-5148

1 Amend the amendment, S-5055, to Senate File 2124 as  
 2 follows:

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

5 "\_\_\_ . Page 1, by inserting before line 1 the  
 6 following:

7 "Section 1. NEW SECTION. 146A.1 NOTIFICATION OF  
 8 PARENT PRIOR TO PERFORMANCE OF ABORTION ON A MINOR -  
 9 REQUIREMENTS - EXCEPTIONS - CRIMINAL PENALTY.

10 1. A person shall not perform an abortion on a  
 11 pregnant minor until at least forty-eight hours' prior  
 12 notification is provided to a parent of the minor.

13 2. The person who will perform the abortion shall  
 14 provide notification in person or by mailing the  
 15 notification by restricted certified mail to the  
 16 parent of the minor at the usual place of abode of the  
 17 parent. For the purposes of delivery by restricted  
 18 certified mail, the time of delivery is deemed to  
 19 occur at twelve o'clock noon on the next day on which  
 20 regular mail delivery takes place, subsequent to the  
 21 mailing.

22 3. For the purposes of this section, unless the  
 23 context otherwise requires:

24 a. "Abortion" means an abortion as defined in  
 25 chapter 146.

26 b. "Court" means the juvenile court.

27 c. "Medical emergency" means a condition that,

28 based on a physician's clinical judgment, so  
29 complicates the medical condition of a pregnant minor  
30 as to necessitate the immediate abortion of the  
31 minor's pregnancy to avert the minor's death, or for  
32 which a delay will create risk of substantial and  
33 irreversible impairment of a major bodily function.

34 d. "Minor" means minor as defined in chapter 599.

35 e. "Parent" means one parent of the pregnant minor  
36 or the pregnant minor's guardian or custodian.

37 4. Notification shall not be required under this  
38 section if any of the following conditions apply:

39 a. The attending physician certifies that a  
40 medical emergency existed. The attending physician  
41 shall certify in writing the basis for the medical  
42 judgment that a medical emergency existed and shall  
43 make written certification available to a parent of  
44 the minor prior to the abortion, if possible. If it  
45 is not possible to provide a parent of the minor with  
46 written certification prior to the abortion, the  
47 physician shall provide the written certification to a  
48 parent of the minor within twelve hours following the  
49 performance of the abortion unless paragraph "b", "c",  
50 or "d" is applicable.

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1 b. The abortion is authorized in writing by a  
2 parent entitled to notification.

3 c. The pregnant minor declares that the pregnant  
4 minor is a victim of child abuse pursuant to section  
5 232.68, the person responsible for the care of the  
6 child is a parent of the child, and the abuse has been  
7 reported pursuant to the procedures prescribed in  
8 chapter 232, division III, part 2, or a parent of the  
9 child is named in a report of founded child abuse.  
10 The department of human services shall maintain  
11 confidentiality under chapter 232 regarding the  
12 minor's pregnancy and abortion, if an abortion is  
13 obtained.

14 d. The pregnant minor elects not to allow  
15 notification of the pregnant minor's parent and a  
16 court authorizes waiver of the notification  
17 requirement following completion of the proceedings  
18 prescribed under subsection 5.

19 5. If a pregnant minor objects to the notification  
20 of a parent prior to the performance of an abortion on  
21 the pregnant minor, the pregnant minor may petition  
22 the court to authorize waiver of the notification  
23 requirement pursuant to this section in accordance  
24 with the following procedures:

25 a. The court shall ensure that the minor is  
26 provided with assistance in preparing and filing the  
27 petition for waiver of notification and shall ensure  
28 that the minor's identity remains confidential.

29 b. The minor may participate in the court  
30 proceedings on the minor's own behalf and the court  
31 may appoint a guardian ad litem for the minor. The  
32 court shall advise the minor of the minor's right to  
33 court-appointed legal counsel, and shall, upon the  
34 minor's request, provide the minor with court-  
35 appointed legal counsel, at no cost to the minor.

36 c. The court proceedings shall be conducted in a  
37 manner which protects the anonymity of the minor and  
38 all court documents pertaining to the proceedings  
39 shall remain confidential. Only the minor, the  
40 minor's guardian ad litem, the minor's legal counsel,  
41 and persons whose presence is specifically requested  
42 by the minor, by the minor's guardian ad litem, or by  
43 the minor's legal counsel may attend the hearing on  
44 the petition.

45 d. The court proceedings under this section shall  
46 be given precedence over other pending matters to  
47 ensure that the court reaches a decision  
48 expeditiously.

49 e. Upon petition and following an appropriate  
50 hearing, the court shall waive the notification

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1 requirements if the court determines either of the  
2 following:

3 (1) That the minor is mature and capable of  
4 providing informed consent for the performance of an  
5 abortion.

6 (2) That the minor is not mature, or does not  
7 claim to be mature, but that notification is not in  
8 the best interest of the minor.

9 f. The court shall issue specific factual findings  
10 and legal conclusions, in writing, to support the  
11 decision.

12 g. Upon conclusion of the hearing, the court shall  
13 immediately issue a written order which shall be  
14 provided immediately to the minor, the minor's  
15 guardian ad litem, the minor's legal counsel, or any  
16 other person designated by the minor to receive the  
17 order.

18 h. An expedited, anonymous, confidential appeal  
19 shall be available to a minor for whom the court  
20 denies a petition for waiver of notification. An  
21 order granting the minor's application for waiver of



22 notification is not subject to appeal. Access to the  
 23 appellate courts for the purpose of an appeal under  
 24 this section shall be provided to a minor twenty-four  
 25 hours a day, seven days a week.

26 i. The supreme court shall prescribe rules to  
 27 ensure that the proceedings under this section are  
 28 performed in an expeditious, anonymous, and  
 29 confidential manner.

30 j. A minor who chooses to utilize the waiver of  
 31 notification procedures under this subsection shall  
 32 not be required to pay a fee at any level of the  
 33 proceedings.

34 k. A person performing an abortion on a minor  
 35 under this chapter may inform the parent of the minor  
 36 of any necessary treatment resulting from  
 37 complications of the abortion procedure if, in the  
 38 judgment of the person, failure to inform the parent  
 39 would seriously jeopardize the health of the minor.

40 6. A person who performs an abortion in violation  
 41 of this section is guilty of a serious misdemeanor.

42 7. Venue for proceedings under this section is in  
 43 any court in the state.

44 Sec. 2. NEW SECTION. 232.5 ABORTION PERFORMED ON  
 45 A MINOR -- PROCEEDINGS.

46 The court shall have exclusive jurisdiction over  
 47 the authorization of an abortion on a minor pursuant  
 48 to section 146A.1."

49 2. By renumbering as necessary.

WILLIAM W. DIELEMAN  
 EMIL J. HUSAK  
 RAY TAYLOR  
 WILMER RENSINK  
 ANDY McKEAN  
 MERLIN E. BARTZ  
 ALLEN BORLAUG  
 JOHN P. KIBBIE  
 DON GETTINGS  
 EUGENE S. FRAISE

S-5149

1 Amend Senate File 2222 as follows:

2 1. Page 6, line 25, by inserting after the word  
 3 "dependent." the following: "This deduction does not  
 4 apply to the extent the amounts paid are from a  
 5 medical care savings account for which the taxpayer  
 6 received tax benefits."

7 2. Page 6, by striking lines 27 through 31 and  
 8 inserting the following: "by adding the following new

9 subsections:

10 NEW SUBSECTION. 30. Subtract, to the extent  
11 included, up to three thousand dollars contributed by  
12 the individual in the aggregate to a medical care  
13 savings account for the individual, the individual's  
14 spouse, or the individual's dependent. The deduction  
15 for contributions to a medical care savings account  
16 are allowed subject to the following conditions:

17 a. The net income is forty thousand dollars or  
18 less in the case of a married individual, an unmarried  
19 head of household, or a surviving spouse or the net  
20 income is thirty thousand dollars or less in the case  
21 of all other persons. In the case of a married  
22 individual, the combined net income of both spouses  
23 shall be considered.

24 b. The individual or the individual's spouse is a  
25 self-employed individual as defined in section 401(c)  
26 of the Internal Revenue Code.

27 NEW SUBSECTION. 31. Subtract to the extent  
28 included, interest earned in the tax year on a medical  
29 care savings account unless the interest is withdrawn  
30 and not used for any of the approved purposes  
31 described in section 514B.2, subsection 6.

32 NEW SUBSECTION. 32. Add to the extent not  
33 included, amounts withdrawn from a medical care  
34 savings account which were not used for any of the  
35 approved purposes described in section 514B.2,  
36 subsection 6, and which represent tax benefits  
37 previously taken by the individual."

38 3. Page 23, by inserting after line 21 the  
39 following:

40 "Sec. 130. NEW SECTION. 541B.1 DEFINITIONS.

41 As used in this chapter, unless the context  
42 otherwise requires:

43 1. "Account holder" means an individual for whose  
44 benefit a medical care savings account is established.

45 2. "Department" means the department of revenue  
46 and finance.

47 3. "Dependent" means the same as defined in  
48 section 152 of the Internal Revenue Code.

49 4. "Financial institution" means a financial  
50 institution or insurance company approved by the

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1 department as an investment mechanism for medical care  
2 savings accounts.

3 5. "Internal Revenue Code" means the same as  
4 defined in section 422.3.

5 Sec. 131. NEW SECTION. 514B.2 MEDICAL CARE

## 6 SAVINGS ACCOUNTS.

- 7 A financial instrument known as the medical care  
8 savings account is established. A medical care  
9 savings account shall have all of the following  
10 characteristics:
- 11 1. The account is kept in the name of the  
12 individual, the individual's spouse, or the  
13 individual's dependent.
  - 14 2. Deposits of up to three thousand dollars can be  
15 made to the medical care savings accounts in the year.
  - 16 3. The account earns income or interest.
  - 17 4. In the case of death of an individual with a  
18 medical care savings account, the balance can be  
19 transferred to the account of the spouse or dependent  
20 or an account can be set up for the spouse or  
21 dependent. The balance of an individual's medical  
22 care savings account that transfers to the spouse or  
23 dependent at the time of death is not subject to the  
24 state inheritance tax.
  - 25 5. The total amount of principal in a medical care  
26 savings account shall not exceed fifty thousand  
27 dollars.
  - 28 6. Amounts withdrawn for any of the following  
29 approved purposes do not result in income to the  
30 holder of a medical care savings account:  
31 Payment of health insurance premiums and payment of  
32 the costs of all medical services for the individual,  
33 the individual's spouse, and the individual's  
34 dependent to the extent that the expenditures qualify  
35 for the deduction for medical care under section  
36 213(a) of the Internal Revenue Code without regard to  
37 whether the expenditures exceed seven and one-half  
38 percent of the individual's federal adjusted gross  
39 income. However, any expenditure for medical care  
40 which is paid from the medical care savings account  
41 may not be deducted as a medical expense under section  
42 422.9, subsection 2, or as health insurance costs of  
43 self-employed individuals under section 162(1) of the  
44 Internal Revenue Code.
  - 45 7. A financial institution holding a medical care  
46 savings account shall make an annual report to the  
47 department on contributions and withdrawals to the  
48 account in the year pursuant to rules of the  
49 department.
  - 50 8. A financial institution holding a medical care

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1 savings account may charge a reasonable fee for  
2 administration of the account.

3 9. An individual who makes a withdrawal from the  
 4 individual's medical care savings account in the tax  
 5 year and the withdrawal is not for one of the purposes  
 6 described in subsection 6, a civil penalty of ten  
 7 percent shall be imposed on the amount withdrawn  
 8 pursuant to rules of the department."

9 4. Page 24, by striking lines 14 through 21 and  
 10 inserting the following: "Sections 6, 130, and 131 of  
 11 this Act are effective January 1, 1995, for tax years  
 12 beginning on or after that date."

MARY E. KRAMER  
 MARY LOU FREEMAN

S-5150

1 Amend Senate File 2300 as follows:  
 2 1. Page 1, by inserting after line 27 the  
 3 following:

4 "Sec. 100. Section 455B.304, subsection 16, Code  
 5 1993, is amended by striking the subsection."

6 2. Page 4, by inserting after line 7 the  
 7 following:

8 "Sec. \_\_\_\_ . Section 100 of this Act applies  
 9 retroactively to December 31, 1993."

10 3. Title page, line 3, by inserting after the  
 11 word "waste" the following: ", and including an  
 12 applicability provision".

JIM KERSTEN

S-5151

1 Amend Senate File 2300 as follows:

2 1. Page 2, line 18, by striking the figure "1994"  
 3 and inserting the following: "~~1994~~ 1995".

4 2. Page 2, line 21, by striking the figure "1994"  
 5 and inserting the following: "~~1994~~ 1995".

6 3. Page 2, line 26, by striking the figure "1994"  
 7 and inserting the following: "~~1994~~ 1995".

8 4. Page 4, by inserting after line 7 the  
 9 following:

10 "Sec. \_\_\_\_ . APPLICABILITY. The amendments to  
 11 section 455B.305, subsection 6, in this Act, which  
 12 extend leachate control compliance requirements from  
 13 June 30, 1994, to June 30, 1995, are only applicable  
 14 to sanitary landfills which exist on July 1, 1994."

15 5. Title page, line 3, by inserting after the  
 16 word "waste" the following: "and including an

- 17 applicability provision".  
18 6. By renumbering as necessary.

JIM KERSTEN

S-5152

- 1 Amend Senate File 2222 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. INTENT AND FINDINGS. It is the intent  
5 of the general assembly that any significant health  
6 care reform must recognize the essential requirement  
7 that rural Iowa must have access to the benefits of  
8 affordable, accessible, and quality health care.  
9 Reform of the health care system in Iowa is not  
10 complete unless there is developed a strategy to  
11 address the needs of rural Iowa with subsequent  
12 implementation of a comprehensive system to meet those  
13 needs. Rural Iowans must be provided the same access  
14 to the best quality medical care available as Iowans  
15 residing in urban areas. The ability of hospitals and  
16 rural health clinics to access the state's fiber optic  
17 network is imperative. The complete use of the skills  
18 of all health care providers is essential to address  
19 the lack of access to primary care. New innovative  
20 initiatives for the delivery of care by rural  
21 hospitals and clinics must be encouraged.  
22 The general assembly finds that given the rural  
23 bias inherent in the medicare system for hospital  
24 inpatient reimbursement, and the shortage of a number  
25 of important primary care providers, the challenges  
26 for health care reform in rural Iowa are significant.  
27 However, the general assembly believes that efforts to  
28 reform health care in Iowa coupled with the  
29 initiatives from the federal level offer a new  
30 opportunity to provide quality health care to rural  
31 Iowa. The general assembly finds that policymakers  
32 must seize this opportunity to ensure that rural  
33 Iowans will receive all the benefits of health care  
34 reform.  
35 Sec. 2. Section 8.6, Code 1993, is amended by  
36 adding the following new subsection:  
37 NEW SUBSECTION. 16. HEALTH ACCOUNTING SYSTEM. To  
38 establish a statewide health accounting system in  
39 coordination with the department of public health, the  
40 department of human services, the department of elder  
41 affairs, the department of employment services, and  
42 the insurance division of the department of commerce.  
43 The department of management shall have access to all

44 data, as deemed by the department to be necessary, in  
45 electronic format from the community health management  
46 information system established in chapter 144C.  
47 Sec. 3. NEW SECTION. 135.110 ACCOUNTABLE HEALTH  
48 PLAN DEFINED.  
49 An accountable health plan is an entity which does  
50 all of the following:

Page 2

- 1 1. Pays for and provides health care services.
- 2 2. Is responsible for delivering the full range of  
3 health care services covered under a standard health  
4 benefit plan as established in chapter 513B.
- 5 3. Meets established solvency standards and  
6 complies with established underwriting standards,  
7 including modified community rating methods, for all  
8 beneficiaries served.
- 9 4. Is accountable to the public for the cost,  
10 quality, and access of the services which the  
11 accountable health plan provides and for the effects  
12 of its services on the health of those who are  
13 provided such services.
- 14 5. Is eligible for operation based on financial,  
15 quality of care, and structural qualifications.
- 16 6. Satisfies data reporting and collection  
17 standards.
- 18 Sec. 4. NEW SECTION. 135.111 RULES.
- 19 1. The director shall adopt rules relating to the  
20 establishment and regulation of accountable health  
21 plans. The rules shall allow significant flexibility  
22 in the structure and organization of an accountable  
23 health plan, including the flexibility to permit  
24 alternative structures for accountable health plans  
25 developed in rural areas of the state in response to  
26 the needs, preferences, and conditions of rural  
27 communities. Such plans shall utilize, to the  
28 greatest extent possible, existing health care  
29 providers and hospitals.
- 30 2. Rules adopted pursuant to this section shall  
31 include, at a minimum, all of the following:
  - 32 a. Procedures for licensing accountable health  
33 plans as provided in section 135.112.
  - 34 b. Procedures to sanction cooperative arrangements  
35 involving health care providers or purchasers in  
36 forming an accountable health plan, upon a finding by  
37 the director that the arrangement will improve  
38 quality, access, or affordability of health care, but  
39 which arrangement might be a violation of antitrust  
40 laws if undertaken without government direction and

41 approval.

42 c. Procedures to assure ongoing supervision of  
43 arrangements sanctioned under paragraph "b" in order  
44 to assure that the arrangements do in fact improve the  
45 quality, access, or affordability of health care. The  
46 sanctioning of any arrangement by the director may be  
47 withdrawn on a prospective basis at the discretion of  
48 the director if necessary to enforce the intent to  
49 improve quality, access, or affordability.  
50 d. Standards applicable to the plan of operation

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1 of an accountable health plan and which must be met  
2 for licensure of the plan. Such standards shall  
3 include standards related to the quality of health  
4 care provided.

5 e. A requirement that a plan of operation include  
6 guaranteed access and rating practices no more  
7 restrictive than those required in the applicable  
8 state-regulated insurance market segment.

9 f. Procedures to collect information, directly or  
10 by other means as determined by the department, from  
11 the accountable health plan for purposes of monitoring  
12 quality, cost, and access standards. The department  
13 may access data collected through the community health  
14 management information system for purposes of  
15 implementing this chapter at a cost not to exceed the  
16 actual costs of reproducing the information for the  
17 division.

18 g. A method or methods to facilitate and encourage  
19 the appropriate provision of services by midlevel  
20 health care practitioners and allied health care  
21 practitioners.

22 h. Procedures to assure that all health carriers,  
23 including health maintenance organizations, insurers,  
24 and nonprofit health service plan corporations are  
25 subject to the same rules, to the extent the health  
26 carrier is operating an accountable health plan or is  
27 a participating entity in an accountable health plan.

28 i. Solvency standards to assure an accountable  
29 health plan's ability to deliver required services.  
30 The director may enter into an agreement with the  
31 insurance division of the department of commerce to  
32 conduct such solvency oversight. The insurance  
33 division shall assess the costs of a solvency  
34 examination against the entity being examined in the  
35 same manner and on the same terms as provided for  
36 insurance companies under section 505.7.

37 j. Publication and dissemination of statewide and

38 localized expenditure targets relevant to each  
39 accountable health plan, as appropriate.  
40 k. Provide for the identification of essential  
41 community providers within the service area of each  
42 accountable health plan. "Essential community  
43 providers" means those health care providing  
44 organizations which the director deems to be vital to  
45 a local health care delivery system to ensure that all  
46 citizens of this state have reasonable access to  
47 health care. Accountable health plans must establish  
48 working relationships with essential community  
49 providers and include them within the plan's plan of  
50 operation in delivering health care within the plan's

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1 service area. This paragraph is repealed effective  
2 July 1, 1999.

3 l. Provisions for the identification of market  
4 areas to be serviced by each accountable health plan.  
5 Rules developed pursuant to this paragraph shall  
6 promote expansion of accountable health plans into all  
7 geographic areas of the state.

8 m. The director shall make, or cause to be made,  
9 inspections as the director deems necessary in order  
10 to determine compliance with section 135.110, this  
11 section, and sections 135.112 and 135.113, and  
12 applicable rules.

13 3. This section and rules adopted pursuant to this  
14 section are intended to provide immunity from federal  
15 antitrust law under the state action doctrine  
16 exemption.

17 **Sec. 5. NEW SECTION. 135.112 LICENSING REQUIRED.**

18 1. An accountable health plan shall not operate  
19 unless the plan is licensed by the department. The  
20 director shall adopt rules as provided in section  
21 135.111 establishing a licensing procedure. A license  
22 shall not be issued by the department unless the  
23 director finds that the accountable health plan  
24 satisfies, at a minimum, all of the following:  
25 a. The ability to be responsible for the full  
26 continuum of required health care and related costs  
27 for the defined population that the accountable health  
28 plan will serve.

29 b. Financial solvency.

30 c. The ability to satisfy established standards  
31 related to the quality of care provided.

32 d. The ability to fully comply with the provisions  
33 of this section and all applicable rules.

34 2. The department shall establish by rule a



35 reasonable filing fee to be submitted with a license  
36 application and each renewal application. A license  
37 shall be renewed annually. A license issued pursuant  
38 to this section expires on December 31 of the calendar  
39 year for which the license was granted. Fees received  
40 by the department shall be retained by the department  
41 to offset costs associated with the administration of  
42 this chapter.

43 3. An accountable health plan may be organized and  
44 licensed as a nonprofit or for-profit plan.

45 Sec. 6. NEW SECTION. 135.113 DEFINITIONS.

46 For purposes of sections 135.110 through 135.112,  
47 unless the context otherwise requires:

48 1. "Hospital" means as defined in section 135B.1.

49 2. "Health care provider" or "provider" or

50 "practitioner" means a person licensed or certified

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1 pursuant to chapter 148, 148A, 148B, 148C, 149, 150,  
2 150A, 151, 152, 152A, 153, 154, 154B, or 155A, to  
3 provide professional health care services in this  
4 state to an individual during the individual's medical  
5 care, treatment, or confinement.

6 Sec. 7. Section 422.7, Code Supplement 1993, is  
7 amended by adding the following new subsection:  
8 NEW SUBSECTION. 29. Subtract, to the extent not  
9 otherwise deducted in computing adjusted gross income,  
10 the amounts paid by the taxpayer for the purchase of  
11 health insurance for the taxpayer or taxpayer's spouse  
12 or dependent.

13 Sec. 8. Section 505.7, subsection 1, Code  
14 Supplement 1993, is amended to read as follows:

15 1. All fees and charges which are required by law  
16 to be paid by insurance companies, ~~and~~ associations,  
17 and other regulated entities shall be payable to the  
18 commissioner of the insurance division of the  
19 department of commerce or department of revenue and  
20 finance, as provided by law, whose duty it shall be to  
21 account for and pay over the same to the treasurer of  
22 state at the time and in the manner provided by law  
23 for deposit in the general fund of the state.

24 Sec. 9. Section 505.7, Code Supplement 1993, is  
25 amended by adding the following new subsection:

26 NEW SUBSECTION. 8. The commissioner may assess  
27 the costs of an audit or examination to a health  
28 insurance purchasing cooperative authorized under  
29 section 514I.1, in the same manner as provided for  
30 insurance companies under sections 507.7 through  
31 507.9, and may establish by rule reasonable filing

32 fees to fund the cost of regulatory oversight.

33 Sec. 10. Section 505.8, Code 1993, is amended by  
34 adding the following new subsection:

35 NEW SUBSECTION. 6. The commissioner shall  
36 supervise all health insurance purchasing cooperatives  
37 providing services or operating within the state and  
38 the organization of domestic cooperatives. The  
39 commissioner may admit nondomestic health insurance  
40 purchasing cooperatives under the same standards as  
41 domestic cooperatives. Health insurance purchasing  
42 cooperatives are subject to rules adopted by the  
43 commissioner pursuant to section 514I.1.

44 Sec. 11. Section 509A.6, Code 1993, is amended by  
45 adding the following new unnumbered paragraph:

46 NEW UNNUMBERED PARAGRAPH. The governing body may  
47 also enroll in and contract with a health insurance  
48 purchasing cooperative authorized pursuant to section  
49 514I.1.

50 Sec. 12. Section 513B.2, subsection 12, unnumbered

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1 paragraph 1, Code Supplement 1993, is amended to read  
2 as follows:

3 "Late enrollee" means an eligible employee or  
4 dependent who requests enrollment in a health benefit  
5 plan of a small employer following the initial  
6 enrollment period for which such individual is  
7 entitled to enroll under the terms of the health  
8 benefit plan, provided the initial enrollment period  
9 is a period of at least thirty one hundred eighty  
10 days. An eligible employee or dependent shall not be  
11 considered a late enrollee if any of the following  
12 apply:

13 Sec. 13. Section 513B.2, subsection 12, paragraph  
14 a, subparagraph (3), Code Supplement 1993, is amended  
15 to read as follows:

16 (3) The individual requests enrollment within  
17 thirty one hundred eighty days after termination of  
18 the qualifying previous coverage.

19 Sec. 14. Section 513B.2, subsection 12, paragraph  
20 c, Code Supplement 1993, is amended to read as  
21 follows:

22 c. A court has ordered that coverage be provided  
23 for a spouse or minor or dependent child under a  
24 covered employee's health benefit plan and the request  
25 for enrollment is made within thirty one hundred  
26 eighty days after issuance of the court order.

27 Sec. 15. Section 513B.2, subsection 16, Code  
28 Supplement 1993, is amended to read as follows:

29 16. "Small employer" means a person actively  
30 engaged in business who, on at least fifty percent of  
31 the employer's working days during the preceding year,  
32 employed not less than two and not more than ~~twenty-~~  
33 ~~five~~ fifty full-time equivalent eligible employees.  
34 In determining the number of eligible employees,  
35 companies which are affiliated companies or which are  
36 eligible to file a combined tax return for purposes of  
37 state taxation are considered one employer.  
38 Sec. 16. Section 513B.4, Code Supplement 1993, is  
39 amended by adding the following new subsection:  
40 NEW SUBSECTION. 1A. Notwithstanding subsection 1,  
41 there shall be no variance in premium rates for a  
42 basic or standard benefit plan offered pursuant to  
43 this chapter for any of the factors as provided for in  
44 subsection 1.  
45 Sec. 17. Section 513B.4, subsection 2, unnumbered  
46 paragraph 2, Code Supplement 1993, is amended by  
47 striking the paragraph and inserting in lieu thereof  
48 the following:  
49 Case characteristics other than family composition  
50 and group size shall not be used by a small employer

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1 carrier without the prior approval of the  
2 commissioner.  
3 Sec. 18. Section 513B.4, Code Supplement 1993, is  
4 amended by adding the following new subsection:  
5 NEW SUBSECTION. 5. Notwithstanding subsection 1,  
6 the commissioner shall by order reduce or eliminate  
7 the allowed rating bands provided under subsection 1,  
8 paragraphs "a", "b", and "c", or otherwise limit or  
9 eliminate the use of experience rating.  
10 Sec. 19. Section 513B.10, subsection 3, paragraph  
11 a, unnumbered paragraph 1, Code Supplement 1993, is  
12 amended to read as follows:  
13 The plan shall not deny, exclude, or limit  
14 benefits for a covered individual for losses incurred  
15 more than ~~twelve~~ six months following the effective  
16 date of the individual's coverage due to a preexisting  
17 condition. A health benefit plan shall not define a  
18 preexisting condition more restrictively than the  
19 following:  
20 Sec. 20. Section 513B.37, subsection 1, paragraph  
21 a, Code Supplement 1993, is amended to read as  
22 follows:  
23 a. What benefits or direct pay requirements must  
24 be minimally included in a basic or standard benefit  
25 coverage policy or subscription contract.

26 Sec. 21. Section 513B.38, Code Supplement 1993, is  
27 amended by adding the following new subsections:  
28 **NEW SUBSECTION. 4.** Upon the determination of the  
29 commissioner pursuant to section 513B.37, subsection  
30 1, paragraph "a", to include expanded preventative  
31 care services and mental health and substance abuse  
32 treatment coverage, the commissioner shall do all of  
33 the following:  
34 a. Adopt by rule, with all due diligence,  
35 requirements for the provision of expanded coverage  
36 for benefits for expanded preventative care services.  
37 b. Adopt by rule, with all due diligence,  
38 requirements for the provision of coverage for  
39 benefits for mental health and substance abuse  
40 services, which shall be on the same terms and  
41 conditions as such coverage is provided for other  
42 illnesses and diseases.  
43 **NEW SUBSECTION. 5.** A policy of accident and  
44 sickness insurance, a health maintenance organization  
45 contract, an accountable health plan contract, or  
46 other policy of health insurance shall not provide a  
47 lifetime maximum limit of coverage.  
48 Sec. 22. **NEW SECTION. 513C.1 SHORT TITLE.**  
49 This chapter shall be known and may be cited as the  
50 "Individual Health Insurance Market Reform Act".

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1 Sec. 23. **NEW SECTION. 513C.2 PURPOSE.**  
2 The purpose and intent of this chapter is to  
3 promote the availability of health insurance coverage  
4 to individuals regardless of their health status or  
5 claims experience, to prevent abusive rating  
6 practices, to require disclosure of rating practices  
7 to purchasers, to establish rules regarding the  
8 renewal of coverage, to establish limitations on the  
9 use of preexisting condition exclusions, to provide  
10 for the development of a core group of basic or  
11 standard health benefits to be offered to all  
12 individuals, and to improve the overall fairness and  
13 efficiency of the individual health insurance market.  
14 Sec. 24. **NEW SECTION. 513C.3 DEFINITIONS.**  
15 As used in this chapter, unless the context  
16 otherwise requires:  
17 1. "Actuarial certification" means a written  
18 statement by a member of the American academy of  
19 actuaries or other individual acceptable to the  
20 commissioner that an individual carrier is in  
21 compliance with the provision of section 513C.5 which  
22 is based upon the actuary's or individual's

23 examination, including a review of the appropriate  
24 records and the actuarial assumptions and methods used  
25 by the carrier in establishing premium rates for  
26 applicable individual health benefit plans.

27 2. "Affiliate" or "affiliated" means any entity or  
28 person who directly or indirectly through one or more  
29 intermediaries, controls or is controlled by, or is  
30 under common control with, a specified entity or  
31 person.

32 3. "Basic or standard health benefit plan" means  
33 the core group of health benefits developed pursuant  
34 to section 513C.8.

35 4. "Block of business" means all the individuals  
36 insured under the same individual health benefit plan.

37 5. "Carrier" means any entity that provides  
38 individual health benefit plans in this state. For  
39 purposes of this chapter, carrier includes an  
40 insurance company, a group hospital or medical service  
41 corporation, a fraternal benefit society, a health  
42 maintenance organization, an accountable health plan,  
43 and any other entity providing an individual plan of  
44 health insurance or health benefits subject to state  
45 insurance regulation.

46 6. "Commissioner" means the commissioner of  
47 insurance.

48 7. "Eligible individual" means an individual who  
49 is a resident of this state and who either has  
50 qualifying existing coverage or has had qualifying

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1 existing coverage within the immediately preceding one  
2 hundred eighty days, or an individual who has had a  
3 qualifying event occur within the immediately  
4 preceding one hundred eighty days.

5 8. "Established service area" means a geographic  
6 area, as approved by the commissioner and based upon  
7 the carrier's certificate of authority to transact  
8 insurance in this state, within which the carrier is  
9 authorized to provide coverage.

10 9. "Filed rate" means, for a rating period related  
11 to each block of business, the rate charged to all  
12 individuals with similar rating characteristics for  
13 individual health benefit plans.

14 10. "Individual health benefit plan" means any  
15 hospital or medical expense incurred policy or  
16 certificate, hospital or medical service plan, or  
17 health maintenance organization subscriber contract.  
18 sold to an individual, or any discretionary group  
19 trust or association policy providing hospital or

20 medical expense incurred coverage to individuals.  
21 Individual health benefit plan does not include a  
22 self-insured group health plan, a self-insured  
23 multiple employer group health plan, a group  
24 conversion plan, an insured group health plan,  
25 accident-only, specified disease, short-term hospital  
26 or medical, hospital confinement indemnity, credit,  
27 dental, vision, medicare supplement, long-term care,  
28 or disability income insurance coverage, coverage  
29 issued as a supplement to liability insurance,  
30 workers' compensation or similar insurance, or  
31 automobile medical payment insurance.

32 11. "Premium" means all moneys paid by an  
33 individual and eligible dependents as a condition of  
34 receiving coverage from a carrier, including any fees  
35 or other contributions associated with an individual  
36 health benefit plan.

37 12. "Qualifying event" means any of the following:

38 a. Loss of eligibility for medical assistance  
39 provided pursuant to chapter 249A or medicare coverage  
40 provided pursuant to Title XVIII of the federal Social  
41 Security Act.

42 b. Loss or change of dependent status under  
43 qualifying previous coverage.

44 c. The attainment by an individual of the age of  
45 majority.

46 13. "Qualifying existing coverage" or "qualifying  
47 previous coverage" means benefits or coverage provided  
48 under either of the following:

49 a. Any group health insurance that provides  
50 benefits similar to or exceeding benefits provided

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1 under the standard health benefit plan, provided that  
2 such policy has been in effect for a period of at  
3 least one year.

4 b. An individual health insurance benefit plan,  
5 including coverage provided under a health maintenance  
6 organization contract, a hospital or medical service  
7 plan contract, or a fraternal benefit society  
8 contract, that provides benefits similar to or  
9 exceeding the benefits provided under the standard  
10 health benefit plan, provided that such policy has  
11 been in effect for a period of at least one year.

12 14. "Rating characteristics" means demographic or  
13 other objective characteristics of individuals which  
14 are considered by the carrier in the determination of  
15 premium rates for the individuals and which are  
16 approved by the commissioner.

17 15. "Rating period" means the period for which  
18 premium rates established by a carrier are in effect.

19 16. "Restricted network provision" means a  
20 provision of an individual health benefit plan that  
21 conditions the payment of benefits, in whole or in  
22 part, on the use of health care providers that have,  
23 entered into a contractual arrangement with the  
24 carrier to provide health care services to covered  
25 individuals.

26 Sec. 25. NEW SECTION. 513C.4 APPLICABILITY AND  
27 SCOPE.

28 This chapter applies to an individual health  
29 benefit plan delivered or issued for delivery to  
30 residents of this state on or after July 1, 1994.

31 1. Except as provided in subsection 2, for  
32 purposes of this chapter, carriers that are affiliated  
33 companies or that are eligible to file a consolidated  
34 tax return shall be treated as one carrier and any  
35 restrictions or limitations imposed by this chapter  
36 shall apply as if all individual health benefit plans  
37 delivered or issued for delivery to residents of this  
38 state by such affiliated carriers were issued by one  
39 carrier.

40 2. An affiliated carrier that is a health  
41 maintenance organization having a certificate of  
42 authority under section 513C.5 shall be considered to  
43 be a separate carrier for the purposes of this  
44 chapter.

45 Sec. 26. NEW SECTION. 513C.5 RESTRICTIONS  
46 RELATING TO PREMIUM RATES.

47 1. Premium rates for any block of individual  
48 health benefit plan business issued on or after July  
49 1, 1994, by a carrier subject to this chapter are  
50 subject to the composite effect of all of the

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1 following:

2 a. After making actuarial adjustments based upon  
3 benefit design and rating characteristics, the filed  
4 rate for any block of business shall not exceed the  
5 filed rate for any other block of business by more  
6 than twenty percent.

7 b. The filed rate for any block of business shall  
8 not exceed the filed rate for any other block of  
9 business by more than thirty percent due to factors  
10 relating to rating characteristics.

11 c. The carrier shall not apply gender or industry  
12 classification rating characteristics.

13 d. Experience rating characteristics other than

14 family composition and group size shall not be used by  
15 a carrier without the prior approval of the  
16 commissioner.

17 e. Premium rates for individual health benefit  
18 plans shall comply with the requirements of this  
19 section notwithstanding any assessments paid or  
20 payable by the carrier pursuant to any reinsurance  
21 program or risk adjustment mechanism.

22 f. An adjustment, not to exceed fifteen percent  
23 annually due to the claim experience or health status  
24 of a block of business.

25 g. For purposes of this subsection, an individual  
26 health benefit plan that contains a restricted network  
27 provision shall not be considered similar coverage to  
28 an individual health benefit plan that does not  
29 contain such a provision, provided that the  
30 differential in payments made to network providers  
31 results in substantial differences in claim costs.

32 2. Notwithstanding subsection 1, the commissioner  
33 shall by order reduce or eliminate the allowed rating  
34 bands provided under subsection 1, paragraphs "a",  
35 "b", "c", and "g", or otherwise limit or eliminate the  
36 use of experience rating.

37 3. A carrier shall not transfer an individual  
38 involuntarily into or out of a block of business.

39 4. The commissioner may suspend for a specified  
40 period the application of subsection 1, paragraph "a",  
41 as to the premium rates applicable to one or more  
42 blocks of business of a carrier for one or more rating  
43 periods upon a filing by the carrier requesting the  
44 suspension and a finding by the commissioner that the  
45 suspension is reasonable in light of the financial  
46 condition of the carrier.

47 5. A carrier shall make a reasonable disclosure at  
48 the time of the offering for sale of any individual  
49 health benefit plan of all of the following:

50 a. The extent to which premium rates for a

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1 specified individual are established or adjusted based  
2 upon rating characteristics.

3 b. The carrier's right to change premium rates,  
4 and the factors, other than claim experience, that  
5 affect changes in premium rates.

6 c. The provisions relating to the renewal of  
7 policies and contracts.

8 d. Any provisions relating to any preexisting  
9 condition.

10 e. All plans offered by the carrier, the prices of



11 such plans, and the availability of such plans to the  
12 individual.

13 6. A carrier shall maintain at its principal place  
14 of business a complete and detailed description of its  
15 rating practices, including information and  
16 documentation that demonstrate that its rating methods  
17 and practices are based upon commonly accepted  
18 actuarial assumptions and are in accordance with sound  
19 actuarial principles.

20 7. A carrier shall file with the commissioner  
21 annually on or before March 15, an actuarial  
22 certification certifying that the carrier is in  
23 compliance with this chapter and that the rating  
24 methods of the carrier are actuarially sound. The  
25 certification shall be in a form and manner and shall  
26 contain information as specified by the commissioner.  
27 A copy of the certification shall be retained by the  
28 carrier at its principal place of business. Rate  
29 adjustments made in order to comply with this section  
30 are exempt from loss ratio requirements.

31 8. A carrier shall make the information and  
32 documentation maintained pursuant to subsection 5  
33 available to the commissioner upon request. The  
34 information and documentation shall be considered  
35 proprietary and trade secret information and shall not  
36 be subject to disclosure by the commissioner to  
37 persons outside of the division except as agreed to by  
38 the carrier or as ordered by a court of competent  
39 jurisdiction.

40 Sec. 27. NEW SECTION. 513C.6 RENEWAL OF  
41 COVERAGE.

42 1. An individual health benefit plan is renewable  
43 at the option of the individual, except in any of the  
44 following cases:

- 45 a. Nonpayment of the required premiums.
- 46 b. Fraud or misrepresentation.
- 47 c. The insured individual becomes eligible for  
48 medicare coverage under Title XVIII of the federal  
49 Social Security Act.
- 50 d. The carrier elects not to renew all of its

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1 individual health benefit plans in the state. In such  
2 case, the carrier shall provide notice of the decision  
3 not to renew coverage to all affected individuals and  
4 to the commissioner in each state in which an affected  
5 insured individual is known to reside at least ninety  
6 days prior to the nonrenewal of the health benefit  
7 plan by the carrier. Notice to the commissioner under

8 the paragraph shall be provided at least three working  
9 days prior to the notice to the affected individuals.

10 e. The commissioner finds that the continuation of  
11 the coverage would not be in the best interests of the  
12 policyholders or certificate holders, or would impair  
13 the carrier's ability to meet its contractual  
14 obligations.

15 2. A carrier that elects not to renew all of its  
16 individual health benefit plans in this state shall be  
17 prohibited from writing new individual health benefit  
18 plans in this state for a period of five years from  
19 the date of the notice to the commissioner.

20 3. With respect to a carrier doing business in an  
21 established geographic service area of the state, this  
22 section applies only to the carrier's operations in  
23 the service area.

24 Sec. 28. NEW SECTION. 513C.7 AVAILABILITY OF  
25 COVERAGE.

26 1. A carrier issuing an individual health benefit  
27 plan in this state shall issue a basic or standard  
28 health benefit plan to an eligible individual who  
29 applies for a plan and agrees to make the required  
30 premium payments and to satisfy other reasonable  
31 provisions of the basic or standard health benefit  
32 plan. An insurer is not required to issue a basic or  
33 standard health benefit plan to an individual who  
34 meets any of the following criteria:

35 a. The individual is covered or is eligible for  
36 coverage under a health benefit plan provided by the  
37 individual's employer.

38 b. An eligible individual who does not apply for a  
39 basic or standard health benefit plan within one  
40 hundred eighty days of a qualifying event or within  
41 one hundred eighty days upon becoming ineligible for  
42 qualifying existing coverage.

43 c. The individual is covered or is eligible for  
44 any continued group coverage under section 4980b of  
45 the Internal Revenue Code, sections 601 through 608 of  
46 the federal Employee Retirement Income Security Act of  
47 1974, sections 2201 through 2208 of the federal Public  
48 Health Service Act, or any state-required continued  
49 group coverage. For purposes of this subsection, an  
50 individual who would have been eligible for such

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1 continuation of coverage, but is not eligible solely  
2 because the individual or other responsible party  
3 failed to make the required coverage election during  
4 the applicable time period, is deemed to be eligible

5 for such group coverage until the date on which the  
6 individual's continuing group coverage would have  
7 expired had an election been made.

8 2. A carrier shall issue the basic or standard  
9 health insurance benefit plan to an individual  
10 currently covered by an underwritten benefit plan  
11 issued by that carrier at the option of the  
12 individual. This option must be exercised within one  
13 hundred eighty days of notification of a premium rate  
14 increase applicable to the underwritten benefit plan.

15 3. A carrier shall file with the commissioner, in  
16 a form and manner prescribed by the commissioner, the  
17 basic or standard health benefit plan to be used by  
18 the carrier. A basic or standard health benefit plan  
19 filed pursuant to this subsection may be used by a  
20 carrier beginning thirty days after it is filed unless  
21 the commissioner disapproves of its use.

22 The commissioner may at any time, after providing  
23 notice and an opportunity for a hearing to the  
24 carrier, disapprove the continued use by a carrier of  
25 a basic or standard health benefit plan on the grounds  
26 that the plan does not meet the requirements of this  
27 chapter.

28 4. a. The individual basic or standard health  
29 benefit plan shall not deny, exclude, or limit  
30 benefits for a covered individual for losses incurred  
31 more than six months following the effective date of  
32 the individual's coverage due to a preexisting  
33 condition. A preexisting condition shall not be  
34 defined more restrictively than any of the following:

35 (1) A condition that would cause an ordinarily  
36 prudent person to seek medical advice, diagnosis,  
37 care, or treatment during the six months immediately  
38 preceding the effective date of coverage.

39 (2) A condition for which medical advice,  
40 diagnosis, care, or treatment was recommended or  
41 received during the six months immediately preceding  
42 the effective date of coverage.

43 (3) A pregnancy existing on the effective date of  
44 coverage.

45 b. A carrier shall waive any time period  
46 applicable to a preexisting condition exclusion or  
47 limitation period with respect to particular services  
48 in an individual health benefit plan for the period of  
49 time an individual was previously covered by  
50 qualifying previous coverage that provided benefits.

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1 with respect to such services, provided that the  
2 qualifying previous coverage was continuous to a date  
3 not more than one hundred eighty days prior to the  
4 effective date of the new coverage.

5 5. A carrier is required to offer coverage or  
6 accept applications pursuant to subsection 1 from any  
7 individual residing in the carrier's established  
8 geographic access area.

9 6. A carrier shall not modify a basic or standard  
10 health benefit plan with respect to an individual or  
11 dependent through riders, endorsements, or other means  
12 to restrict or exclude coverage for certain diseases  
13 or medical conditions otherwise covered by the health  
14 benefit plan.

15 Sec. 29. NEW SECTION. 513C.8 HEALTH BENEFIT  
16 PLAN STANDARDS.

17 The commissioner shall adopt by rule the form and  
18 level of coverage of the basic health benefit plan and  
19 the standard health benefit plan for the individual  
20 market which shall be the same as provided for under  
21 chapter 513B with respect to small group coverage.

22 Sec. 30. NEW SECTION. 513C.9 STANDARDS TO ASSURE  
23 FAIR MARKETING.

24 1. A carrier issuing individual health benefit  
25 plans in this state shall make available the basic or  
26 standard health benefit plan to residents of this  
27 state. If a carrier denies other individual health  
28 benefit plan coverage to an eligible individual on the  
29 basis of the health status or claims experience of the  
30 eligible individual, or the individual's dependents,  
31 the carrier shall offer the individual the opportunity  
32 to purchase a basic or standard health benefit plan.

33 2. A carrier or an agent shall not do either of  
34 the following:

35 a. Encourage or direct individuals to refrain from  
36 filing an application for coverage with the carrier  
37 because of the health status, claims experience,  
38 industry occupation, or geographic location of the  
39 individuals.

40 b. Encourage or direct individuals to seek  
41 coverage from another carrier because of the health  
42 status, claims experience, industry occupation, or  
43 geographic location of the individuals.

44 3. Subsection 2, paragraph "a", shall not apply  
45 with respect to information provided by a carrier or  
46 an agent to an individual regarding the established  
47 geographic service area of the carrier or the  
48 restricted network provision of the carrier.

49 4. A carrier shall not, directly or indirectly,  
50 enter into any contract, agreement, or arrangement

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1 with an agent that provides for, or results in, the  
2 compensation paid to an agent for a sale of a basic or  
3 standard health benefit plan to vary because of the  
4 health status or permitted rating characteristics of  
5 the individual or the individual's dependents.

6 5. Subsection 4 does not apply with respect to the  
7 compensation paid to an agent on the basis of  
8 percentage of premium, provided that the percentage  
9 shall not vary because of the health status or other  
10 permitted rating characteristics of the individual or  
11 the individual's dependents.

12 6. Denial by a carrier of an application for  
13 coverage from an individual shall be in writing and  
14 shall state the reason or reasons for the denial.

15 7. A violation of this section by a carrier or an  
16 agent is an unfair trade practice under chapter 507B.

17 8. If a carrier enters into a contract, agreement,  
18 or other arrangement with a third-party administrator  
19 to provide administrative, marketing, or other  
20 services related to the offering of individual health  
21 benefit plans in this state, the third-party  
22 administrator is subject to this section as if it were  
23 a carrier.

24 **Sec. 31. NEW SECTION. 513D.1 EMPLOYER REQUIRED**  
25 **TO PROVIDE ACCESS TO HEALTH CARE COVERAGE --PENALTIES.**

26 1. An employer doing business within this state  
27 shall offer each employee, at a minimum, meaningful  
28 access to health insurance. The requirement contained  
29 in this section may be satisfied by offering the  
30 following:

31 a. Health care coverage through an insurer or  
32 health maintenance organization authorized to do  
33 business in this state.

34 b. Enrollment in an Iowa-licensed health insurance  
35 purchasing cooperative. A cooperative may require  
36 payroll deduction of employee contributions and direct  
37 deposit of premium payments to the account of the  
38 cooperative.

39 c. Access to health benefits through a health  
40 benefits plan qualified under the federal Employee  
41 Retirement Income Security Act of 1974, if the  
42 employer is self-insured.

43 2. An employer is not required to financially  
44 contribute toward the employee's health plan.

45 3. A violation of this section may be reported to

46 the consumer and legal affairs bureau in the insurance  
47 division. The division may issue, upon a finding that  
48 an employer has failed to offer an employee access to  
49 health insurance, any of the following:  
50 a. A cease and desist order instructing the

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1 employer to cure the failure and desist from future  
2 violations of this section.

3 b. An order requiring an employer who has  
4 previously been the subject of a cease and desist  
5 order to pay an employee's reasonable health insurance  
6 premiums necessary to prevent or cure a lapse in  
7 health care coverage arising out of the employer's  
8 failure to offer as required.

9 c. An order upon the employer assessing the  
10 reasonable costs of the division's investigation and  
11 enforcement action.

12 Sec. 32. NEW SECTION. 514C.8 PROVIDER ACCESS  
13 UNDER MANAGED CARE HEALTH PLAN OR INDEMNITY PLAN  
14 WITH

15 LIMITED PROVIDER NETWORK.

16 A managed care health plan or indemnity plan with a  
17 limited provider network shall provide patients direct  
18 access to providers licensed under chapter 148, 148A,  
19 148B, 148C, 149, 150, 150A, 151, 152, 152A, 153, 154,  
20 154B, or 155A. Access to such provider shall not be  
21 made conditional upon a referral by a provider  
22 licensed under another chapter. Referral to a  
23 specialist may be conditioned upon referral by a  
24 primary care provider licensed under the same chapter.  
25 Access to a class of providers licensed under one  
26 chapter shall not be subject to a copayment,  
27 deductible, or premium rate different than provided  
28 for access to a class of providers licensed under  
29 another chapter. Access to a specialist may be  
30 subject to a different copayment or deductible than  
31 access to a primary care provider. Access to a  
32 nonparticipating provider may be restricted, or may be  
33 subject to different copayments, deductibles, or  
34 premium rates.

35 For purposes of this section, "managed care health  
36 plan or indemnity plan with a limited provider  
37 network" means a health maintenance organization,  
38 accountable health plan, preferred provider  
39 organization, exclusive provider organization, point  
40 of service plan, or similar health plan.

41 This section does not apply if an employer offers  
42 employees a choice of health plans, either directly or

42 indirectly through a health insurance purchasing  
43 cooperative, provided that the offered choices include  
44 at least one indemnity plan with unrestricted choice  
45 of provider, or at least one managed care health plan  
46 or indemnity plan with a limited provider network  
47 which provides access as defined in this section.  
48 Sec. 33. NEW SECTION. 514I.1 NONPROFIT HEALTH  
49 INSURANCE PURCHASING COOPERATIVES.  
50 1. The commissioner of insurance shall adopt rules

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1 and a licensing procedure for authorizing the  
2 establishment of a nonprofit health insurance  
3 purchasing cooperative. The rules shall include, at a  
4 minimum, all of the following:  
5 a. Procedures to sanction voluntary agreements  
6 between competitors within the service region of a  
7 nonprofit health insurance purchasing cooperative,  
8 upon a finding by the commissioner that the agreement  
9 will improve the quality of, access to, or  
10 affordability of health care, but which agreement  
11 might be a violation of antitrust laws if undertaken  
12 without government direction and approval.  
13 b. Procedures to assure ongoing supervision of  
14 contracts sanctioned under this subsection, in order  
15 to assure that the contracts do in fact improve health  
16 care quality, access, or affordability. Approval may  
17 be withdrawn on a prospective basis at the discretion  
18 of the commissioner if necessary to improve health  
19 care quality, access, and affordability.  
20 c. A requirement to review the plan of operation  
21 of a nonprofit health insurance purchasing  
22 cooperative, and standards for approval or disapproval  
23 of a plan.  
24 d. A requirement that a plan of operation include  
25 guaranteed access and rating practices no more  
26 restrictive than those required of competitors within  
27 a market segment, such as small group health insurers  
28 regulated under chapter 513B, or individual or large  
29 group insurers regulated under chapter 514A or 514D.  
30 The commissioner shall regulate all health plans and  
31 nonprofit health insurance purchasing cooperatives to  
32 assure that to the greatest extent possible all health  
33 insurance or health benefit marketing channels within  
34 a market segment are subject to the same rules of  
35 access, underwriting, risk spreading, and rate  
36 regulation.  
37 e. A requirement that the nonprofit health  
38 insurance purchasing cooperative be governed by a

39 board of directors consisting of twelve members,  
40 including seven members who are consumers.  
41 f. A requirement that the members of the board of  
42 directors be free of conflicts of interest and that  
43 the members of the board file an annual financial  
44 disclosure report with the commissioner.  
45 g. A requirement that the board of directors  
46 conduct all official business during open meetings.  
47 h. A requirement that the nonprofit health  
48 insurance purchasing cooperative shall have a consumer  
49 ombudsman whose exclusive duties shall be to assist  
50 and advocate for subscribers enrolled in the

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1 cooperative.  
2 i. An annual report to be submitted to the general  
3 assembly no later than February 1, describing the  
4 operations of all nonprofit health insurance  
5 purchasing cooperatives, and permitting review of the  
6 success of nonprofit health insurance purchasing  
7 cooperatives in furthering the goals of improved  
8 health care quality, access, or affordability. The  
9 report shall include any recommendations on whether  
10 additional nonprofit health insurance purchasing  
11 cooperatives should be established.

12 2. This section does not prevent the development  
13 of any other health insurance or pooled purchasing  
14 arrangements otherwise permitted by law.  
15 3. This section and rules adopted pursuant to this  
16 section are intended to provide immunity from federal  
17 antitrust law under the state action doctrine  
18 exemption.

19 **Sec. 34. RURAL PRIMARY CARE INITIATIVE --PHYSICIAN**  
20 **RESPITE PROGRAM.** The Iowa department of public  
21 health, in cooperation with the university of Iowa  
22 college of medicine and the university of osteopathic  
23 medicine and health sciences, shall develop and  
24 establish a rural primary care initiative. The rural  
25 primary care initiative shall, at a minimum, focus on  
26 the expansion of the family practice residency program  
27 and training of rural physicians, physician  
28 assistants, and advanced registered nurse practitioner  
29 health care teams, and the development of a physician,  
30 physician assistant, and advanced registered nurse  
31 practitioner respite programs in the rural areas of  
32 Iowa. The department shall submit a written report to  
33 the general assembly no later than January 9, 1995,  
34 concerning the status of the development of the rural  
35 primary care initiative, and include any legislative



36 recommendations necessary to complete implementation  
37 of the initiative.

38 Sec. 35. HEALTH INSURANCE COST DEDUCTION --  
39 CONTINGENT EFFECT. Section 7 of this Act, which  
40 amends section 422.7 by adding a new subsection 29, is  
41 effective upon the enactment of a federal individual  
42 income tax provision authorizing the deduction in  
43 computing federal adjusted gross income of one hundred  
44 percent of the cost of the purchase of health  
45 insurance. Section 7 of this Act applies to tax years  
46 designated in the federal enactment of the health  
47 insurance cost deduction.

48 Sec. 36. NOTICE OF EFFECTIVENESS. The director of  
49 revenue and finance shall notify the governor, the  
50 chairpersons and ranking members of the senate and

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1 house ways and means committees, the Iowa Code editor,  
2 and the legislative fiscal bureau when section 7,  
3 which amends section 422.7, of this Act becomes  
4 effective.

5 Sec. 37. UNIVERSAL COVERAGE -- TASK FORCE  
6 ESTABLISHED.

7 1. The state shall provide for universal health  
8 care benefit coverage by no later than January 1,  
9 1998.

10 2. A task force is created to do all of the  
11 following:

12 a. (1) Recommend a comprehensive set of  
13 guaranteed benefits for every Iowan and determine the  
14 cost of providing such benefits. The task force shall  
15 include in guaranteed benefits, at a minimum, all of  
16 the following:

17 (a) Preventative health services.

18 (b) Hospital services.

19 (c) Physician services.

20 (d) Services provided by other licensed providers,  
21 including essential community providers.

22 (e) Long-term care, including home care aide  
23 services and community-based services.

24 (f) Prescriptions and biologicals.

25 (g) Dental.

26 (h) Mental health and substance abuse services,  
27 which shall be provided the same as benefits for  
28 physical illness.

29 (2) Provide a written report to the general  
30 assembly no later than January 9, 1995, including the  
31 comprehensive set of guaranteed benefits recommended  
32 by the task force, and any other recommendations as

33 deemed necessary by the task force. The general  
34 assembly shall review the report and take action  
35 during the 1995 Regular Session of the general  
36 assembly on such recommendations, as appropriate.  
37 b. Make recommendations related to the containment  
38 of health care costs. The task force shall do all of  
39 the following:

- 40 (1) Develop budget and expenditure targets for  
41 health care spending.
- 42 (2) Establish limits on insurance administrative  
43 costs.
- 44 (3) Review single payor, managed competition, and  
45 other structures for administering health benefit  
46 coverages.
- 47 (4) Develop other health cost containment  
48 mechanisms that ensure accessibility to quality,  
49 affordable health care by all Iowans.

50 Additionally, the task force shall examine and

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1 evaluate, as part of the study of health care cost  
2 containment, the benefits of establishing a single  
3 mandatory, nonprofit health insurance purchasing  
4 cooperative for all Iowans, granted the authority to  
5 negotiate premium limits with insurers and managed  
6 care plans.

7 The task force shall provide a written report to  
8 the general assembly no later than January 8, 1996,  
9 including the cost containment recommendations of the  
10 task force, and any other recommendations as deemed  
11 necessary by the task force. The general assembly  
12 shall review the report and take action during the  
13 1996 Regular Session of the general assembly on such  
14 recommendations, as appropriate.

15 c. Recommend a fair and appropriate financing  
16 mechanism for providing the comprehensive set of  
17 guaranteed benefits recommended pursuant to paragraph  
18 "a", which shall include a level of contribution by  
19 each employer, and the identification of additional  
20 funding sources sufficient to allow for the  
21 development of sliding scale subsidies for businesses  
22 with low-wage workers, self-employed individuals, and  
23 other persons as recommended by the task force and  
24 approved by the general assembly. The task force  
25 shall provide a written report to the general assembly  
26 no later than January 13, 1997, including the  
27 financing mechanism and funding sources recommended by  
28 the task force, and any other recommendations as  
29 deemed necessary by the task force. The general

30 assembly shall review the report and take action  
 31 during the 1997 Regular Session of the general  
 32 assembly on such recommendations, as appropriate.  
 33 3. The task force shall consist of eleven members  
 34 to be appointed by the legislative council, of which  
 35 at least six members shall be consumers. Members of  
 36 the task force shall be reimbursed for all actual and  
 37 necessary expenses incurred in the performance of  
 38 duties as members. Members of the task force shall  
 39 elect a chairperson and vice chairperson and other  
 40 officers as they determine. Meetings of the task  
 41 force shall be held at the call of the chairperson of  
 42 the task force or on written request of four members.

43 Sec. 38. ALTERNATIVE MEDICAL MALPRACTICE DISPUTE  
 44 RESOLUTION PROCEDURES -- MEDICAL SCREENING PANELS --  
 45 STUDY. The supreme court, in cooperation with the  
 46 department of public health and the insurance  
 47 division, shall initiate a study concerning the  
 48 development and use of alternative medical malpractice  
 49 dispute resolution procedures and medical screening  
 50 panels. The study shall include, at a minimum, a

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1 review of existing alternative dispute resolution  
 2 procedures and medical screening panels and provide  
 3 for a comprehensive review of existing statutes and  
 4 court decisions in an effort to maximize the benefits  
 5 of alternative medical malpractice dispute resolution  
 6 procedures that have been successful while assuring  
 7 procedural protections and fair access to the court  
 8 system. Additionally, the study shall include a  
 9 review of the availability of occurrence form of  
 10 medical malpractice insurance for obstetricians and  
 11 other physicians whose practice involves providing  
 12 care services related to the birth of a child, the  
 13 development of recommendations related to providing  
 14 all individuals claiming injury resulting from an act  
 15 of alleged malpractice reasonable and affordable  
 16 access to alternative medical malpractice dispute  
 17 resolution procedures, and a closed claim survey which  
 18 shall include the frequency and severity of outcomes  
 19 related to claims involving alleged malpractice by  
 20 health care providers. The study shall also include  
 21 any recommendations on implementing alternative  
 22 medical malpractice dispute resolution procedures and  
 23 medical screening panels in the state along with a  
 24 corresponding cost benefit analysis related to each  
 25 recommendation.  
 26 Sec. 39. INSURANCE DIVISION STUDIES.

27 1. The insurance division shall review, develop,  
28 and submit a plan for the establishment of an  
29 individual health coverage reinsurance program. The  
30 division shall submit a written report to the general  
31 assembly no later than January 9, 1995, including the  
32 division's plan.

33 2. The insurance division shall review, study, and  
34 make recommendations to the general assembly  
35 concerning the Iowa comprehensive health insurance  
36 association established under chapter 514E, with the  
37 intent to merge the Iowa comprehensive health  
38 insurance program with an individual health  
39 reinsurance program. The division shall submit a  
40 written report to the general assembly no later than  
41 January 9, 1995, including the division's findings and  
42 recommendations.

43 Sec. 40. RURAL HEALTH CARE DELIVERY MODELS. It is  
44 the intent of the general assembly that the department  
45 of inspections and appeals, through the hospital  
46 licensure board, in conjunction with the department of  
47 public health and other appropriate health care  
48 provider licensure boards, as identified by the  
49 departments, review the California alternative rural  
50 hospital model and the community hospital/rural

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1 primary care hospital demonstration project sponsored  
2 by the health care financing administration. The  
3 review shall include an examination of existing  
4 provider licensure statutes and administrative rules  
5 that inhibit or preclude implementation of either  
6 alternative rural health care delivery model and shall  
7 include specific legislative and regulatory strategy  
8 proposals for the removal of such identified barriers.  
9 This written report shall be delivered by the  
10 department of inspections and appeals to the general  
11 assembly on or before January 1, 1995.

12 Sec. 41. APPLICABILITY. Notwithstanding the  
13 provisions of sections 513C.4 and 513C.5, chapter  
14 513C, as enacted in this Act, is not applicable to an  
15 individual health benefit plan delivered or issued for  
16 delivery in this state or to a block of individual  
17 health benefit plan business until such time as rules  
18 implementing the chapter have been adopted by the  
19 insurance division pursuant to chapter 17A.

20 Sec. 42. EFFECTIVE DATE. Section 30 of this Act,  
21 which creates new section 513D.1, is effective January  
22 1, 1995."

TOM VILSACK  
MICHAEL E. GRONSTAL  
PATTY JUDGE  
MIKE CONNOLLY  
JEAN LLOYD-JONES  
JIM RIORDAN  
BILL FINK  
ROBERT E. DVORSKY  
RALPH ROSENBERG

S-5153

- 1 Amend the amendment, S-5152, to Senate File 2222 as  
2 follows:  
3 1. Page 6, lines 43 and 44, by striking the words  
4 "any of the factors as provided for in subsection 1"  
5 and inserting the following: "health status or claim  
6 experience".  
7 2. Page 7, line 27, by striking the word  
8 "subsections" and inserting the following:  
9 "subsection".  
10 3. Page 7, by striking lines 43 through 47.  
11 4. Page 11, by striking lines 11 and 12.  
12 5. Page 11, line 13, by striking the words  
13 "Experiencing rating" and inserting the following:  
14 "Rating".  
15 6. Page 15, line 20, by striking the words "the  
16 same as" and inserting the following: "substantially  
17 similar to those".  
18 7. By renumbering as necessary.

ELAINE SZYMONIAK

S-5154

- 1 Amend the amendment, S-5152, to Senate File 2222,  
2 as follows:  
3 1. Page 16, by inserting after line 23 the  
4 following:  
5 "Sec. \_\_\_\_ . NEW SECTION. 513C.10 IOWA INDIVIDUAL  
6 HEALTH BENEFIT REINSURANCE ASSOCIATION.  
7 1. A nonprofit corporation is established to be  
8 known as the Iowa individual health benefit  
9 reinsurance association. All persons that provide  
10 health benefit plans in this state including insurers  
11 providing accident and sickness insurance under  
12 chapter 509, 514, or 514A; fraternal benefit societies  
13 providing hospital, medical, or nursing benefits under  
14 chapter 512B; health maintenance organizations,  
15 accountable health plans, and all other entities

16 providing health insurance or health benefits subject  
17 to state insurance regulation shall be members of this  
18 association. The association shall be incorporated  
19 under chapter 504A, shall operate under a plan of  
20 operation established and approved pursuant to chapter  
21 504A, and shall exercise its powers through a board of  
22 directors established under this section.

23 2. The initial board of directors of the  
24 association shall consist of seven members as follows:

25 a. Four members shall be representatives of the  
26 four largest carriers of individual health insurance  
27 in the state, excluding medicare supplement coverage  
28 premiums, as of the calendar year ending December 31,  
29 1993.

30 b. Three members shall be representatives of the  
31 three largest writers of health insurance in the state  
32 which are not otherwise represented.

33 After an initial term, board members shall be  
34 nominated and elected by the members of the  
35 association.

36 Members of the board may be reimbursed from the  
37 funds of the association for expenses incurred by them  
38 as members, but shall not otherwise be compensated by  
39 the association for their services.

40 3. The association shall submit to the  
41 commissioner a plan of operation for the association  
42 and any amendments to the association's articles of  
43 incorporation necessary and appropriate to assure the  
44 fair, reasonable, and equitable administration of the  
45 association. The plan shall provide for the sharing  
46 of losses related to basic and standard plans, if any,  
47 on an equitable and proportional basis among the  
48 members of the association. If the association fails  
49 to submit a suitable plan of operation within one  
50 hundred eighty days after the appointment of the board

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1 of directors, the commissioner shall adopt rules  
2 necessary to implement this section. The rules shall  
3 continue in force until modified by the commissioner  
4 or superseded by a plan submitted by the association  
5 and approved by the commissioner. In addition to  
6 other requirements, the plan of operation shall  
7 provide for all of the following:

8 a. The handling and accounting of assets and funds  
9 of the association.

10 b. The amount of and method for reimbursing the  
11 expenses of board members.

12 c. Regular times and places for meetings of the

13 board of directors.

14 d. Records to be kept relating to all financial  
15 transactions, and annual fiscal reporting to the  
16 commissioner.

17 e. Procedures for selecting the board of  
18 directors.

19 f. Additional provisions necessary or proper for  
20 the execution of the powers and duties of the  
21 association.

22 4. The plan of operation may provide that the  
23 powers and duties of the association may be delegated  
24 to a person who will perform functions similar to  
25 those of the association. A delegation under this  
26 section takes effect only upon the approval of the  
27 board of directors.

28 5. The association has the general powers and  
29 authority enumerated by this section and executed in  
30 accordance with the plan of operation approved by the  
31 commissioner under subsection 3. In addition, the  
32 association may do any of the following:

33 a. Enter into contracts as necessary or proper to  
34 administer this chapter.

35 b. Sue or be sued, including taking any legal  
36 action necessary or proper for recovery of any  
37 assessments for, on behalf of, or against  
38 participating carriers.

39 c. Appoint from among members appropriate legal,  
40 actuarial, and other committees as necessary to  
41 provide technical assistance in the operation of the  
42 association, including the hiring of independent  
43 consultants as necessary.

44 d. Perform any other functions within the  
45 authority of the association.

46 6. Rates for basic and standard coverages as  
47 provided in this chapter shall be determined by each  
48 individual health insurance carrier as the average of  
49 the lowest rate available for issuance by that carrier  
50 adjusted for rate characteristics and benefits and the

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1 maximum rate allowable by law after adjustments for  
2 rate characteristics and benefits.

3 7. Following the close of each calendar year, the  
4 association, in conjunction with the commissioner,  
5 shall require each individual health insurance carrier  
6 to report the amount of earned premiums and the  
7 associated paid losses for all basic and standard  
8 plans issued by the individual health insurance  
9 carrier. The reporting of these amounts must be

10 certified by an officer of the carrier.

11 8. The board shall determine the amount of loss,  
12 if any, from all basic and standard plans issued in  
13 the state by all individual health insurance carriers  
14 by aggregating the data reported in subsection 7. A  
15 loss shall be equal to ninety percent of earned  
16 premiums minus total paid claims.

17 9. The loss plus necessary operating expenses for  
18 the association, plus any additional expenses as  
19 provided by law, shall be assessed by the association  
20 to all members in proportion to their respective  
21 shares of total health insurance premiums or payments  
22 for subscriber contracts received in Iowa during the  
23 second preceding calendar year, or with paid losses in  
24 the year, coinciding with or ending during the  
25 calendar year, or on any other equitable basis as  
26 provided in the plan of operation. In sharing losses,  
27 the association may abate or defer in any part the  
28 assessment of a member, if, in the opinion of the  
29 board, payment of the assessment would endanger the  
30 ability of the member to fulfill its contractual  
31 obligations. The association may also provide for an  
32 initial or interim assessment against members of the  
33 association if necessary to assure the financial  
34 viability of the association to meet the operating  
35 expenses of the association until the next calendar  
36 year is completed.

37 10. The collected assessments shall be disbursed  
38 to an individual health insurance carrier in  
39 proportion to the loss that carrier represented of the  
40 aggregate loss as determined in subsection 8.

41 11. An individual health insurance carrier may  
42 petition the association board to seek remedy from  
43 writing a significantly disproportionate share of  
44 basic and standard policies in relation to total  
45 individual health insurance premiums written in the  
46 state. Upon a finding that a company has written a  
47 disproportionate share, the board may agree to  
48 compensate the carrier either by paying to the company  
49 an additional fee not to exceed two percent of earned  
50 premiums from basic and standard policies for that

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1 company or by petitioning the commissioner for remedy.  
2 12. The commissioner, upon a finding that the  
3 acceptance of the offer of basic and standard coverage  
4 by individuals pursuant to this chapter would place  
5 the individual health insurance carrier in a  
6 financially impaired condition, shall not require the



- 7 carrier to offer coverage or accept applications for  
8 any period of time the financial impairment is deemed  
9 to exist.”  
10 2. Page 22, by striking lines 28 through 33.  
11 3. Page 22, line 34, by striking the figure “2.”  
12 4. By renumbering as necessary.

ELAINE SZYMONIAK

S-5155

- 1 Amend the amendment, S-5152, to Senate File 2222 as  
2 follows:  
3 1. Page 2, line 49, by inserting after the word  
4 “affordability.” the following: “One of the standards  
5 for access to surgical services shall be that  
6 procedures for minors shall only be provided with the  
7 consent of at least one parent or guardian except  
8 where the life of the minor is in jeopardy.”

WILLIAM W. DIELEMAN

S-5156

- 1 Amend the amendment, S-5152, to Senate File 2222 as  
2 follows:  
3 1. Page 3, line 12, by inserting after the word  
4 “standards.” the following: “Access standards shall  
5 include the assessment of prohibited referrals as  
6 provided in section 135L.1.”  
7 2. Page 5, by striking lines 1 through 3 and  
8 inserting the following: “pursuant to chapters 147  
9 through 154, and chapters 154B and 155A, to provide  
10 professional health care services in this”.  
11 3. Page 5, line 4, by striking the word “medical”  
12 and inserting the following: “health”.  
13 4. Page 5, by inserting before line 6 the  
14 following:  
15 “Sec. — . NEW SECTION. 135L.1 PROHIBITED  
16 REFERRALS AND CLAIMS FOR PAYMENT.  
17 1. A health care provider shall not refer a  
18 patient for the provision of designated health  
19 services to an entity in which the health care  
20 provider is an investor or has an investment interest,  
21 except where the entity is the sole provider of health  
22 services in a county with a population density of no  
23 greater than one hundred persons per square mile.  
24 2. A health care provider shall not refer a  
25 patient for the provision of any other health care  
26 item or service to an entity in which the health care

27 provider is an investor unless either of the following  
28 applies:

29 a. The provider's investment interest is in  
30 registered securities purchased on a national exchange  
31 or over-the-counter market and issued by a publicly  
32 held corporation, whose shares are traded on a  
33 national exchange or on the over-the-counter market  
34 and whose total assets at the end of the corporation's  
35 most recent fiscal quarter exceeded fifty million  
36 dollars.

37 b. With respect to an entity other than a publicly  
38 held corporation described in paragraph "a", and a  
39 referring provider's investment interest in the  
40 entity, all of the following requirements arise:

41 (1) Not more than fifty percent of the value of  
42 the investment interests are held by investors who are  
43 in a position to make referrals to the entity.

44 (2) The terms under which an investment interest  
45 is offered to an investor, who is in a position to  
46 make referrals to the entity, are no different from  
47 the terms offered to investors who are not in a  
48 position to make referrals.

49 (3) The terms under which an investment interest  
50 is offered to an investor, who is in a position to

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1 make referrals to the entity, are not related to the  
2 previous or expected volume of referrals from the  
3 investor to the entity.

4 (4) There is no requirement that an investor make  
5 referrals or be in a position to make referrals to the  
6 entity as a condition for becoming or remaining an  
7 investor.

8 3. Except as provided under subsection 2, the  
9 entity or corporation shall not loan funds to or  
10 guarantee a loan for an investor who is in a position  
11 to make referrals to the entity or corporation. The  
12 investor shall not use any part of a loan obtained  
13 through an entity or corporation to obtain the  
14 investment interest.

15 4. Except as provided under subsection 2, the  
16 amount distributed to an investor representing a  
17 return on the investment interest shall be directly  
18 proportional to the amount of the capital investment,  
19 made by the investor in the entity or corporation,  
20 including the fair market value of any preoperational  
21 services rendered.

22 5. A claim for payment shall not be presented by  
23 an entity to any individual, third-party payor, or

24 other entity for a service furnished pursuant to a  
25 referral prohibited under this section.  
26 6. If an entity collects an amount that was billed  
27 in violation of this section, the entity shall refund  
28 the amount and any interest or late fee assessed on a  
29 timely basis to the payor or individual as applicable.

30 7. Any person that presents or causes to be  
31 presented a bill or a claim for service that the  
32 person knows or should know is for a service for which  
33 payment may not be made under subsection 5, or for  
34 which a refund has not been made under subsection 6,  
35 is subject to a civil penalty of not more than fifteen  
36 thousand dollars for each service, to be imposed and  
37 collected by the appropriate board.

38 8. Any health care provider or other entity that  
39 enters into an arrangement or scheme, such as a cross-  
40 referral arrangement, which the physician or entity  
41 knows or should know has a principal purpose of  
42 assuring referrals by the physician to a particular  
43 entity which, if the physician directly made referrals  
44 to the entity, would be in violation of this section,  
45 is subject to a civil penalty of not more than one  
46 hundred thousand dollars for each circumvention  
47 arrangement or scheme, to be imposed and collected by  
48 the appropriate board or boards.

49 9. A health care provider or any provider of  
50 health care services shall not offer, pay, solicit, or

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1 receive a kickback, directly or indirectly, overtly or  
2 covertly, in the form of cash, consulting fees, wages,  
3 or in kind, for referring or soliciting patients.

4 10. A violation of this section by a health care  
5 provider constitutes grounds for disciplinary action  
6 to be taken by the applicable board.

7 11. A health care professional licensed pursuant  
8 to chapters 147 through 154, and chapters 154B and  
9 155A, is subject to suspension or revocation of  
10 license if the person engages directly or indirectly  
11 in the division, transferring, assigning, rebating, or  
12 refunding of fees received for professional services  
13 or profits by means of a credit or other valuable  
14 consideration such as wages, an unearned commission,  
15 discount or gratuity with a person who referred a  
16 patient, or with any relative or business associate of  
17 the referring person. Nothing in this paragraph shall  
18 be construed as prohibiting the members of any legally  
19 organized business entity recognized by law and  
20 comprised of health care professionals licensed

21 pursuant to chapters 147 through 154, and chapters  
22 154B and 155A, from making any division of their total  
23 fees among the health care professionals determined by  
24 contract necessary to defray their joint operating  
25 costs.

26 12. In addition to any other penalty or  
27 disciplinary action taken under this section, a health  
28 care provider who violates this section shall divest  
29 any investment interest which has resulted in the  
30 violation of this section."

31 5. By renumbering as necessary.

JIM RIORDAN  
JEAN LLOYD-JONES

S-5157

1 Amend the amendment, S-5152, to Senate File 2222,  
2 as follows:

3 1. Page 17, by inserting after line 48 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 514C.9 SERVICES PROVIDED  
6 BY LICENSED PHYSICIAN ASSISTANTS, ADVANCED REGISTERED  
7 NURSE PRACTITIONERS, AND PODIATRISTS.

8 A policy, contract, or plan providing for third-  
9 party payment or prepayment of health or medical  
10 expenses shall include a provision for the payment of  
11 necessary medical or surgical care and treatment  
12 provided by a physician assistant licensed pursuant to  
13 chapter 148C, an advanced registered nurse  
14 practitioner licensed pursuant to chapter 152, or a  
15 podiatrist licensed pursuant to chapter 149, if  
16 performed within the scope of the physician  
17 assistant's license, the advanced registered nurse  
18 practitioner's license, or the podiatrist's license  
19 and the policy, contract, or plan would pay for the  
20 care and treatment if the care and treatment were  
21 provided by a person engaged in the practice of  
22 medicine or surgery as licensed under chapter 148 or  
23 150A. The policy, contract, or plan shall provide  
24 that insureds or enrollees under the policy, contract,  
25 or plan may reject the coverage for services which may  
26 be provided by a licensed physician assistant,  
27 licensed advanced registered nurse practitioner, or  
28 licensed podiatrist if the coverage is rejected for  
29 all providers of similar services. The terms and  
30 conditions under which physician assistant, advanced  
31 nurse practitioner, or podiatrist services are  
32 compensated shall not contain practice or supervision  
33 restrictions in addition to those already imposed by

34 law. This section applies to services provided under  
 35 a policy, contract, or plan issued on or after July 1,  
 36 1994, and to an existing group policy, contract, or  
 37 plan on the policy's, contract's, or plan's  
 38 anniversary or renewal date, or upon the expiration of  
 39 the applicable collective bargaining contract, if any,  
 40 whichever is later. Notwithstanding section 514C.6,  
 41 this section does not apply to enrollees eligible for  
 42 coverage under Title XVIII of the Social Security Act  
 43 or any other similar coverage under a state or federal  
 44 government plan."

45 2. By renumbering as necessary.

JIM RIORDAN  
 ROBERT E. DVORSKY  
 PATTY JUDGE  
 JOHN W. JENSEN

S-5158

1 Amend Senate File 2246 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 104C.1 SHORT TITLE.  
 5 This chapter may be cited as the "Iowa Plumber and  
 6 HVAC Professional Licensing Act".  
 7 Sec. 2. NEW SECTION. 104C.2 DEFINITIONS.  
 8 For the purpose of this chapter, unless the context  
 9 otherwise requires:  
 10 1. "Department" means the Iowa department of  
 11 public health.  
 12 2. "Examining board" means the state plumbing and  
 13 HVAC examining board as established in section  
 14 104C.17.  
 15 3. "HVAC" means heating, ventilation, and air  
 16 conditioning.  
 17 4. "HVAC professional's apprentice" means an  
 18 individual, other than a journeyman or master HVAC  
 19 professional, who, as a principal occupation, is  
 20 engaged in working as an employee of an HVAC contractor  
 21 under the immediate and personal supervision of either  
 22 a master HVAC professional or a journeyman HVAC  
 23 professional and is learning and assisting in the  
 24 design, installation, and repair of HVAC systems.  
 25 5. "Journeyman HVAC professional" means an  
 26 individual, other than a master HVAC professional,  
 27 who, as a principal occupation, is engaged as an  
 28 employee of, or otherwise working under the direction  
 29 of, a master HVAC professional in the design,  
 30 installation, and repair of HVAC systems.

31 6. "Journeyman plumber" means an individual, other  
 32 than a master plumber, who, as a principal occupation,  
 33 is engaged as an employee of, or otherwise working  
 34 under the direction of, a master plumber in the  
 35 design, installation, and repair of plumbing.

36 7. "Master HVAC professional" means an individual  
 37 skilled in the planning, superintending, and the  
 38 design, installation, and repair of HVAC systems,  
 39 lawfully qualified to conduct the business of an HVAC  
 40 professional, and knowledgeable about the laws and  
 41 rules governing such business.

42 8. "Master plumber" means an individual skilled in  
 43 the planning, superintending, and the design,  
 44 installation, and repair of plumbing, lawfully  
 45 qualified to conduct the business of plumbing, and  
 46 knowledgeable about the laws and rules governing such  
 47 business.

48 9. "Plumber's apprentice" means an individual,  
 49 other than a journeyman or master plumber, who, as a  
 50 principal occupation, is engaged in working as an

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1 employee of a plumbing contractor under the immediate  
 2 and personal supervision of either a master plumber or  
 3 a journeyman plumber, and who is learning and  
 4 assisting in the design, installation, and repair of  
 5 plumbing.

6 10. "Political subdivision" means a city or  
 7 county, or any combination of cities or counties.

8 11. "Uniform mechanical code" means the code of  
 9 rules governing the design, installation, and repair  
 10 of HVAC systems as promulgated by the international  
 11 association of plumbing and mechanical officials.

12 12. "Uniform plumbing code" means the code of  
 13 rules governing the design, installation, and repair  
 14 of plumbing systems as promulgated by the  
 15 international association of plumbing and mechanical  
 16 officials.

17 **Sec. 3. NEW SECTION. 104C.3 LICENSE REQUIRED.**

18 Except as provided in section 104C.4, a person  
 19 shall not engage in the business of designing,  
 20 installing, or repairing plumbing or HVAC systems,  
 21 including all fuel oil, natural gas, propane, or other  
 22 fuel lines associated with any component of a plumbing  
 23 or HVAC system, unless at all times a licensed master  
 24 plumber or licensed master HVAC professional, as  
 25 applicable, is employed by the person and is  
 26 responsible for such design, installation, and repair  
 27 work of the person. An individual who performs such

28 work as a sole proprietor must be a licensed master  
29 plumber or a licensed master HVAC professional, as  
30 applicable.

31 Sec. 4. NEW SECTION. 104C.4 EXEMPTIONS FROM  
32 LICENSING REQUIREMENT.

33 The licensing requirement of section 104C.3 does  
34 not apply to any of the following:

35 1. A person who performs such work solely on the  
36 person's own residence or other property, provided  
37 that the person retains a licensed plumbing or HVAC  
38 professional, as applicable, to inspect and approve  
39 all plumbing and HVAC work performed by that person.

40 2. Employees of the federal government or the  
41 state, or employees of a board, commission, agency,  
42 department, or political subdivision of the federal  
43 government or the state, including school districts  
44 and other special purpose districts, provided that  
45 such employees perform plumbing and HVAC services  
46 solely for their employer in the course of their  
47 employment. For purposes of a school district, a  
48 licensed plumbing or HVAC professional, as applicable,  
49 must inspect and approve all plumbing and HVAC work  
50 performed by school district employees that

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1 constitutes new construction or a substantial change  
2 to the school district's existing plumbing or HVAC  
3 system.

4 3. Persons who are licensed mobile home dealers or  
5 are employees of licensed mobile home dealers with  
6 respect to the design or installation of plumbing or  
7 HVAC services related to the installation of a mobile  
8 home.

9 4. Persons whose plumbing or HVAC related work is  
10 confined solely to boilers installed in buildings  
11 designed, intended for, and used as places of public  
12 assembly, which are subject to inspection by the labor  
13 commissioner pursuant to chapter 89.

14 5. A well contractor certified under section  
15 455B.190A.

16 Sec. 5. NEW SECTION. 104C.5 QUALIFICATIONS.

17 An applicant for a plumbing, HVAC, or combined  
18 license is not ineligible because of age, citizenship,  
19 sex, race, religion, marital status or national  
20 origin, although the application form may require  
21 citizenship information. The examining board may  
22 consider the applicant's criminal record if the  
23 applicant has been convicted of any felony which  
24 relates directly to the practice of the profession for

25 which the applicant requests to be licensed.  
26 Character references may be required as part of the  
27 licensing process, but shall not be obtained from a  
28 licensed plumber or HVAC professional.  
29 Sec. 6. NEW SECTION. 104C.6 FORM OF LICENSE -  
30 DISPLAY.

31 1. A license granted under this chapter shall be  
32 in the form of a certificate under the seal of the  
33 department, signed by the director of public health,  
34 and shall be issued in the name of the examining  
35 board. The number of the book and page containing the  
36 entry of the license in the office of the department  
37 shall be noted on the face of the license.

38 2. A person licensed under this chapter as a  
39 plumbing or HVAC professional shall keep the license  
40 publicly displayed at the person's principal place of  
41 business.

42 Sec. 7. NEW SECTION. 104C.7 RECORD OF LICENSES.

43 The name, location, number of years of practice of  
44 the person to whom the license has been issued, the  
45 number of the certificate, and the date of  
46 registration of the certificate shall be entered in a  
47 book kept in the office of the department to be known  
48 as the plumbing and HVAC registry book, which shall be  
49 open to public inspection.

50 Sec. 8. NEW SECTION. 104C.8 CHANGE OF RESIDENCE.

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1 A person licensed to practice as a plumbing or HVAC  
2 professional under this chapter who changes the  
3 person's residence or place of business shall notify  
4 the department of the change.

5 Sec. 9. NEW SECTION. 104C.9 TYPES OF LICENSES  
6 ISSUED.

7 1. PLUMBING LICENSES. The following plumbing  
8 licenses may be issued by the department:

9 a. Plumber's apprentice. In order to be licensed  
10 by the department as a plumber's apprentice, a person  
11 shall do all of the following:

12 (1) File a registration form and pay a  
13 registration fee as established by the examining  
14 board, which registration form must establish that the  
15 person meets the minimum requirements adopted by the  
16 examining board.

17 (2) Certify that the person shall work directly  
18 under the supervision of a licensed journeyman plumber  
19 or master plumber.

20 (3) Be enrolled in a plumber's apprentice program  
21 which is registered with the United States department



22 of labor, bureau of apprenticeship training.

23 b. Journeyman plumber. In order to be licensed by  
24 the department as a journeyman plumber, a person shall  
25 do all of the following:

26 (1) File an application and pay application fees  
27 as established by the examining board, which  
28 application must establish that the person meets the  
29 minimum educational and experience requirements  
30 adopted by the examining board.

31 (2) Pass the state journeyman plumber licensing  
32 examination.

33 (3) Provide the examining board with evidence of  
34 having completed at least four years of practical  
35 plumbing experience. After January 1, 1999, all four  
36 years of practical plumbing experience shall be  
37 required to have been practical plumbing experience  
38 gained as a result of being a licensed plumber's  
39 apprentice.

40 c. Master plumber. In order to be licensed by the  
41 department as a master plumber, a person shall do all  
42 of the following:

43 (1) Provide evidence of liability insurance  
44 coverage pursuant to section 104C.10.

45 (2) File an application and pay an application fee  
46 as established by the examining board, which  
47 application must establish that the person meets the  
48 minimum educational and experience requirements  
49 adopted by the examining board.

50 (3) Pass the state master plumber licensing

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1 examination.

2 (4) Have previously been a licensed journeyman  
3 plumber or must provide evidence to the examining  
4 board that the person satisfies all requirements  
5 required to be licensed as a journeyman plumber.

6 2. HVAC PROFESSIONAL LICENSES. The following HVAC  
7 professional licenses may be issued by the department:

8 a. HVAC professional's apprentice. In order to be  
9 licensed by the department as an HVAC professional's  
10 apprentice, a person shall do all of the following:

11 (1) File a registration form and pay a  
12 registration fee as established by the examining  
13 board, which registration form must establish that the  
14 person meets the minimum requirements adopted by the  
15 examining board.

16 (2) Certify that the person shall work directly  
17 under the supervision of a licensed journeyman HVAC  
18 professional or master HVAC professional.

19 (3) Be enrolled in an HVAC professional's  
20 apprentice program which is registered with the United  
21 States department of labor bureau of apprenticeship  
22 training.

23 b. Journeyman HVAC professional. In order to be  
24 licensed by the department as a journeyman HVAC  
25 professional, a person shall do all of the following:

26 (1) File an application and pay application fees  
27 as established by the examining board, which  
28 application must establish that the person meets the  
29 minimum educational and experience requirements  
30 adopted by the examining board.

31 (2) Pass the state journeyman HVAC professional  
32 licensing examination.

33 (3) Provide the examining board with evidence of  
34 having completed at least four years of practical HVAC  
35 experience. After January 1, 1999, all four years of  
36 practical HVAC experience shall be required to have  
37 been practical HVAC experience gained as a result of  
38 being a licensed HVAC professional's apprentice.

39 c. Master HVAC professional. In order to be  
40 licensed by the department as a master HVAC  
41 professional, a person shall do all of the following:

42 (1) Provide evidence of liability insurance  
43 coverage pursuant to section 104C.10.

44 (2) File an application and pay an application fee  
45 as established by the examining board, which  
46 application must establish that the person meets the  
47 minimum educational and experience requirements  
48 adopted by the examining board.

49 (3) Pass the state master HVAC professional  
50 licensing examination.

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1 (4) Have previously been a licensed journeyman  
2 HVAC professional or must provide evidence to the  
3 examining board that the person satisfies all  
4 requirements required to be licensed as a journeyman  
5 HVAC professional.

#### 6 3. COMBINED PLUMBING AND HVAC PROFESSIONAL

7 LICENSES. The department may issue a combined license  
8 to persons who qualify for both a master plumber and  
9 master HVAC professional license, both a journeyman  
10 plumber and journeyman HVAC professional license, or  
11 both a plumber's apprentice and HVAC professional's  
12 apprentice license. Alternatively, a person may be  
13 licensed by the department at one plumber level and at  
14 a different HVAC professional level contemporaneously.

15 4. WAIVER OF TESTING REQUIREMENTS. The examining

16 board may waive the written examination requirements  
17 set forth in this section for journeyman and master  
18 licenses if either paragraph "a" or "b" applies.

19 a. The applicant meets both of the following:

20 (1) Has previously passed a written examination  
21 which the examining board deems to be substantially  
22 similar to the licensing examination otherwise  
23 required by the examining board to obtain the subject  
24 license.

25 (2) Has completed sixteen or more classroom hours  
26 of continuing education instruction in courses or  
27 seminars which have received the approval of the  
28 examining board within the two-year period immediately  
29 preceding the date of the submittal of the applicant's  
30 license application.

31 b. The applicant meets both of the following:

32 (1) Can demonstrate to the satisfaction of the  
33 examining board that the applicant has five or more  
34 years of experience prior to the effective date of  
35 this Act, in the plumbing or HVAC business, or both  
36 combined, which experience must be of a nature which  
37 the examining board deems to be sufficient to  
38 demonstrate continuous professional competency  
39 consistent with that expected of an individual who  
40 passes the applicable licensing examination which the  
41 applicant would otherwise be required to pass.

42 (2) Has completed sixteen or more classroom hours  
43 of continuing education instruction in courses or  
44 seminars which have received the approval of the  
45 examining board within the two-year period immediately  
46 preceding the date of the submittal of the applicant's  
47 license application.

48 Sec. 10. NEW SECTION. 104C.10 INSURANCE  
49 REQUIREMENTS.

50 1. An applicant for a master plumber license or

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1 master HVAC professional license, or a renewal of such  
2 license, shall furnish proof of financial  
3 responsibility through showing the existence of a  
4 liability insurance policy, including products  
5 liability, in an amount of no less than five hundred  
6 thousand dollars.

7 2. If the applicant is engaged in plumbing or HVAC  
8 professional work individually through a sole  
9 proprietorship, the applicant shall personally obtain  
10 the insurance required by this section. If the  
11 applicant is otherwise engaged in the plumbing or HVAC  
12 business, the applicant shall provide proof of

13 insurance coverage by the business.

14 3. The insurance shall be written by an insurer  
15 licensed to do business in the state of Iowa and each  
16 licensed master plumber and licensed master HVAC  
17 professional shall maintain on file with the  
18 department a certificate evidencing the insurance  
19 providing that the insurance shall not be canceled  
20 without the insurer first giving fifteen days written  
21 notice to the department.

22 Sec. 11. NEW SECTION. 104C.11 RENEWAL OF  
23 LICENSES.

24 1. A license issued under this chapter expires two  
25 years from the date issued.

26 2. A license issued under this chapter may be  
27 renewed as determined by the examining board upon  
28 application by the licensee, without examination.  
29 Application for renewal shall be made in writing to  
30 the department accompanied by the required renewal  
31 licensing fee at least thirty days prior to the  
32 expiration date of the license.

33 3. The latest renewal license shall be displayed  
34 in connection with the original license.

35 4. The department shall notify each licensee by  
36 mail prior to the expiration of a license.

37 5. Failure to renew a license within a reasonable  
38 time after the expiration of the license shall not  
39 invalidate the license, but a reasonable penalty may  
40 be assessed as determined by rule of the department,  
41 in addition to the license renewal fee, to allow  
42 reinstatement of the license.

43 6. A licensee who allows a license to lapse for a  
44 period of one month or less, may reinstate and renew  
45 the license without examination in accordance with  
46 requirements adopted by the examining board and upon  
47 payment of the renewal and reinstatement fees due.

48 7. A licensee who allows a license to lapse by a  
49 period of time greater than one month is required to  
50 retake and pass the applicable licensing examination

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1 in order to obtain reinstatement and renewal of the  
2 person's license.

3 Sec. 12. NEW SECTION. 104C.12 RECIPROCAL  
4 LICENSES.

5 The department may license without examination  
6 nonresident applicants who are licensed under a  
7 plumbing or HVAC professional licensing statute of  
8 another state having similar licensing requirements as  
9 those set forth in this chapter and the rules adopted

10 pursuant to this chapter if the other state grants the  
11 same reciprocal licensing privileges to residents of  
12 Iowa who have obtained a license under this chapter.  
13 Sec. 13. NEW SECTION. 104C.13 GROUNDS FOR  
14 LICENSE REVOCATION, SUSPENSION, OR DENIAL.

15 A license to practice as a plumber or HVAC  
16 professional may be revoked, suspended, or denied by  
17 the examining board, or a licensee may be otherwise  
18 disciplined in accordance with this chapter, if the  
19 licensee is guilty of any of the following:

20 1. Fraud in procuring a license.

21 2. Professional incompetency.

22 3. Knowingly making misleading, deceptive, untrue,  
23 or fraudulent misrepresentations in the practice of  
24 the profession or engaging in unethical conduct or  
25 practice harmful or detrimental to the public, whether  
26 or not any injury results.

27 4. Conviction of a felony related to the  
28 profession of the licensee or the conviction of any  
29 felony that would affect the licensee's ability to  
30 practice within the profession. A copy of the record  
31 of conviction or plea of guilty is conclusive evidence  
32 of such conviction.

33 5. Fraud in representations as to skill and  
34 ability.

35 6. Use of untruthful or improbable statements in  
36 advertisements.

37 7. Willful or repeated violations of this chapter.

38 8. Aiding and abetting a person who is not  
39 licensed pursuant to this chapter in that person's  
40 pursuit of an unauthorized or unlicensed plumbing or  
41 HVAC professional practice.

42 9. Any other such grounds or reasons as  
43 established by rule adopted by the examining board.

44 Sec. 14. NEW SECTION. 104C.14 JURISDICTION OF  
45 REVOCATION AND SUSPENSION PROCEEDINGS.

46 The examining board shall have exclusive  
47 jurisdiction of all proceedings to revoke or suspend a  
48 license issued pursuant to this chapter. The  
49 examining board may initiate proceedings under this  
50 chapter either on its own motion or on the complaint

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1 of any person. Before scheduling a hearing, the  
2 examining board may request the department to conduct  
3 an investigation into the charges to be addressed at  
4 the examining board hearing. The department shall  
5 report its findings to the examining board.

6 Sec. 15. NEW SECTION. 104C.15 NOTICE -- DEFAULT

## 7 - HEARING.

8 1. The examining board shall provide for notice  
9 and hearing pursuant to chapter 17A.

10 2. If, after having been served with the notice of  
11 hearing, the licensee fails to appear at the hearing  
12 and defend, the examining board may proceed to hear  
13 evidence against the licensee and may enter such order  
14 as is justified by the evidence.

15 3. A decision of the examining board shall be by a  
16 majority vote of its members. The decision of the  
17 examining board shall be entered of record and, if the  
18 decision involves the revocation or suspension of a  
19 license, the licensee shall not engage in the practice  
20 of the licensee's profession after the license is  
21 revoked or during the time for which it is suspended.

22 4. Judicial review of the board's action may be  
23 sought in accordance with chapter 17A.

24 Sec. 16. NEW SECTION. 104C.16 ADVERTISING.

25 1. A person shall not advertise or hold oneself  
26 out to the public as a licensed plumber or licensed  
27 HVAC professional unless such person is licensed  
28 pursuant to this chapter.

29 2. All advertisements distributed within this  
30 state by a person who is engaged in the business of  
31 designing, installing, or repairing plumbing or HVAC  
32 systems must include the listing of at least one  
33 master plumber or master HVAC professional license  
34 number, as applicable. A master plumber or a master  
35 HVAC professional shall not allow the use of such  
36 license number in connection with the advertising of  
37 more than one person engaged in the business of  
38 designing, installing, or repairing plumbing or HVAC  
39 systems.

40 3. All persons who engage in the business of  
41 designing, installing, or repairing plumbing and HVAC  
42 systems must display at least one master plumber  
43 license or master HVAC professional license number, as  
44 applicable, on all of such person's motor vehicles.

45 4. A person who falsely claims to be a licensed  
46 plumber or licensed HVAC professional pursuant to this  
47 chapter, either in writing or in other communications,  
48 is guilty of a simple misdemeanor.

49 5. A person who falsely lists a master plumber or  
50 master HVAC professional license number in connection

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1 with that person's advertising, or falsely displays a  
2 master plumber or master HVAC professional license  
3 number on that person's service vehicles is guilty of

4 a simple misdemeanor. In order to be entitled to use  
5 a license number of a master plumber or master HVAC  
6 professional, the master plumber or master HVAC  
7 professional must be employed by the person in whose  
8 name the business of designing, installing, or  
9 repairing plumbing or HVAC systems is being conducted.  
10 Sec. 17. NEW SECTION. 104C.17 STATE PLUMBING AND  
11 HVAC EXAMINING BOARD.

12 1. A state plumbing and HVAC professional  
13 examining board is created for the purpose of giving  
14 examinations to applicants for plumbing and HVAC  
15 professional licenses and for the other purposes set  
16 forth in this chapter. Members of the examining board  
17 shall be appointed by the governor, subject to  
18 confirmation by the senate.

19 2. The examining board shall consist of nine  
20 members as follows:

21 a. The director of public health or the director's  
22 designee.

23 b. Two public members who do not possess licenses  
24 issued under this chapter and who represent the  
25 general public.

26 c. An inspector qualified by the international  
27 association of plumbing and mechanical officials.

28 d. An architect registered pursuant to chapter  
29 544A or a professional engineer registered pursuant to  
30 chapter 542B.

31 e. An individual licensed as a journeyman plumber  
32 pursuant to this chapter.

33 f. An individual licensed as a master plumber  
34 pursuant to this chapter.

35 g. An individual licensed as a journeyman HVAC  
36 professional pursuant to this chapter.

37 h. An individual licensed as a master HVAC  
38 professional pursuant to this chapter.

39 3. The terms of the two members appointed under  
40 paragraphs "e" and "f" shall expire on the same date,  
41 and one of such members shall at all times while  
42 serving on the examining board be affiliated with a  
43 labor union and one shall at all times while serving  
44 on the examining board not be affiliated with a labor  
45 union. The terms of the two members appointed  
46 pursuant to paragraphs "g" and "h" shall expire on the  
47 same date, and one of such members shall at all times  
48 while serving on the examining board be affiliated  
49 with a labor union and one shall at all times while  
50 serving on the examining board not be affiliated with

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1 a labor union.

2 4. Members shall serve three-year staggered terms  
3 as designated by the governor consistent with this  
4 section and appointments to the board are subject to  
5 the requirements of sections 69.16, 69.16A, and 69.19.  
6 A member of the examining board shall serve no more  
7 than three full terms, or nine years.

8 5. A quorum shall consist of a majority of the  
9 members of the examining board.

10 6. Any vacancy in the membership of the examining  
11 board shall be filled in the same manner as provided  
12 for other appointments.

13 7. Members shall elect a chairperson and vice  
14 chairperson annually and other officers as they  
15 determine.

16 8. Members of the examining board are entitled to  
17 receive a per diem as specified in section 7E.6 for  
18 each day spent in performance of duties as members and  
19 shall be reimbursed for all actual and necessary  
20 expenses incurred in the performance of duties as  
21 members.

22 9. If a person who has been appointed by the  
23 governor to serve on the examining board has ever been  
24 disciplined in a contested case by the examining  
25 board, all examining board complaints and statements  
26 of charges, settlement agreements, findings of fact,  
27 and orders pertaining to the disciplinary action shall  
28 be made available to the senate committee to which the  
29 appointment is referred at the committee's request  
30 before confirmation by the senate.

31 Sec. 18. NEW SECTION. 104C.18 EXAMINATION  
32 INFORMATION.

33 1. The public members of the examining board shall  
34 be allowed to participate in administrative, clerical,  
35 and ministerial functions incident to giving  
36 examinations, but shall not participate in the  
37 examining board's determination of the contents of the  
38 examinations or the correctness of answers to the  
39 examinations. A member of the examining board shall  
40 not disclose information relating to any of the  
41 following:

42 a. Criminal history or prior misconduct of an  
43 applicant.

44 b. Information relating to the contents of an  
45 examination.

46 c. Information relating to an examination result  
47 other than final score except for information about  
48 the results of an examination which is given to the



49 person who took the examination.

50 2. A member of the examining board who willfully

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1 communicates, or seeks to communicate, such  
2 information to any person who willfully requests,  
3 obtains, or seeks to obtain such information, is  
4 guilty of a simple misdemeanor.

5 Sec. 19. NEW SECTION. 104C.19 BOARD ATTACHED TO  
6 DEPARTMENT.

7 The examining board shall be attached to the  
8 department for administrative purposes.

9 Sec. 20. NEW SECTION. 104C.20 NATIONAL  
10 ORGANIZATION.

11 The examining board may maintain a membership in  
12 any national organization of state examining boards  
13 for the professions of plumbing and HVAC  
14 professionals, with all membership fees to be paid  
15 from funds appropriated to the examining board.

16 Sec. 21. NEW SECTION. 104C.21 GENERAL DUTIES OF  
17 EXAMINING BOARD.

18 1. The examining board shall adopt rules pursuant  
19 to chapter 17A necessary to carry out the licensing  
20 and other provisions of this chapter.

21 2. As a guideline, the examining board shall  
22 require all licensees to follow the uniform plumbing  
23 code and uniform mechanical code adopted by the  
24 department pursuant to section 135.11 and the  
25 examining board shall issue all interpretations to the  
26 uniform plumbing code and uniform mechanical code that  
27 are to be followed statewide, without exception.

28 3. The examining board shall be responsible for  
29 establishing the continuing education requirements of  
30 licensees and for monitoring licensees' compliance  
31 with the requirements. The basic continuing education  
32 requirement for renewal of licenses shall be the  
33 completion, during the immediately preceding license  
34 term, of the number of classroom hours of instruction  
35 required by the examining board in courses or seminars  
36 which have received the approval of the examining  
37 board. The examining board shall require at a minimum  
38 sixteen classroom hours of instruction during each  
39 two-year licensing term.

40 4. The examining board shall be responsible for  
41 hearing any appeals brought pursuant to a decision  
42 made by a political subdivision plumbing or HVAC  
43 inspector. All licensees shall have an automatic  
44 right of appeal to the examining board with respect to  
45 any adverse decision rendered against the licensed

46 professional by a political subdivision plumbing or  
47 HVAC professional inspector.  
48 Sec. 22. NEW SECTION. 104C.22 APPLICATIONS FOR  
49 EXAMINATIONS.  
50 A person desiring to take an examination for a

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1 license issued pursuant to this chapter shall make  
2 application to the examining board at least fifteen  
3 days before the examination, on a form provided by the  
4 examining board. The application shall be accompanied  
5 by the examination fee and such documents and  
6 affidavits as are necessary to show the eligibility of  
7 the candidate to take the examination. All  
8 applications shall be in accordance with the rules of  
9 the examining board and shall be signed by the  
10 applicant.

11 Sec. 23. NEW SECTION. 104C.23 EXAMINATIONS.

12 Examinations for the licenses which may be issued  
13 pursuant to this chapter shall be conducted at least  
14 two times per year at such time and location as the  
15 examining board may fix. Applicants who fail to pass  
16 an examination shall be allowed to retake the  
17 examination at the next scheduled time. An applicant  
18 who has failed an examination may request in writing  
19 information from the examining board concerning the  
20 examination grade and subject areas or questions where  
21 the applicant failed to answer correctly, except that  
22 if the examining board administers a uniform,  
23 standardized examination, the examining board shall  
24 only be required to provide the examination grade and  
25 such other information concerning the applicant's  
26 examination results which are available to the  
27 examining board.

28 Sec. 24. NEW SECTION. 104C.24 EXAMINATION RULES.

29 The examining board shall adopt rules relating to  
30 the taking of examinations as follows:

31 1. The qualifications required for applicants  
32 seeking to take examinations, which qualifications  
33 will include a requirement that all applicants who are  
34 contractors must be required to show their state  
35 contractor registration number as a condition  
36 precedent for qualifying to take an examination.

37 2. The denial of applicants seeking to take  
38 examinations.

39 3. The conducting of examinations.

40 4. The grading of examinations and passing upon  
41 the technical qualifications of applicants, as shown  
42 by such examinations.

43 5. The minimum scores required for passing  
44 standardized examinations.  
45 Sec. 25. NEW SECTION. 104C.25 CERTIFICATION OF  
46 APPLICANTS.  
47 Every examination shall be passed upon in  
48 accordance with the established rules of the examining  
49 board. After each examination, the examining board  
50 shall certify the names of the successful applicants

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1 to the department in the manner prescribed by the  
2 examining board. The department shall then issue the  
3 proper license and make the required entry in the  
4 registry book.

5 Sec. 26. NEW SECTION. 104C.26 FEES.

6 1. The examining board shall set the fees for the  
7 examination of all applicants, which fees shall be  
8 based upon the cost of administering the examinations.

9 2. The examining board shall set the license fees  
10 and renewal fees for all licenses issued pursuant to  
11 this chapter based upon the costs of sustaining the  
12 examining board and the actual costs of licensing.

13 3. All fees adopted by the examining board shall  
14 be paid to the treasurer of state and shall be  
15 deposited into a separate fund within the state  
16 treasury under the control of the examining board.  
17 Moneys in the fund are appropriated to and shall be  
18 used by the examining board to fund the activities and  
19 operations of the examining board.

20 4. This chapter does not prohibit the state or any  
21 of its political subdivisions from charging  
22 construction permit fees or inspection fees related to  
23 work performed by plumbers and HVAC professionals.

24 Sec. 27. NEW SECTION. 104C.27 INJUNCTION.

25 A person engaging in any business or in the  
26 practice of any profession for which a license is  
27 required by this chapter without such license may be  
28 restrained by permanent injunction.

29 Sec. 28. NEW SECTION. 104C.28 PENALTIES.

30 1. A person violating any provision of this  
31 chapter, where a specific penalty is not otherwise  
32 provided, is guilty of a serious misdemeanor.

33 2. A person who files or attempts to file with the  
34 department or examining board any false or forged  
35 diploma, or certificate or affidavit of identification  
36 or qualification, is guilty of a fraudulent practice.

37 3. A person who presents to the department a  
38 diploma or certificate of which the person is not the  
39 rightful owner, for the purpose of procuring a license

40 pursuant to this chapter, or who falsely impersonates  
 41 anyone to whom a license has been issued by the  
 42 department is guilty of a serious misdemeanor.  
 43 Sec. 29. NEW SECTION. 104C.29 ENFORCEMENT.  
 44 The department shall enforce this chapter and for  
 45 that purpose may request the department of inspections  
 46 and appeals to make necessary investigations. Every  
 47 licensee and member of the examining board shall  
 48 furnish the department or the department of  
 49 inspections and appeals such evidence as the member or  
 50 licensee may possess relative to any alleged violation

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1 which is being investigated.  
 2 Sec. 30. NEW SECTION. 104C.30 REPORT OF  
 3 VIOLATORS.  
 4 Every licensee and every member of the examining  
 5 board shall report to the department the name of every  
 6 person who is practicing as a plumber or HVAC  
 7 professional without a license issued pursuant to this  
 8 chapter pursuant to the knowledge or reasonable belief  
 9 of the person making the report.  
 10 Sec. 31. NEW SECTION. 104C.31 ATTORNEY GENERAL  
 11 AND COUNTY ATTORNEY.  
 12 Upon request of the department, the attorney  
 13 general may institute proper proceedings against any  
 14 person charged by the department with violating this  
 15 chapter and the county attorney of the county in which  
 16 such action is brought shall, at the request of the  
 17 attorney general, appear and prosecute such action.  
 18 Sec. 32. This Act takes effect January 1, 1996."  
 19 2. Title page, by striking lines 1 through 3 and  
 20 inserting the following: "An Act relating to the  
 21 licensure of plumbers and heating, ventilation, and air  
 22 conditioning professionals, and establishing fees and  
 23 penalties."

**BILL FINK**

**S-5159**

1 Amend the amendment, S-5152, to Senate File 2222 as  
 2 follows:  
 3 1. Page 7, line 6, by inserting after the word  
 4 "shall" the following: ", with the concurrence of the  
 5 board of the Iowa small employer health reinsurance  
 6 program established in section 513B.13,".  
 7 2. Page 11, line 33, by inserting after the word  
 8 "shall" the following: ", with the concurrence of the

9 board of the Iowa individual health benefit  
10 reinsurance association established in section  
11 513C.10.”  
12 3. Page 18, by striking line 47 and inserting the  
13 following: “conduct all meetings of the board  
14 pursuant to chapter 21.”

MICHAEL E. GRONSTAL

S-5160

1 Amend the amendment, S-5152, to Senate File 2222 as  
2 follows:  
3 1. Page 19, by striking lines 39 through 48 and  
4 inserting the following:  
5 “Sec. \_\_\_\_ . HEALTH INSURANCE COST DEDUCTION.  
6 Section 7 of this Act takes effect upon enactment and  
7 applies retroactively to January 1, 1994, for tax  
8 years beginning on or after that date.”

BERL E. PRIEBE  
H. KAY HEDGE  
EMIL J. HUSAK  
JIM RIORDAN  
JOHN P. KIBBIE

S-5161

1 Amend Senate File 2115 as follows:  
2 1. Page 2, line 2, by striking the words  
3 “included with the diagnosis” and inserting the  
4 following: “and their diagnoses”.  
5 2. Page 2, by inserting after line 34 the  
6 following:  
7 “Sec. \_\_\_\_ . Section 145.1A, Code Supplement 1993,  
8 is amended to read as follows:  
9 145.1A REPEAL.  
10 This chapter is repealed effective July 1, ~~1994~~  
11 1996.”  
12 3. Page 3, line 12, by striking the word “secion”  
13 and inserting the following: “section”.  
14 4. Title page, lines 1 and 2, by striking the  
15 words “brain injured individuals” and inserting the  
16 following: “persons with brain injury”.  
17 5. Title page, line 2, by inserting after the  
18 word “programs,” the following: “the health data  
19 commission.”  
20 6. By renumbering as necessary.

FLORENCE D. BUHR

S-5162

1 Amend Senate File 2207 as follows:

2 1. Page 1, by striking lines 1 and 2 and

3 inserting the following:

4 "Section 1. Section 282.18, subsections 2, 4, 5,  
5 7, 11, 14, and 15, Code Supplement 1993, are amended  
6 to read as follows:"

7 2. Page 5, by inserting after line 30 the fol-  
8 lowing:

9 "15. A pupil who participates in open enrollment  
10 for purposes of attending a grade in grades ten  
11 through twelve in a school district other than the  
12 district of residence is ineligible to participate in  
13 interscholastic athletic contests and athletic  
14 competitions during the pupil's first ninety school  
15 days of enrollment in the district except that the  
16 pupil may participate immediately in an  
17 interscholastic sport if the district of residence and  
18 the other school district jointly participate in the  
19 sport, if the sport in which the pupil wishes to  
20 participate is not offered in the district of  
21 residence, if the pupil chooses to use open enrollment  
22 to attend school in another school district because  
23 the district in which the student previously attended  
24 school was dissolved and merged with one or more  
25 contiguous school districts under section 256.11,  
26 subsection 12, if the pupil participates in open  
27 enrollment because the pupil's district of residence  
28 has entered into a whole grade sharing agreement with  
29 another district for the pupil's grade, if both the  
30 sending district and the receiving district express  
31 their agreement to the pupil's participation in  
32 writing before the pupil participates, or if the  
33 parent or guardian of the pupil participating in open  
34 enrollment is an active member of the armed forces and  
35 resides in permanent housing on government property  
36 provided by a branch of the armed services. A pupil  
37 who has paid tuition and attended school, or has  
38 attended school pursuant to a mutual agreement between  
39 the two districts, in a district other than the  
40 pupil's district of residence for at least one school  
41 year prior to March 10, 1989, is also eligible to  
42 participate immediately in interscholastic athletic  
43 contests and athletic competitions under this section,  
44 but only as a member of a team from the district that  
45 pupil had attended. For purposes of this subsection,

46 "school days of enrollment" do not include enrollment  
47 in summer school."

WAYNE BENNETT

S-5163

1 Amend Senate File 2207 as follows:  
2 1. Page 5, by inserting after line 30 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 282.18, Code Supplement 1993,  
5 is amended by adding the following new subsection:  
6 NEW SUBSECTION. 21. The state board of education  
7 shall exempt a school district upon request from the  
8 requirement that the district's pupils be allowed to  
9 participate in open enrollment with another district.  
10 A district which is granted this exemption must  
11 demonstrate all of the following:  
12 a. That the district has more than one regular  
13 high school attendance center.  
14 b. That the district offers magnet school programs  
15 and alternative school programs pursuant to section  
16 257.38.  
17 c. That the district does not restrict transfers  
18 within the district, provided classroom space is  
19 available and minority and nonminority pupil ratios  
20 are maintained according to existing desegregation  
21 plans or orders.  
22 Sec. \_\_\_\_ . TRANSITION. Pupils enrolled before the  
23 effective date of this Act in another school district  
24 other than their district of residence under open  
25 enrollment may continue their participation under the  
26 provisions of section 282.18."

ELAINE SZYMONIAK

S-5164

1 Amend House File 2308, as passed by the House, as  
2 follows:  
3 1. Page 2, by striking lines 18 through 21 and  
4 inserting the following: "corporation which issues  
5 bonds or other authorized indebtedness for capital  
6 projects or which initiates a capital project, or  
7 which receives grants or other funds".  
8 2. Page 2, line 28, by striking the words "or  
9 the" and inserting the following: ", the".  
10 3. Page 2, line 29, by inserting after the words  
11 "levy fund" the following: ", or other fund from  
12 which the surplus originated".

13 4. Page 2, line 33, by striking the words and  
14 figure "as authorized by chapter 296;" and inserting  
15 the following: "or other authorized indebtedness."

16 5. By striking page 2, line 34 through page 3,  
17 line 4, and inserting the following: "The debt  
18 service".

19 6. Page 3, lines 6 and 7, by striking the words  
20 "at maturity of all general obligation bonds" and  
21 inserting the following: "when due on bonds or other  
22 authorized indebtedness".

23 7. Page 3, line 8, by striking the words "loan  
24 or" and inserting the following: "loan,".

25 8. Page 3, line 8, by inserting after the word  
26 "agreement" the following: ", or other evidence of  
27 indebtedness".

28 9. Page 3, by striking line 13 and inserting the  
29 following: "payment of all outstanding debt in  
30 accordance with the original purpose of the  
31 indebtedness may be".

32 10. Page 3, line 30, by striking the words "  
33 such as scholarship funds,".

34 11. Page 4, line 12, by striking the word  
35 "bonded" and inserting the following: "bonded  
36 authorized".

37 12. Page 5, by striking line 10 and inserting the  
38 following: "shall comply with section 297.7."

39 13. Page 7, by striking line 10 and inserting the  
40 following:

41 "~~Notwithstanding section 291.13, unencumbered~~  
42 Unencumbered funds".

43 14. Page 7, by striking line 25 and inserting the  
44 following:

45 "~~Notwithstanding section 291.13, unencumbered~~  
46 Unencumbered funds".

47 15. Page 8, by inserting after line 26 the  
48 following:

49 "Sec. \_\_\_\_ . To the extent that bond or note  
50 resolutions, loan agreements, lease-purchase

## Page 2

1 agreements or other agreements in existence on the  
2 effective date of this Act contain references to  
3 obsolete Code sections, rules or forms, they shall be  
4 construed to assure compliance with the terms of such  
5 resolutions or agreements and substantial compliance  
6 with this Act."



S-5165

- 1 Amend Senate File 2171 as follows:
- 2 1. Page 1, lines 13 and 14 by striking the words
- 3 "and shall be a high school graduate or hold a high
- 4 school equivalency diploma".

TONY BISIGNANO

S-5166

- 1 Amend Senate File 2275 as follows:
- 2 1. Page 3, line 1, by inserting after the word
- 3 "claim," the following: "provide".

PAT DELUHERY  
MICHAEL E. GRONSTAL

S-5167

- 1 Amend Senate File 2313 as follows:
- 2 1. Page 8, by inserting after line 10 the
- 3 following:
- 4 "9. The department of inspections and appeals, in
- 5 cooperation with the department of human services,
- 6 shall adopt rules which allow hospitals to provide day
- 7 treatment and partial hospitalization services to
- 8 children and adolescents at premises not named in the
- 9 current license of a hospital."

ELAINE SZYMONIAK

S-5168

- 1 Amend Senate File 2040 as follows:
- 2 1. Page 1, line 9, by striking the word "arrange"
- 3 and inserting the following: "provide, at the
- 4 sponsor's expense,".

JEAN LLOYD-JONES  
O. GENE MADDOX

S-5169

- 1 Amend House File 2218, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, lines 25 and 26, by striking the words
- 4 "appointments and for promotions," and inserting the
- 5 following: "appointments to the position of fire
- 6 fighter and for promotions in the position of fire

7 fighter,”.

8 2. Page 1, line 33, by inserting after the word  
9 “appointments” the following: “to the position of  
10 fire fighter”.

TONY BISIGNANO

S-5170

1 Amend Senate File 2208 as follows:

2 1. Page 2, line 15, by striking the words “,  
3 after notice,” and inserting the following: “; after  
4 notice.”.

5 2. Page 2, line 25, by striking the words “one  
6 hundred sixty-five” and inserting the following:  
7 “thirty”.

8 3. Page 12, by inserting after line 24 the  
9 following:

10 “Sec. \_\_\_\_ . Section 321.463, Code 1993, is amended  
11 by adding the following new unnumbered paragraph:  
12 NEW UNNUMBERED PARAGRAPH. The owner or operator of  
13 a vehicle designed to tow wrecked or disabled vehicles  
14 shall be exempt from the weight limitations in this  
15 section when the owner or operator is responding to an  
16 emergency request.”

17 4. Page 15, by striking lines 23 through 25.

18 5. Page 15, line 26, by striking the word  
19 “amendment” and inserting the following:  
20 “amendments”.

21 6. Page 15, line 27, by striking the words “Act,  
22 takes effect” and inserting the following: “Act take  
23 effect on”.

24 7. Title page by striking lines 1 through 10 and  
25 inserting the following: “An Act relating to motor  
26 vehicle and highway regulation by the state department  
27 of transportation concerning interest rates for  
28 condemnation damages, right-of-way notice filings,  
29 testing on private property, retention of records and  
30 documents, certificates of title, dissolution decree  
31 transfers of motor vehicle titles, junking  
32 certificates for abandoned vehicles, damage disclosure  
33 statements, flashing blue lights, weight limitation on  
34 tow vehicles, leased motor vehicles, motor vehicle  
35 dealer’s licensing bond, and single registration for  
36 motor carriers and other technical changes, and  
37 providing an effective date.”

38 8. By renumbering as necessary.

MIKE CONNOLLY

S-5171

1 Amend Senate File 2286 as follows:

2 1. Page 1, lines 18 and 19 by striking the words  
3 "a delayed deposit services business".

4 2. Page 2, lines 28 and 29 by striking the words  
5 ", involving moral turpitude".

6 3. Page 2, line 32, by inserting after the word  
7 "chapter" the following: ", as well as all other  
8 applicable laws".

9 4. Page 3, by striking lines 1 through 8 and  
10 inserting the following:

11 "5. The superintendent shall approve or deny an  
12 application for a license by written order not more  
13 than ninety days after the filing of an application.  
14 An order of the superintendent issued pursuant to this  
15 section may be appealed pursuant to chapter 17A."

16 5. Page 4, line 4, by inserting after the word  
17 "revocation" the following: "or any other civil or  
18 criminal".

19 6. Page 5, by inserting after line 35 the  
20 following:

21 "3. The superintendent may order the licensee to  
22 cease operations of the business if it fails to obtain  
23 written approval of the superintendent before  
24 operating a business in association or conjunction  
25 with services provided under this chapter."

26 7. Page 6, by striking lines 4 and 5 and  
27 inserting the following: "dollars on the first one  
28 hundred dollars on the face amount of a check or more  
29 than ten dollars on subsequent one hundred dollar  
30 increments on the face amount of the check for  
31 services provided by the licensee, or pro rata for  
32 any".

33 8. Page 6, by striking lines 15 through 17 and  
34 inserting the following:

35 "c. Any penalty allowed under section 554.3507,  
36 subsection 5, which the licensee will charge if the  
37 check is not negotiable on the date agreed upon."

38 9. Page 6, line 21, by inserting after the word  
39 "licensee" the following: "authorized by this  
40 section".

41 10. Page 7, by striking lines 1 and 2, and  
42 inserting the following:

43 "e. Repay, refinance, or otherwise consolidate a  
44 postdated check transaction with the proceeds of  
45 another postdated check transaction made by the same  
46 licensee.

47 f. Receive any other charges or fees in addition  
48 to the fees listed in section 533D.9, subsections 1

49 and 2.”

50 11. Page 7, line 27, by striking the word

Page 2

1 “knowingly”.

2 12. Page 8, by inserting after line 1 the

3 following:

4 “e. A licensee fails to pay an administrative  
5 penalty and the cost of investigation as ordered by  
6 the superintendent.”

7 13. Page 8, by striking lines 10 through 12 and  
8 inserting the following: “by the superintendent, the  
9 superintendent may issue and serve on the person a  
10 cease and desist order.”

11 14. Page 9, by striking lines 1 through 7 and  
12 inserting the following:

13 “If it appears that a person has engaged in or is  
14 engaging in an act or practice in violation of this  
15 chapter, the attorney general may initiate an action  
16 in the district court to enjoin such acts or practices  
17 and to enforce compliance with this chapter. Upon a  
18 showing of a violation of this chapter, a permanent or  
19 temporary injunction, restraining order, or writ of  
20 mandamus shall be granted or a receiver or conservator  
21 may be appointed to oversee the person’s assets. The  
22 attorney general shall not be required to post a  
23 bond.”

24 15. Page 10, by inserting after line 3 the  
25 following:

26 “Sec. \_\_\_\_ . Section 537.7102, subsection 3, Code  
27 1993, is amended to read as follows:

28 3. “Debt” means an actual or alleged obligation  
29 arising out of a consumer credit transaction, consumer  
30 rental purchase agreement, or a transaction which  
31 would have been a consumer credit transaction either  
32 if a finance charge was made, if the obligation was  
33 not payable in installments, if a lease was for a term  
34 of four months or less, or if a lease was of an  
35 interest in land. A debt includes a check as defined  
36 in section 554.3104 given in a transaction in  
37 connection with a consumer rental purchase agreement,  
38 in a transaction which was a consumer credit sale or  
39 in a transaction which would have been a consumer  
40 credit sale if credit was granted and if a finance  
41 charge was made, or in a transaction regulated under  
42 chapter 533D.”

43 16. By renumbering as necessary.

S-5172

- 1 Amend Senate File 2313 as follows:  
2 1. Page 8, by inserting after line 10 the  
3 following:  
4 "\_\_\_\_. The department of management, in cooperation  
5 with the department of human services, the department  
6 of inspections and appeals, the department of elder  
7 affairs, and representatives of the nursing facility  
8 industry, shall assess the overall programmatic and  
9 fiscal impact of certifying all nursing facility beds  
10 for use by recipients of medical assistance and to  
11 admit persons to nursing facilities as beds become  
12 available on the basis of the time of application and  
13 not upon the source of payment of the applicants'  
14 care. The department of management shall report  
15 findings and recommendations to the governor and the  
16 members of the joint appropriations subcommittee on  
17 human services on or before January 15, 1995."  
18 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5173

- 1 Amend House File 2256, as passed by the House, as  
2 follows:  
3 1. Page 2, line 15, by striking the words "  
4 after notice;" and inserting the following: ", after  
5 notice,".  
6 2. Page 2, line 25, by striking the word "thirty"  
7 and inserting the following: "one hundred sixty-  
8 five".  
9 3. Page 12, by striking lines 26 through 29 and  
10 inserting the following:  
11 "NEW UNNUMBERED PARAGRAPH. A vehicle designed to  
12 tow wrecked or disabled vehicles shall be exempt from  
13 the weight limitations in this section while the  
14 vehicle is towing a wrecked or disabled vehicle."  
15 4. Page 15, by inserting after line 27 the  
16 following:  
17 "Sec. \_\_\_\_ . IMMEDIATE EFFECTIVE DATE. The section  
18 of this Act which amends section 321.423, subsections  
19 3 and 4, being deemed of immediate importance, takes  
20 effect upon enactment."  
21 5. Title page, lines 10 and 11, by striking the  
22 words "an effective date" and inserting the following:

23 "effective dates".

24 6. By renumbering as necessary.

MIKE CONNOLLY

S-5174

1 Amend Senate File 2286 as follows:

2 1. Page 2, by striking lines 15 through 17 and  
3 inserting the following: "surety's liability under  
4 this chapter is limited to the amount of the bond  
5 regardless of the number of years the bond is in  
6 effect."

WILLIAM D. PALMER

S-5175

1 Amend Senate File 2262 as follows:

2 1. Page 2, line 18, by inserting after the word  
3 "organization" the following: ", which shall include  
4 specific criteria for measuring the success of the  
5 microenterprise organization in meeting its principal  
6 mission".

RANDAL J. GIANNETTO

S-5176

1 Amend Senate File 2313 as follows:

2 1. Page 8, line 34, by striking the figure  
3 "19,315,000" and inserting the following:  
4 "19,663,000".  
5 2. Page 40, line 19, by striking the figure  
6 "20.02" and inserting the following: "20.22".  
7 3. Page 40, line 21, by striking the figure  
8 "14.31" and inserting the following: "14.45".

MERLIN E. BARTZ

S-5177

1 Amend Senate File 414 as follows:

2 1. Page 1, line 30, by inserting after the figure  
3 "2.32." the following: "The four ex officio,  
4 nonvoting members shall be subject to confirmation by  
5 a majority vote of the voting members of the state  
6 board of regents. If a member of the general assembly  
7 designated pursuant to subsection 1, paragraph "b" is  
8 not confirmed, another member of the general assembly

9 shall be appointed, subject to the same confirmation  
10 procedure established in this subsection, by either  
11 the majority or minority leader of the senate, or the  
12 speaker or minority leader of the house of  
13 representatives, as applicable. Vacancies shall be  
14 filled and confirmed in the same manner as the  
15 original appointment."

JIM LIND  
ROBERT E. DVORSKY

S-5178

1 Amend Senate File 2313 as follows:  
2 1. Page 14, line 12, by inserting after the  
3 figure "598.23A." the following: "Notwithstanding the  
4 existing community service work requirements of  
5 section 598.23A, the department, in cooperation with  
6 the office of the attorney general, shall establish  
7 parameters for the participation of an absent parent  
8 in the pilot program."  
9 2. Page 25, line 2, by inserting after the word  
10 "award." the following: "Community or regional groups  
11 interested in applying for a grant under this  
12 subsection may be issued a planning grant or may  
13 utilize grant moneys for the costs of technical  
14 assistance to analyze community needs, match service  
15 providers to needs, negotiate service provision  
16 strategies, or other assistance to focus grant  
17 services provided under this subsection. The  
18 technical assistance may be provided by organizations  
19 affiliated with institutions under the authority of  
20 the state board of regents or other organizations  
21 experienced in providing technical assistance  
22 concerning similar services."

ELAINE SZYMONIAK

S-5179

1 Amend Senate File 2313 as follows:  
2 1. Page 15, line 24, by striking the figure  
3 "74,600,612" and inserting the following:  
4 "74,734,612".  
5 2. Page 16, line 1, by inserting after the word  
6 "services" the following: "and for psychiatric  
7 medical institution for children (PMIC) under chapter  
8 135H services".  
9 3. Page 16, line 3, by inserting after the word  
10 "care" the following: "and PMIC".

- 11 4. Page 16, line 5, by striking the figure  
 12 "1,350" and inserting the following: "1,733".
- 13 5. Page 16, line 10, by inserting after the word  
 14 "care" the following: "or PMIC".
- 15 6. Page 16, line 16, by inserting after the word  
 16 "care" the following: "and PMIC".
- 17 7. Page 16, line 19, by inserting after the word  
 18 "care" the following: "and PMIC".
- 19 8. Page 16, line 22, by inserting after the word  
 20 "care" the following: "and PMIC".
- 21 9. Page 16, line 24, by inserting after the word  
 22 "care" the following: "and PMIC".
- 23 10. Page 16, line 28, by inserting after the word  
 24 "care" the following: "and PMIC".
- 25 11. Page 16, line 33, by inserting after the word  
 26 "care" the following: "or PMIC".
- 27 12. Page 17, line 1, by inserting after the word  
 28 "care" the following: "and PMIC".
- 29 13. Page 17, line 10, by inserting after the word  
 30 "care" the following: "or PMIC".
- 31 14. Page 17, line 11, by inserting after the word  
 32 "care" the following: "or PMIC".
- 33 15. Page 17, by inserting after line 18 the fol-  
 34 lowing:  
 35 "f. A PMIC is intended to serve children with a  
 36 mental health diagnosis who show maladaptive or  
 37 inappropriate behaviors. A clinical assessment and  
 38 consultation team shall determine medical necessity  
 39 for a PMIC placement based upon the mental health  
 40 diagnosis and the behaviors shown by the child and  
 41 shall not determine medical necessity based upon the  
 42 delinquency status of the child."
- 43 16. Page 31, line 33, by striking the figure  
 44 "29,090,958" and inserting the following:  
 45 "28,956,958".
- 46 17. Page 31, line 34, by striking the figure  
 47 "15,773,333" and inserting the following:  
 48 "15,639,333".
- 49 18. Page 43, by inserting after line 11 the  
 50 following:

**Page 2**

- 1 "Sec. \_\_\_\_ . Section 232.143, Code Supplement 1993,  
 2 is amended to read as follows:  
 3 232.143 REGIONAL GROUP FOSTER CARE TARGET.  
 4 1. A statewide target for the average number of  
 5 children in group foster care and psychiatric medical  
 6 institution for children placements on any day of a  
 7 fiscal year, which placements are a charge upon or are



8 paid for by the state, shall be established annually  
9 by the general assembly. The department and the  
10 judicial department shall jointly develop a formula  
11 for allocating a portion of the statewide target  
12 established by the general assembly to each of the  
13 department's regions. The formula shall be based upon  
14 the region's proportion of the state population of  
15 children and of the statewide number of children  
16 placed in group foster care in the previous five  
17 completed fiscal years. The number determined in  
18 accordance with the formula shall be the group foster  
19 care and psychiatric medical institution for children  
20 placement target for that region.

21 2. For each of the department's regions,  
22 representatives appointed by the department and the  
23 juvenile court shall establish a plan for containing  
24 the number of children placed in group foster care  
25 ordered by the court and psychiatric medical  
26 institutions for children pursuant to a court order  
27 within the target allocated to that region pursuant to  
28 subsection 1. The plan shall include monthly targets  
29 and strategies for developing alternatives to group  
30 foster care and psychiatric medical institution for  
31 children placements in order to contain expenditures  
32 for services provided to children within the amount  
33 appropriated by the general assembly for that purpose.  
34 Each regional plan shall be established in advance of  
35 the fiscal year to which the regional plan applies.  
36 To the extent possible, the department and the  
37 juvenile court shall coordinate the planning required  
38 under this subsection with planning for services paid  
39 under section 232.141, subsection 4. The department's  
40 regional administrator shall communicate regularly, as  
41 specified in the regional plan, with the juvenile  
42 courts within that region concerning the current  
43 status of the regional plan's implementation.

44 3. State payment for group foster care and  
45 psychiatric medical institution for children  
46 placements shall be limited to those placements which  
47 are in accordance with the regional plans developed  
48 pursuant to subsection 2."

49 19. By renumbering, relettering, and correcting  
50 internal references as necessary.

ELAINE SZYMONIAK  
PATRICK J. DELUHERY

S-5180

- 1 Amend the amendment, S-5084, to Senate File 2184 as  
2 follows:
- 3 1. Page 1, line 14, by inserting after the figure  
4 "135B" the following: "or a physician clinic".
- 5 2. Page 3, line 45, by inserting after the figure  
6 "135B" the following: ", physician clinics,".
- 7 3. Page 3, line 46, by inserting after the word  
8 "hospital" the following: ", physician clinic,".
- 9 4. Page 3, line 49, by inserting after the word  
10 "hospital" the following: ", physician clinic,".
- 11 5. Page 4, line 3, by inserting after the figure  
12 "135B" the following: "and physician clinics".

MARY E. KRAMER  
ELAINE SZYMONIAK  
MICHAEL E. GRONSTAL  
ROBERT E. DVORSKY  
RICHARD F. DRAKE  
TOM VILSACK  
JEAN LLOYD-JONES  
JIM KERSTEN  
MAGGIE TINSMAN

S-5181

- 1 Amend Senate File 2313 as follows:
- 2 1. Page 8, by inserting after line 26 the  
3 following:
- 4 "4. The department shall conduct a study of the  
5 reimbursement methodology for home intravenous  
6 pharmacy products and services and develop a proposal  
7 for revising the methodology to provide adequate  
8 compensation for the products and services. The  
9 proposal shall be submitted to the governor and the  
10 legislative fiscal bureau on or before January 1,  
11 1995."

LARRY MURPHY

S-5182

- 1 Amend Senate File 2313 as follows:
- 2 1. Page 17, by inserting after line 18 the  
3 following:
- 4 "f. (1) Within the funds allocated for group  
5 foster care, the department of human services, in  
6 consultation with the department of corrections, the  
7 division of criminal and juvenile justice planning of

8 the department of human rights, and the governor's  
9 alliance against substance abuse, shall, effective  
10 January 1, 1995, establish a three-year pilot project  
11 for the development of a boot camp academy for  
12 juveniles who have been adjudicated delinquent. The  
13 department of human services shall select the site for  
14 the project on a competitive basis. In establishing  
15 the pilot project criteria, the department shall  
16 consider other states' efforts and experiences in  
17 developing and establishing boot camps for juveniles  
18 who have been adjudicated delinquent, as well as the  
19 problems and successes experienced in existing  
20 programs for youthful offenders in this state.  
21 (2) The goals of the project shall include, but  
22 are not limited to, reducing the incidence of criminal  
23 activities by certain youthful offenders, improving  
24 the chances of correction and successful return of  
25 youthful offenders to the community, providing  
26 offenders with the skills necessary for living and  
27 rehabilitation, and providing a cost-effective  
28 alternative to other more restrictive dispositions.  
29 Boot camp academy programs shall take a holistic  
30 approach to providing services to program participants  
31 and shall include, but are not limited to, the  
32 following components:  
33 (a) Intensive educational services.  
34 (b) Mental health and substance abuse treatment.  
35 (c) Nonmilitaristic discipline.  
36 (d) Proper diet.  
37 (e) Exercise.  
38 (f) Self-esteem building.  
39 (g) An internal sanctioning structure.  
40 (h) An aftercare plan.  
41 (i) An evaluation component.  
42 (3) The project shall specify that any boot camp  
43 academy program developed shall not utilize more than  
44 one facility. Program participants shall be  
45 determined on a statewide basis by the juvenile court  
46 based upon the court's assessment of a particular  
47 juvenile delinquent's amenability to successful  
48 completion of a boot camp academy program. The  
49 department shall adopt rules which provide the court  
50 with objective criteria to consider in determining

Page 2

1 whether placement of a juvenile in a boot camp academy  
2 is appropriate. Placement criteria shall include, but  
3 are not limited to, the following:  
4 (a) Boot camp academy participation will provide

5 an alternative to placement of the individual in a  
6 more restrictive setting.

7 (b) Individuals selected shall meet the criteria  
8 established in section 232.52.

9 (c) The individual is at least somewhat amenable  
10 to treatment.

11 (d) The individual is within the age range of  
12 fifteen to seventeen years of age.

13 (e) The individual does not have physical or  
14 mental characteristics that would cause placement in a  
15 boot camp academy to be detrimental to the person's  
16 physical or mental health.

17 (4) The department shall adopt rules establishing  
18 criteria for facilities for and the employment of  
19 staff at a boot camp academy. In establishing  
20 criteria, the department shall consider requirements  
21 established for secure facilities for juveniles and  
22 adult correctional institutions and for staff employed  
23 at those facilities and institutions.

24 (5) Each boot camp academy resident shall be  
25 informed of the sanctions and discipline that will  
26 result from violation of boot camp academy policies.  
27 Boot camp academy rules and regulations shall be well  
28 publicized within the boot camp academy setting. Boot  
29 camp academy discipline and sanctions shall provide  
30 for immediate incremental punishments for rule  
31 violations and lack of progress. Voluntary  
32 withdrawals and program terminations shall be  
33 discouraged as sanctions.

34 (6) The boot camp academy aftercare program shall  
35 emphasize individual, family, and community support.  
36 Aftercare programming shall be performed by local  
37 providers who shall be familiar with the juvenile and  
38 the juvenile's family prior to, and during the course  
39 of, the participation of the juvenile in the boot camp  
40 academy program. Aftercare programming shall be  
41 developed cooperatively by boot camp academy staff and  
42 aftercare providers and shall include a wide range of  
43 incremental sanctions designed to prevent the juvenile  
44 from committing new criminal offenses. Aftercare  
45 programs may include, but are not limited to, a  
46 continuation of any appropriate substance abuse  
47 treatment, continuation of or additional educational  
48 programming, community service work, employment skills  
49 training, drug and alcohol screening as appropriate,  
50 in-home visits by the aftercare provider, imposition

Page 3

1 of and compliance with curfew hours, a prohibition of  
2 participation in any gang activity as appropriate, and  
3 participation in mentoring programs.  
4 (7) In addition to any internal boot camp academy  
5 evaluation program, the division of criminal and  
6 juvenile justice planning shall annually monitor the  
7 effect of any boot camp academy programs established  
8 under the pilot project on recidivism and  
9 rehabilitation of delinquents who participated in the  
10 programs and report any findings to the general  
11 assembly. The council, in cooperation with the  
12 department, shall conduct a comprehensive review of  
13 the program and submit the findings in a report to the  
14 general assembly by January 15, 1998."

PAUL D. PATE

S-5183

1 Amend Senate File 2313 as follows:  
2 1. Page 43, by inserting after line 9 the  
3 following:  
4 "Sec. \_\_\_\_ . WELFARE PROGRAM WAIVERS.  
5 1. The department of human services shall submit a  
6 waiver request or requests to the United States  
7 departments of health and human services and  
8 agriculture as necessary to implement the changes in  
9 program policy provided in this section which may  
10 affect any of the following:  
11 a. The family investment program administered  
12 under chapter 239.  
13 b. The medical assistance program administered  
14 under chapter 249A.  
15 c. The federal food stamp program.  
16 d. Any other program with federal involvement  
17 which provides benefits to a recipient of the family  
18 investment program and which may be affected by the  
19 program policy change provided in this section.  
20 2. The waiver request or requests shall provide  
21 for all of the following provisions:  
22 a. The maximum grant payment amount for a  
23 recipient family whose eligibility for the family  
24 investment program begins on or after the effective  
25 date of the federal waiver shall be limited to the  
26 amount that would be paid to a family with two  
27 dependent children. However, if any recipient family  
28 has no more than one dependent child on or after the  
29 effective date of the waiver and a second birth event

30 produces more than one additional child, the family's  
31 grant payment amount shall be adjusted to reflect the  
32 actual number of children added to the family as a  
33 result of the second birth.

34 b. On or after the effective date of the federal  
35 waiver, the grant payment amount for a recipient  
36 family participating in the family investment program  
37 with two or more children prior to the effective date  
38 of the waiver shall not be increased to reflect the  
39 birth of additional dependent children.

40 c. On or after the effective date of the federal  
41 waiver, the provisions of a family investment  
42 agreement shall require that if a dependent child of a  
43 family investment program recipient does not regularly  
44 attend school, the recipient family grant shall be  
45 reduced by fifty dollars per month until the child  
46 begins regular school attendance.

47 d. As a condition of participation in the family  
48 investment program, a recipient who is the mother of  
49 at least one dependent child shall be required to  
50 utilize the Norplant birth control device following

## Page 2

1 the birth of a second or subsequent dependent child.

2 The cost of the device shall be paid by the state  
3 alone if the cost is not payable jointly under the  
4 medical assistance program.

5 3. The waiver request or requests submitted by the  
6 department to the federal government pursuant to this  
7 section shall be to apply each of the provisions of  
8 this section statewide commencing during the fiscal  
9 year beginning July 1, 1994. However, if statewide  
10 implementation is rejected or the department  
11 determines that the federal government will not  
12 approve a particular waiver provision, the department  
13 shall modify the waiver provision to receive federal  
14 approval, or make any other change affecting  
15 implementation of a waiver provision under this  
16 section, and the department shall implement the  
17 approved or modified provisions in accordance with  
18 federal requirements."

19 2. By renumbering as necessary.

BERL E. PRIEBE

S-5184

1 Amend Senate File 2313 as follows:

2 1. Page 31, line 34, by striking the figure

3 "15,773,333" and inserting the following:

4 "15,669,333".

5 2. Page 36, by inserting after line 13 the  
6 following:

7 "8. Of the funds appropriated in this section,

8 \$134,000 shall be allocated to counties in accordance

9 with the methodology for distribution of local

10 purchase of services moneys in subsection 6, paragraph

11 "f". The moneys provided pursuant to this subsection

12 shall be used by counties to increase reimbursement

13 rates for local purchase services listed in subsection

14 6, paragraph "b". The moneys provided in this

15 subsection shall not be considered by the department

16 in any calculation or methodology involving the

17 purchase of service system."

18 3. By renumbering as necessary.

DON GETTINGS  
JOHN P. KIBBIE  
WILMER RENSINK  
RICHARD F. DRAKE  
LARRY MURPHY  
ELAINE SZYMONIAK

S-5185

1 Amend Senate File 2278 as follows:

2 1. Page 5, line 28, by striking the words "or  
3 security owners" and inserting the following: "

4 security owners, or surviving spouses".

WILLIAM D. PALMER

S-5186

1 Amend Senate File 2271, as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. **NEW SECTION. 678A.1 FAMILY MEDIATION**  
5 **SERVICES PROVIDERS LIST.**

6 Each judicial district shall establish a list of

7 qualified mediation services providers for purposes of

8 providing mediation services to parties to actions

9 affecting the family in the manner provided in this

10 chapter. Persons wishing to be included on the list

11 shall submit their name and qualifications to the

12 court. The chief judge of the judicial district, or

13 the chief judge's designee, shall review the names and

14 qualifications submitted by each person to determine

15 whether the person meets the requirements for

16 inclusion on the judicial district list.

17 Sec. 2. NEW SECTION. 678A.2 QUALIFICATIONS OF  
18 MEDIATOR.

19 A mediator whose name is listed as a qualified  
20 mediation services provider pursuant to this chapter  
21 shall have had not less than twenty-five hours of  
22 mediation training and not less than three years of  
23 professional experience in mediating disputes.

24 Sec. 3. NEW SECTION. 678A.3 REFERRAL BY COURT.

25 1. In any action affecting the family, including a  
26 decree of dissolution of marriage, a modification of  
27 an order for dissolution of marriage, an order for  
28 child custody, or an order for support which is  
29 related to legal custody or physical care, the court  
30 may refer the parties to a family mediation services  
31 provider from the list established for the judicial  
32 district.

33 If both parties to any action affecting the family  
34 wish to engage in mediation of any issue in the  
35 dispute, either party may request the court to refer  
36 the parties to family mediation services for  
37 assistance in resolving any problem relating to the  
38 action. Upon receiving a request, the court shall  
39 refer the parties for family mediation services.

40 A person who is awarded a period of physical  
41 custody or care, a child of the person, a person with  
42 visitation rights, or a person with physical custody  
43 of a child may notify the court of any problem  
44 experienced regarding physical care. Upon  
45 notification, the court may refer a person involved in  
46 the matter to family mediation services for assistance  
47 in resolving the problem.

48 2. If the court refers a party to family mediation  
49 services for possible mediation, a specific mediator  
50 shall be assigned to the case. The mediator shall

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1 provide any mediation that the mediator deems  
2 appropriate. If the mediator determines that  
3 mediation is not appropriate, the mediator shall  
4 notify and refer the matter to the court for hearing.

5 3. In any action affecting the family, including  
6 an action for modification of a previous order, in  
7 which it appears that legal custody or physical care  
8 is contested, unless the court determines that  
9 attendance will cause undue hardship or would endanger  
10 the health or safety of either of the parties, the  
11 parties to the action shall attend at least one  
12 session with either a mediator from the list of family



13 mediation services providers or a private mediator  
 14 before a trial or hearing is held. The mediation  
 15 session shall be a screening and evaluation session  
 16 for purposes of determining whether mediation is  
 17 appropriate and whether both parties wish to continue  
 18 in mediation. If the parties and the mediator  
 19 determine that continued mediation is appropriate, the  
 20 court proceedings regarding legal custody or physical  
 21 care shall not take place until after mediation is  
 22 completed or terminated. If it is determined that  
 23 mediation is not appropriate, the matter shall be  
 24 referred to the court. In making a determination of  
 25 whether attending an initial mediation session will  
 26 endanger the health or safety of either of the  
 27 parties, the court shall consider any of the  
 28 following:

29 a. Evidence that a child, for whom custody and  
 30 physical care must be determined, is a child in need  
 31 of assistance as defined under section 232.2,  
 32 subsection 6, as a result of the acts or omissions of  
 33 one or both of the parties.

34 b. Evidence of domestic abuse under chapter 236.

35 c. Evidence that either party is a substance  
 36 abuser or chronic substance abuser, continues to abuse  
 37 drugs or alcohol, and has failed or refused to seek  
 38 treatment.

39 d. Any other evidence indicating that a party's  
 40 health or safety will be endangered by attending the  
 41 session.

42 Sec. 4. NEW SECTION. 678A.4 PRIVATE MEDIATION.

43 The parties to any action affecting the family may,  
 44 at their own expense, receive mediation services from  
 45 a private mediator. Parties who receive services from  
 46 a private mediator shall file a written notice with  
 47 the court stating the name of the private mediator and  
 48 the date of the first meeting with the mediator.

49 Sec. 5. NEW SECTION. 678A.5 SCOPE OF FAMILY  
 50 MEDIATION SERVICES.

Page 3

1 If mediation is provided by a mediator assigned by  
 2 the court from the family mediation services provider  
 3 list, any issue assigned by the court or any matter  
 4 agreed to by the parties may be considered during the  
 5 mediation. Matters which may be the subject of  
 6 mediation may include, but are not limited to,  
 7 property division, maintenance, child support, and  
 8 physical care and legal custody of any children of the  
 9 marriage.

10 Sec. 6. NEW SECTION. 678A.6 DUTIES AND  
11 RESPONSIBILITIES OF MEDIATOR.

12 A mediator providing mediation services under this  
13 chapter shall consider whether a particular resolution  
14 of any issue is in the best interest of the family,  
15 including the child, if there are children for whom  
16 child custody or physical care is an issue, and may do  
17 any of the following:

18 1. Promote cooperative settlement by reducing the  
19 emotional intensity of the parties to the dispute.

20 2. Include the counsel of any party or any  
21 appointed guardian in the mediation.

22 3. Interview any child of the parties, with or  
23 without a party present.

24 4. Require either or both parties to provide  
25 written disclosure of facts relating to any legal  
26 custody or physical care issue addressed in mediation,  
27 including any financial issue permitted to be  
28 considered.

29 5. Suspend mediation when necessary to enable  
30 either or both parties to obtain an appropriate court  
31 order or appropriate therapy.

32 6. Terminate mediation in the manner provided in  
33 section 678A.7.

34 Sec. 7. NEW SECTION. 678A.7 TERMINATION OF  
35 MEDIATION.

36 1. Mediation may be terminated by a mediator if  
37 either party does not cooperate, if mediation is not  
38 appropriate for resolution of the dispute in the  
39 opinion of the mediator, or if there is evidence of  
40 any of the following:

41 a. Evidence that a child, for whom custody and  
42 physical placement must be determined, is a child in  
43 need of assistance as defined under section 232.2,  
44 subsection 6, as a result of the acts or omissions of  
45 one or both of the parties.

46 b. Evidence of domestic abuse under chapter 236.

47 c. Evidence that either party is a substance  
48 abuser or chronic substance abuser, continues to abuse  
49 drugs or alcohol, and has failed or refused to seek  
50 treatment.

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1 d. Any other evidence indicating that a party's  
2 health or safety will be endangered by attending  
3 mediation.

4 e. Evidence that the parties have reached an  
5 impasse that cannot be reconciled.

6 2. Mediation may also be terminated by application

7 filed with the court by either party to the dispute.  
8 A party seeking to terminate mediation shall state the  
9 reasons for termination mediation. A party to the  
10 dispute shall not file more than one application to  
11 terminate mediation. Upon receipt of an application  
12 to terminate mediation, the court shall notify the  
13 other party and the family mediation services provider  
14 of receipt of an application. The other party to the  
15 dispute may, within ten days of receipt of notice of  
16 an application to terminate mediation, file an  
17 objection to termination of mediation. The court may,  
18 with or without hearing, upon receiving the  
19 application and any objections, terminate mediation,  
20 appoint a different mediator from the list of family  
21 mediation services providers, or reject the  
22 application.

23 **Sec. 8. NEW SECTION. 678A.8 COMMUNICATIONS WITH**  
24 **MEDIATOR – CONFIDENTIALITY.**

25 All verbal or written communications relating to  
26 the subject matter of an agreement and transmitted  
27 between any party and a mediator or to any other  
28 person present during any stage of mediation, whether  
29 reflected in notes, memoranda, or other work products  
30 in the case files, are confidential communications  
31 except as otherwise expressly provided in this  
32 chapter. Mediators shall not be examined in any  
33 judicial or administrative proceeding regarding  
34 confidential communications and are not subject to  
35 judicial or administrative process requiring the  
36 disclosure of confidential communications.

37 This section does not prohibit the release of  
38 information to the court regarding the disposition of  
39 a case which was referred by the court. This section  
40 does not apply if a mediator has reason to believe  
41 that a party to a dispute has given perjured evidence.

42 **Sec. 9. NEW SECTION. 678A.9 MEDIATION**  
43 **AGREEMENTS.**

44 An agreement which resolves issues between the  
45 parties which is reached as a result of mediation  
46 under this chapter shall be prepared in writing,  
47 reviewed by the attorney or attorneys, if any, of  
48 either or both parties, and by any guardian ad litem  
49 or attorney appointed to represent the interests of a  
50 child. The court may approve, modify, or reject the

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1 agreement, based on a determination of whether the  
2 agreement is in the best interest of any child of the  
3 marriage.

4 If, after mediation under this chapter, the parties  
 5 do not reach agreement on legal custody or periods of  
 6 physical care, the parties or the mediator shall  
 7 notify the court of the failure to reach agreement.  
 8 The court shall proceed with the matter in the manner  
 9 provided in chapter 598.

10 **Sec. 10. NEW SECTION. 678A.10 COSTS OF MEDIATION**  
 11 **-- FEES.**

12 Each party who receives family mediation services,  
 13 other than services provided by a private mediator,  
 14 shall pay a fee to defray in whole or in part the  
 15 administrative costs of family mediation services.  
 16 Fees charged by persons whose names are included on  
 17 the judicial district family mediation services  
 18 provider list shall be on a sliding scale based upon  
 19 the parties' ability to pay. A person shall not be  
 20 denied family mediation services solely because of  
 21 inability to pay the fee.

22 **Sec. 11. NEW SECTION. 678A.11 LIMITATION OF**  
 23 **LIABILITY FOR MEDIATORS -- IMMUNITY -- EXCEPTIONS.**

24 1. A person who provides family mediation services  
 25 under this chapter is not liable for civil damages for  
 26 any statement or agreement made during the course of  
 27 mediation, unless the person has acted in bad faith,  
 28 with malicious purpose, or in a manner exhibiting  
 29 willful and wanton disregard of human rights, safety,  
 30 or property.

31 2. A cause of action seeking an injunction, writ  
 32 of mandamus, or other similar relief shall not be  
 33 brought against a person who provides family mediation  
 34 services under this chapter until the mediation of the  
 35 dispute is completed or is terminated in the manner  
 36 provided in section 678A.7."

37 2. Title page, line 1, by striking the words  
 38 "mediation of dissolution proceedings" and inserting  
 39 the following: "family mediation services".

COMMITTEE ON WAYS AND MEANS  
 WILLIAM W. DIELEMAN, Chairperson

S-5187

1 Amend Senate File 2313 as follows:

2 1. Page 14, line 19, by inserting after the word  
 3 "participants." the following: "The department may  
 4 adopt emergency rules to implement the provisions of  
 5 this subsection."

6 2. Page 23, line 31, by inserting after the word  
 7 "purchased." the following: "The department may adopt  
 8 emergency rules to implement the provisions of this

9 subsection.”

10 3. Page 24, line 15, by inserting after the word  
11 “grant.” the following: “The department may adopt  
12 emergency rules to implement the provisions of this  
13 subsection.”

14 4. Page 25, line 2, by inserting after the word  
15 “award.” the following: “The department may adopt  
16 emergency rules to implement the provisions of this  
17 subsection.”

ELAINE SZYMONIAK  
PATRICK DELUHERY

S-5188

1 Amend Senate File 2190 as follows:

2 1. Page 1, line 15, by striking the word  
3 “permanent” and inserting the following: “perimeter”.

4 2. Page 1, lines 19 through 21, by striking the  
5 words “A pier footing system, set below frost level  
6 and according to manufacturer’s specifications, is a  
7 permanent foundation system.” and inserting the  
8 following: “For purposes of this section, a permanent  
9 foundation may be a pier footing foundation system  
10 designed and constructed to be compatible with the  
11 structure and the conditions of the site.”

12 3. Page 1, lines 32 through 35, by striking the  
13 words “A mobile home as defined in section 435.1 is  
14 not a manufactured home, unless it has been converted  
15 to real property as provided in section 435.26, and  
16 shall be taxed as a site-built dwelling.”

17 4. Page 2, line 16, by striking the word  
18 “permanent” and inserting the following: “perimeter”.

19 5. Page 2, lines 20 through 22, by striking the  
20 words “A pier footing system, set below frost level  
21 and according to manufacturer’s specifications, is a  
22 permanent foundation system” and inserting the  
23 following: “For purposes of this section, a permanent  
24 foundation may be a pier footing foundation system  
25 designed and constructed to be compatible with the  
26 structure and the conditions of the site.”

27 6. Page 2, lines 33 through 35, by striking the  
28 words “A mobile home as defined in section 435.1 is  
29 not a manufactured home, unless it has been converted  
30 to real property as provided in section 435.26, and  
31 shall be taxed as”.

32 7. Page 3, line 1, by striking the words “a site-  
33 built dwelling.”

34 8. Page 3, line 14, by inserting after the figure  
35 “1976.” the following: “If a mobile home is placed

36 outside a mobile home park, the home is to be assessed  
 37 and taxed as real estate."

38 9. Page 3, line 16, by striking the word  
 39 "subsection" and inserting the following:  
 40 "subsections".

41 10. Page 3, by inserting after line 16 the  
 42 following:

43 "NEW SUBSECTION. 1A. "Home" means a mobile home,  
 44 a manufactured home, or a modular home."

45 11. Page 3, line 17, by striking the figure and  
 46 letter "1A" and inserting the following: "1B".

47 12. Page 3, lines 17 and 18, by striking the  
 48 words "mobile home except that a manufactured home is"  
 49 and inserting the following: "factory-built  
 50 structure".

## Page 2

1 13. Page 3, line 25, by inserting after the word  
 2 "is" the following: "to be".

3 14. Page 4, by striking lines 2 through 10 and  
 4 inserting the following:

5 "3. "Modular home" means a factory-built structure  
 6 which is manufactured to be used as a place of human  
 7 habitation, is constructed to comply with the Iowa  
 8 state building code for modular factory-built  
 9 structures, and must display the seal issued by the  
 10 state building code commissioner. If a modular home  
 11 is placed in a mobile home park, the home is subject  
 12 to the mobile home square footage tax. If a modular  
 13 home is placed outside a mobile home park, the home  
 14 shall be considered real property and is to be  
 15 assessed and taxed as real estate."

16 15. Page 4, by inserting after line 10 the  
 17 following:

18 "Sec. \_\_\_\_ . Section 435.22, unnumbered paragraph 1,  
 19 Code 1993, is amended to read as follows:

20 "The owner of each mobile home, manufactured home,  
 21 or modular home, located within a mobile home park  
 22 shall pay to the county treasurer an annual tax.

23 However, when the owner is any educational institution  
 24 and the ~~mobile~~ home is used solely for student housing  
 25 or when the owner is the state of Iowa or a  
 26 subdivision ~~thereof of the state~~, the owner shall be  
 27 exempt from the tax. The annual tax shall be computed  
 28 as follows:

29 Sec. \_\_\_\_ . Section 435.22, subsections 1, 2, and 3,  
 30 Code 1993, are amended to read as follows:

31 1. Multiply the number of square feet of floor  
 32 space each ~~mobile~~ home contains when parked and in use

33 by twenty cents. In computing floor space, the  
 34 exterior measurements of the mobile home shall be used  
 35 as shown on the certificate of registration and title,  
 36 but not including any area occupied by a hitching  
 37 device.

38 2. If the owner of the mobile home is an Iowa  
 39 resident, has attained the age of eighteen years on or  
 40 before December 31 of the base year, and has an income  
 41 when included with that of a spouse which is less than  
 42 six thousand dollars per year, the annual tax shall  
 43 not be imposed on the mobile home. If the income is  
 44 six thousand dollars or more but less than fourteen  
 45 thousand dollars, the annual tax shall be computed as  
 46 follows:

47	If the Household	Annual Tax Per
48	Income is:	Square Foot:
49	\$ 6,000 -- 6,999.99	3.0 cents
50	7,000 -- 7,999.99	6.0

Page 3

1	8,000 -- 9,999.99	10.0
2	10,000 -- 11,999.99	13.0
3	12,000 -- 13,999.99	15.0

4 For purposes of this subsection "income" means  
 5 income as defined in section 425.17, subsection 7, and  
 6 "base year" means the calendar year preceding the year  
 7 in which the claim for a reduced rate of tax is filed.  
 8 The mobile home reduced rate of tax shall only be  
 9 allowed on the mobile home in which the claimant is  
 10 residing at the time in which the claim for a reduced  
 11 rate of tax is filed.

12 3. The amount thus computed shall be the annual  
 13 tax for all mobile homes, except as follows:

14 a. For the sixth through ninth years after the  
 15 year of manufacture the annual tax is ninety percent  
 16 of the tax computed according to subsection 1 or 2 of  
 17 this section, whichever is applicable.

18 b. For all mobile homes ten or more years after  
 19 the year of manufacture the annual tax is eighty  
 20 percent of the tax computed according to subsection 1  
 21 or 2 of this section, whichever is applicable.

22 Sec. \_\_\_\_ . Section 435.22, subsection 5, unnumbered  
 23 paragraph 1, Code 1993, is amended to read as follows:

24 5. A claim for credit for mobile home tax due  
 25 shall not be paid or allowed unless the claim is  
 26 actually filed with the county treasurer between  
 27 January 1 and June 1, both dates inclusive,  
 28 immediately preceding the fiscal year during which the  
 29 mobile home taxes are due and, with the exception of a

30 claim filed on behalf of a deceased claimant by the  
31 claimant's legal guardian, spouse, or attorney, or by  
32 the executor or administrator of the claimant's  
33 estate, contains an affidavit of the claimant's intent  
34 to occupy the ~~mobile~~ home for six months or more  
35 during the fiscal year beginning in the calendar year  
36 in which the claim is filed. The county treasurer  
37 shall submit the claim to the director of revenue and  
38 finance on or before August 1 each year.

39 Sec. \_\_\_\_ . Section 435.23, Code 1993, is amended to  
40 read as follows:

41 435.23 EXEMPTIONS - PRORATING TAX.

42 The manufacturer's and dealer's inventory of mobile  
43 homes, manufactured homes, or modular homes not in use  
44 as a place of human habitation shall be exempt from  
45 the annual tax. All travel trailers shall be exempt  
46 from this tax. ~~Mobile~~ The homes and travel trailers  
47 in the inventory of manufacturers and dealers shall be  
48 exempt from personal property tax. ~~Mobile~~ The homes  
49 coming into Iowa from out of state and located in a  
50 mobile home park shall be liable for the tax computed

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1 pro rata to the nearest whole month, for the time such  
2 ~~mobile~~ the home is actually situated in Iowa.  
3 Sec. \_\_\_\_ . Section 435.24, subsections 1 through 6,  
4 Code 1993, are amended to read as follows:  
5 1. The annual tax is due and payable to the county  
6 treasurer on or after July 1 in each fiscal year and  
7 is collectible in the same manner and at the same time  
8 as ordinary taxes as provided in sections 445.36,  
9 445.37, and 445.39. Interest at the rate prescribed  
10 by law shall accrue on unpaid taxes. Both  
11 installments of taxes may be paid at one time. The  
12 September installment represents a tax period  
13 beginning July 1 and ending December 31. The March  
14 installment represents a tax period beginning January  
15 1 and ending June 30. A mobile home, manufactured  
16 home, or modular home coming into this state from  
17 outside the state, put in use from a dealer's  
18 inventory, or put in use at any time after July 1 or  
19 January 1, and located in a mobile home park, is  
20 subject to the taxes prorated for the remaining  
21 unexpired months of the tax period, but the purchaser  
22 is not required to pay the tax at the time of  
23 purchase. Interest attaches the following April 1 for  
24 taxes prorated on or after October 1. Interest  
25 attaches the following October 1 for taxes prorated on  
26 or after April 1. If the taxes are not paid, the



27 county treasurer shall send a statement of delinquent  
28 taxes as part of the notice of tax sale as provided in  
29 section 446.9. The owner of a mobile home who sells  
30 the mobile home between July 1 and December 31 and  
31 obtains a tax clearance statement is responsible only  
32 for the September tax payment and is not required to  
33 pay taxes for subsequent tax periods. If the owner of  
34 a mobile home located in a mobile home park sells the  
35 mobile home, obtains a tax clearance statement, and  
36 obtains a replacement mobile home located in a mobile  
37 home park, the owner shall not pay taxes under this  
38 chapter for the newly acquired mobile home for the  
39 same tax period that the owner has paid taxes on the  
40 mobile home sold. Interest for delinquent taxes shall  
41 be calculated to the nearest whole dollar. In  
42 calculating interest each fraction of a month shall be  
43 counted as an entire month.

44 2. Mobile The home owners upon issuance of a  
45 certificate of title or upon transporting to a new  
46 site shall file the address, township, and school  
47 district, of the location where the mobile home is  
48 parked with the county treasurer's office. Failure to  
49 comply is punishable as set out in section 435.18.  
50 When the new location is outside of a mobile home

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1 park, the county treasurer shall provide to the  
2 assessor a copy of the tax clearance statement for  
3 purposes of assessment as real estate on the following  
4 January 1.

5 3. Each mobile home park owner shall notify  
6 monthly the county treasurer concerning any mobile  
7 home or ~~manufactured home~~ arriving in or departing  
8 from the park without a tax clearance statement. The  
9 records of the owner shall be open to inspection by a  
10 duly authorized representative of any law enforcement  
11 agency. Any property owner, manager or tenant shall  
12 report to the county treasurer mobile homes parked  
13 upon any property owned, managed, or rented by that  
14 person.

15 4. The tax is a lien on the vehicle senior to any  
16 other lien upon it except a judgment obtained in an  
17 action to dispose of an abandoned mobile home under  
18 section 555B.8. The mobile home bearing a current  
19 registration issued by any other state and remaining  
20 within this state for an accumulated period not to  
21 exceed ninety days in any twelve-month period is not  
22 subject to Iowa tax. However, when one or more  
23 persons occupying a mobile home bearing a foreign

24 registration are employed in this state, there is no  
25 exemption from the Iowa tax. This tax is in lieu of  
26 all other taxes general or local on a mobile home.

27 ~~5. A modular home as defined by this chapter is  
28 not subject to or assessed the annual tax pursuant to  
29 this section, but shall be assessed and taxed as real  
30 estate pursuant to chapter 427.~~

31 ~~6.5. Before a mobile home may be moved from its  
32 present site by the owner or the owner's assignee any  
33 person, a tax clearance statement in the name of the  
34 owner must be obtained from the county treasurer of  
35 the county where the present site is located  
36 certifying that taxes are not owing under this section  
37 for previous years and that the taxes have been paid  
38 for the current tax period. When the home is moved to  
39 another county in this state, the county treasurer  
40 shall forward a copy of the tax clearance statement to  
41 the county treasurer of the county in which the home  
42 is being relocated. However, a tax clearance  
43 statement is not required for a mobile home in a  
44 manufacturer's or dealer's stock which is not used as  
45 a place for human habitation. A tax clearance form is  
46 not required to move an abandoned mobile home. A tax  
47 clearance form is not required in eviction cases  
48 provided the mobile home park owner or manager advises  
49 the county treasurer that the tenant is being evicted.  
50 If a dealer acquires a mobile home from a person other~~

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1 than a manufacturer, the person shall provide a tax  
2 clearance statement in the name of the owner of record  
3 to the dealer. The tax clearance statement shall be  
4 provided by the county treasurer in a method  
5 prescribed by the department of transportation.

6 Sec. \_\_\_\_ Section 435.24, subsection 7, paragraph  
7 a, Code 1993, is amended to read as follows:

8 a. As an alternative to the semiannual or annual  
9 payment of taxes, the county treasurer may accept  
10 partial payments of current year mobile home taxes. A  
11 minimum payment amount shall be established by the  
12 treasurer. The treasurer shall transfer amounts from  
13 each taxpayer's account to be applied to each  
14 semiannual tax installment prior to the delinquency  
15 dates specified in section 445.37 and the amounts  
16 collected shall be apportioned by the tenth of the  
17 month following transfer. If, prior to the due date  
18 of each semiannual installment, the account balance is  
19 insufficient to fully satisfy the installment, the  
20 treasurer shall transfer and apply the entire account

21 balance, leaving an unpaid balance of the installment.  
22 Interest shall attach on the unpaid balance in  
23 accordance with section 445.39. Unless funds  
24 sufficient to fully satisfy the delinquency are  
25 received, the treasurer shall collect the unpaid  
26 balance as provided in sections 445.3 and 445.4 and  
27 chapter 446. Any remaining balance in a taxpayer's  
28 account in excess of the amount needed to fully  
29 satisfy an installment shall remain in the account to  
30 be applied toward the next semiannual installment.  
31 Any interest income derived from the account shall be  
32 deposited in the county's general fund to cover  
33 administrative costs. The treasurer shall send a  
34 notice with the tax statement or by separate mail to  
35 each taxpayer stating that, upon request to the  
36 treasurer, the taxpayer may make partial payments of  
37 current year mobile home taxes.

38 Sec. \_\_\_\_ . Section 435.25, Code 1993, is amended to  
39 read as follows:

#### 40 435.25 APPORTIONMENT AND COLLECTION OF TAXES.

41 The tax and interest for delinquent taxes collected  
42 under section 435.24 shall be apportioned in the same  
43 manner as though they were the proceeds of taxes  
44 levied on real property at the same location as the  
45 mobile home.

46 Chapters 446, 447, and 448 apply to the sale of a  
47 mobile home for the collection of delinquent taxes and  
48 interest, the redemption of a mobile home sold for the  
49 collection of delinquent taxes and interest, and the  
50 execution of a tax sale certificate of title for the

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1 purchase of a mobile home sold for the collection of  
2 delinquent taxes and interest in the same manner as  
3 though a mobile home were real property within the  
4 meaning of these chapters to the extent consistent  
5 with this chapter. The certificate of title shall be  
6 issued by the county treasurer. The treasurer shall  
7 charge ten dollars for each certificate of title,  
8 except that the treasurer shall issue a tax sale  
9 certificate of title to the county at no charge.

10 When a mobile home is removed from the county where  
11 delinquent taxes, regular or special, are owing, or  
12 when it is administratively impractical to pursue tax  
13 collection through the remedies of this section, all  
14 taxes, regular and special, interest, and costs shall  
15 be abated by resolution of the county board of  
16 supervisors. The resolution shall direct the  
17 treasurer to strike from the tax books the reference

18 to that ~~mobile~~ home."

19 16. Page 4, by striking lines 23 through 30 and  
20 inserting the following: "which is located outside a  
21 mobile home park shall be converted to real estate by  
22 being placed on a permanent foundation and shall be  
23 assessed for real estate taxes. A home, after  
24 conversion to real estate, is eligible for the  
25 homestead tax credit and the military tax exemption."

26 17. Page 4, line 32, by striking the word  
27 "tendering" and inserting the following: "tendering  
28 the homeowner shall tender".

29 18. Page 5, line 1, by striking the word  
30 "obtaining" and inserting the following: "obtaining  
31 shall obtain the".

32 19. Page 5, by inserting after line 27 the  
33 following:

34 "Sec. . Section 435.27, Code 1993, is amended to  
35 read as follows:

36 435.27 CONVERSION TO MOBILE HOME.

37 1. A mobile home, manufactured home, or modular  
38 home converted to real estate under section 435.26 may  
39 be reconvertd to a ~~mobile~~ home as provided in this  
40 section when it is moved to a mobile home park or a  
41 dealer's inventory. When the home is located within a  
42 mobile home park, the home shall be taxed pursuant to  
43 section 435.22, subsection 1.

44 2. If the vehicular frame of the ~~former mobile~~  
45 home can be modified to return it to the status of a  
46 mobile home; or manufactured home, the owner or a  
47 secured party holding a mortgage or certificate of  
48 title pursuant to section 435.26 who has obtained  
49 possession of the ~~mobile~~ home may apply to the county  
50 treasurer as provided in section 321.20 for a

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1 certificate of title for the ~~mobile~~ home. If a  
2 mortgage exists on the real estate, a security  
3 interest in the ~~mobile~~ home shall be given to a  
4 secured party not applying for reconversion and noted  
5 on the certificate of title with the same priority or  
6 a higher priority than the secured party's mortgage  
7 interest. A reconversion shall not occur without the  
8 written consent of every secured party holding a  
9 mortgage or certificate of title.

10 If the secured party has elected to retain the  
11 ~~mobile~~ home vehicle title pursuant to section 435.26,  
12 subsection 2, paragraph "b", an owner applying for  
13 reconversion shall present to the county treasurer  
14 written consent to the reconversion from all secured

15 parties and an affirmation from the secured party  
 16 holding the title that the title is in its possession  
 17 and is intact. Upon receipt of the affirmation, the  
 18 county treasurer shall notify the assessor of the  
 19 reconversion, which notification constitutes  
 20 compliance by the owner with subsection 3.  
 21 3. After ~~complying~~ compliance with subsection 2  
 22 and receipt of the title, the owner shall notify the  
 23 assessor of the reconversion. The assessor shall  
 24 remove the assessed valuation of the ~~mobile~~ home from  
 25 assessment rolls as of the succeeding January 1 when  
 26 the ~~mobile~~ home becomes subject to taxation as  
 27 provided under section 435.24.

28 Sec. \_\_\_\_ . NEW SECTION. 435.28 COUNTY TREASURER  
 29 TO NOTIFY ASSESSOR.

30 Upon issuance of a certificate of title to a mobile  
 31 home or manufactured home which is not located in a  
 32 mobile home park or dealer's inventory, the county  
 33 treasurer shall notify the assessor of the existence  
 34 of the home for tax assessment purposes.

35 Sec. \_\_\_\_ . Section 435.29, Code 1993, is amended to  
 36 read as follows:

37 435.29 CIVIL PENALTY.

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

44 Sec. \_\_\_\_ . Section 435.33, Code 1993, is amended to  
 45 read as follows:

46 435.33 RENT REIMBURSEMENT.

47 A ~~mobile~~ home owner who qualifies for a reduced tax  
 48 rate provided in section 435.22 and who rents a space  
 49 upon which to set the ~~mobile~~ home shall be entitled to  
 50 the protections provided in sections 425.33 to 425.36

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1 and if the ~~mobile~~ home owner who qualifies for a  
 2 reduced tax rate believes that a landlord has  
 3 increased the ~~mobile~~ home owner's rent because the  
 4 ~~mobile~~ home owner is eligible for a reduced tax rate,  
 5 the provisions of sections 425.33 and 425.36 shall be  
 6 applicable.

7 Sec. \_\_\_\_ . NEW SECTION. 435.35 EXISTING HOME  
 8 OUTSIDE OF MOBILE HOME PARK - EXEMPTION.

9 A taxable mobile home, manufactured home, or  
 10 modular home which is not located in a mobile home  
 11 park as of the effective date of this Act, shall be

12 assessed and taxed as real estate. The home is also  
 13 exempt from the permanent foundation requirements of  
 14 this chapter until the home is relocated."

15 20. Page 5, by inserting after line 27 the  
 16 following:

17 "Sec. \_\_\_\_ . Section 555B.1, Code Supplement 1993,  
 18 is amended by adding the following new subsection:  
 19 NEW SUBSECTION. 4A. "Mobile home" includes "manu-  
 20 factured homes" and "modular homes" as those terms are  
 21 defined in section 435.1, if the manufactured homes or  
 22 modular homes are located in a mobile home park."

23 21. Page 6, by inserting before line 24 the  
 24 following:

25 "Sec. \_\_\_\_ . Section 562B.7, subsection 5, Code  
 26 1993, is amended to read as follows:

27 5. "Mobile home" means any vehicle without motive  
 28 power used or so manufactured or constructed as to  
 29 permit its being used as a conveyance upon the public  
 30 streets and highways and so designed, constructed, or  
 31 reconstructed as will permit the vehicle to be used as  
 32 a place for human habitation by one or more persons;  
 33 but shall also include any such vehicle with motive  
 34 power not registered as a motor vehicle in Iowa.  
 35 References in this chapter to "mobile home" includes  
 36 "manufactured homes" and "modular homes" as those  
 37 terms are defined in section 435.1, if the  
 38 manufactured homes or modular homes are located in a  
 39 mobile home park.

40 Sec. \_\_\_\_ . EFFECTIVE DATE - APPLICABILITY. This  
 41 Act takes effect July 1, 1994, however, the tax  
 42 provisions of this Act take effect January 1, 1995,  
 43 and apply to mobile homes, manufactured homes, or  
 44 modular homes which are subject to the annual tax  
 45 imposed pursuant to section 435.22 or to assessment  
 46 and taxation as real estate as otherwise provided by  
 47 law."

COMMITTEE ON WAYS AND MEANS  
 WILLIAM W. DIELEMAN, Chairperson

S-5189

- 1 Amend Senate File 2309 as follows:
- 2 1. By striking page 3, line 28 through page 4,
- 3 line 23.
- 4 2. By renumbering and changing internal
- 5 references as necessary.

RALPH ROSENBERG

S-5190

- 1 Amend Senate File 2308 as follows:
- 2 1. Page 1, line 13, by inserting after the word
- 3 "agency" the following: "as part of the permitting
- 4 process. This subsection does not prohibit the
- 5 retention of coal combustion residues on-site pending
- 6 final disposal".

MICHAEL E. GRONSTAL

S-5191

- 1 Amend Senate File 2065 as follows:
- 2 1. Page 3, by inserting after line 18 the
- 3 following:
- 4 "8. In implementing alternative regulation, the
- 5 board shall consider methods to assist lower-income
- 6 Iowans to secure and retain telephone service."

MICHAEL GRONSTAL

S-5192

- 1 Amend Senate File 2065 as follows:
- 2 1. Page 3, by inserting after line 18 the
- 3 following:
- 4 "8. Except as provided in section 476.3,
- 5 subsection 2, nothing in this section shall be
- 6 construed to prevent the consumer advocate from
- 7 representing consumers before the utilities board
- 8 regarding any rule, order, or proceeding pertaining to
- 9 alternative regulation of utilities furnishing
- 10 communications services. The consumer advocate may
- 11 act as attorney for and represent consumers generally
- 12 before any state or federal court concerning a
- 13 utilities board rule, order, or proceeding pertaining
- 14 to alternative regulation of utilities furnishing
- 15 communications services."
- 16 2. Page 4, by striking lines 28 and 29 and
- 17 inserting the following:
- 18 "Sec. \_\_\_\_ . REPORT. The utilities board shall
- 19 submit a report to the general assembly no later than
- 20 January 15, 1997, concerning the implementation of
- 21 alternative regulation for utilities furnishing
- 22 communications services."
- 23 3. Title page, lines 2 and 3, by striking the

24 words "and providing an effective date".

25 4. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5193

1 Amend House File 2256, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting after line 15 the  
4 following:

5 "Sec. \_\_\_\_ . Section 97B.49, subsection 16,  
6 paragraph d, subparagraph (7), Code Supplement 1993,  
7 is amended to read as follows:

8 (7) An employee of the state department of  
9 transportation who is designated as a "peace officer"  
10 ~~by resolution~~ under section 321.477, but only if the  
11 employee retires on or after July 1, 1990. For  
12 purposes of this subparagraph, service as a traffic  
13 weight officer employed by the highway commission  
14 prior to the creation of the state department of  
15 transportation or as a peace officer employed by the  
16 Iowa state commerce commission prior to the creation  
17 of the state department of transportation shall be  
18 included in computing the employee's years of  
19 membership service."

20 2. Page 2, by inserting after line 26 the  
21 following:

22 "Sec. \_\_\_\_ . Section 321.1, subsection 50, Code  
23 Supplement 1993, is amended to read as follows:

24 50. "Peace officer" means every officer authorized  
25 to direct or regulate traffic or to make arrests for  
26 violations of traffic regulations in addition to its  
27 meaning in carry out and enforce all laws of the state  
28 and the rules and regulations of the department or any  
29 other peace officer included in the definition of  
30 peace officers under section 801.4."

31 3. Page 12, by inserting before line 30 the  
32 following:

33 "Sec. \_\_\_\_ . Section 321.477, Code 1993, is amended  
34 to read as follows:

35 321.477 EMPLOYEES AS PEACE OFFICERS.

36 The department ~~may shall~~ designate ~~by resolution as~~  
37 peace officers certain of its full-time employees upon  
38 each of whom there is hereby conferred who shall have  
39 the authority of a peace officer to control and direct  
40 to carry out and enforce all laws of the state and  
41 rules and regulations of the department. Each  
42 designated employee's peace officer authority shall  
43 include, but not be limited to, controlling and



44 ~~directing traffic and weigh, weighing~~ vehicles, and to  
 45 ~~make making~~ arrests for violations of the motor  
 46 vehicle laws relating to the operating authority,  
 47 registration, size, weight, and load of motor vehicles  
 48 and trailers and registration of a motor carrier's  
 49 interstate transportation service with the  
 50 department."

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1 4. Page 15, by inserting after line 2 the  
 2 following:  
 3 "Sec. \_\_\_\_ . Section 327B.2, Code 1993, is amended  
 4 to read as follows:  
 5 327B.2 ENFORCEMENT.  
 6 ~~The state State~~ department of transportation may  
 7 designate by resolution certain of its employees upon  
 8 each of whom there is hereby conferred employees  
 9 designated as peace officers under section 321.477  
 10 shall have the authority of a peace officer to make  
 11 arrests for violations of laws relating to the  
 12 registration of a motor carrier's interstate  
 13 transportation service with the state department of  
 14 transportation."

15 5. Page 15, by inserting after line 26 the  
 16 following:  
 17 "Sec. \_\_\_\_ . Section 801.4, subsection 11, paragraph  
 18 h, Code 1993, is amended to read as follows:  
 19 h. ~~Such employees~~ Employees of the state  
 20 department of transportation ~~as who~~ are designated as  
 21 "peace officers" by ~~resolution of~~ the department under  
 22 section 321.477."

23 6. Title page, line 6, by inserting after the  
 24 word "titles," the following: "peace officers  
 25 status,".

26 7. By renumbering as necessary.

MICHAEL E. GRONSTAL  
 JOHN W. JENSEN  
 RICHARD F. DRAKE  
 JEAN LLOYD-JONES

S-5194

1 Amend Senate File 2313 as follows:  
 2 1. Page 3, line 5, by inserting after the word  
 3 "necessary" the following: "provided that if the

4 pregnant woman is a minor, one parent or guardian of  
5 the pregnant woman is notified”.

RAY TAYLOR  
BRAD BANKS  
WILLIAM W. DIELEMAN  
MERLIN E. BARTZ  
MARY LOU FREEMAN

S-5195

1 Amend Senate File 2313 as follows:  
2 1. Page 41, by inserting after line 35 the  
3 following:  
4 “Sec. \_\_\_\_ . FAMILY INVESTMENT PROGRAM –  
5 TRANSITIONAL CHILD CARE ASSISTANCE WAIVERS.  
6 1. The department of human services shall submit a  
7 request or requests to the United States department of  
8 health and human services for authorization to  
9 implement the following waivers of requirements  
10 involving the federal-state family investment program  
11 and federal-state transitional child care assistance  
12 while continuing to draw federal funding for the  
13 waived services at the same matching funds rate as  
14 provided for transitional child care assistance:  
15 a. A waiver of federal requirements to provide  
16 transitional child care assistance benefits to family  
17 investment program recipients who have earned income  
18 and who voluntarily terminate benefits under the  
19 family investment program.  
20 b. A waiver of federal requirements to provide  
21 transitional child care assistance benefits to family  
22 investment program recipients who have earned income  
23 and who are terminated from the family investment  
24 program due to receipt of child support.  
25 c. A waiver of federal requirements to provide  
26 that if the department determines that state funding  
27 is not sufficient to pay the state share of costs of  
28 all recipients who would be eligible for transitional  
29 child care assistance benefits under this subsection,  
30 the department may deny eligibility for the benefits  
31 or establish a waiting list for access to the  
32 benefits.  
33 2. Subject to federal approval of the waiver  
34 requests in subsection 1, the department shall  
35 determine the extent by which funding allocated in  
36 this Act for transitional child care assistance is  
37 sufficient to provide transitional child care  
38 assistance benefits in accordance with the federally  
39 approved waivers. The department shall provide the

- 40 benefits in accordance with the federal waivers and to  
41 the extent funding is determined to be available.”  
42 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5196

- 1 Amend Senate File 2306 as follows:  
2 1. Page 1, by striking lines 4 and 5, and  
3 inserting the following: “corporation, or limited  
4 liability company with a low or moderate”.  
5 2. Page 1, line 10, by striking the words “family  
6 farm”.  
7 3. Page 1, line 12, by striking the words “family  
8 farm”.  
9 4. Page 1, line 17, by striking the words “family  
10 farm”.  
11 5. Page 1, line 19, by striking the words “family  
12 farm”.  
13 6. Page 2, lines 2 and 3, by striking the words  
14 “family farm”.  
15 7. Page 2, line 4, by striking the words “family  
16 farm”.  
17 8. Page 2, by striking lines 8 through 23 and  
18 inserting the following: “1993, is amended by  
19 striking the paragraph.”  
20 9. Page 2, by striking line 28 and inserting the  
21 following: “is a partnership, corporation, or”.  
22 10. Page 3, line 3, by striking the words “family  
23 farm”.  
24 11. Page 3, line 4, by striking the words “family  
25 farm”.  
26 12. Title page, by striking line 3 and inserting  
27 the following: “corporations and limited”.

JIM RIORDAN

S-5197

- 1 Amend Senate File 2313 as follows:  
2 1. Page 24, line 26, by inserting after the word  
3 “shall” the following: “utilize abstinence-based  
4 approaches to”.

WILLIAM W. DIELEMAN  
ALLEN BORLAUG

S-5198

- 1 Amend Senate File 2313 as follows:
- 2 1. Page 37, by inserting after line 6 the
- 3 following:
- 4 "Notwithstanding section 8.33, moneys appropriated
- 5 in this section which remain unexpended at the close
- 6 of the fiscal year ending June 30, 1995, shall not
- 7 revert to the general fund of the state but shall
- 8 remain available in the succeeding fiscal year and be
- 9 used for the purpose appropriated."

ELAINE SZYMONIAK

S-5199

- 1 Amend the amendment, S-5184, to Senate File 2313 as
- 2 follows:
- 3 1. Page 1, line 4, by striking the figure
- 4 "15,669,333" and inserting the following:
- 5 "15,639,333".

DON GETTINGS  
LARRY MURPHY  
MARY KRAMER

S-5200

- 1 Amend Senate File 2256 as follows:
- 2 1. Page 4, by inserting after line 6 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 901.6, Code 1993, is amended to
- 5 read as follows:
- 6 901.6 JUDGMENT ENTERED.
- 7 If judgment is not deferred, and no sufficient
- 8 cause is shown why judgment should not be pronounced
- 9 and none appears to the court upon the record,
- 10 judgment shall be pronounced and entered. In every
- 11 case in which judgment is entered, the court shall
- 12 include in the judgment entry the number of the
- 13 particular section of the Code and the name of the
- 14 offense under which the defendant is sentenced and a
- 15 statement of the days credited pursuant to section
- 16 903A.5 shall be incorporated into the sentence. In
- 17 addition, if the defendant is sentenced to a period of
- 18 incarceration and the defendant has on a previous
- 19 occasion been sentenced to a period of incarceration,
- 20 the court shall, as part of the judgment entry, notify
- 21 the defendant that a judgment will be entered for the
- 22 costs of providing the defendant with food, lodging,

23 and clothing upon the release of the defendant from  
24 incarceration, and of the defendant's right to contest  
25 the amount. Immediately prior to the time that the  
26 defendant is to be released from incarceration, the  
27 defendant and the court shall be provided with an  
28 accounting of the costs of providing the defendant  
29 with food, lodging, and clothing during incarceration.  
30 Unless the defendant contests the amount within thirty  
31 days of receipt of the accounting, the court shall  
32 enter a judgment against the defendant for the amount  
33 stated in the accounting, which shall constitute a  
34 lien against any real or personal property owned or  
35 subsequently acquired by the defendant.

36 Sec. \_\_\_\_ . Section 902.6, Code 1993, is amended to  
37 read as follows:

38 902.6 RELEASE.

39 A person who has been committed to the custody of  
40 the director of the Iowa department of corrections  
41 shall remain in custody until released by the order of  
42 the board of parole, in accordance with the law  
43 governing paroles, or by order of the judge after  
44 reconsideration of a felon's sentence pursuant to  
45 section 902.4 or until the maximum term of the  
46 person's confinement, as fixed by law, has been  
47 completed. Upon a person's release, if a judgment is  
48 to be entered against the person for the costs of  
49 providing food, lodging, and clothing for the person  
50 during incarceration, the person shall be provided

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1 with an accounting of the costs for providing food,  
2 lodging, and clothing for the person while the person  
3 was in the custody of the director of the Iowa  
4 department of corrections and in confinement.

5 Sec. \_\_\_\_ . Section 903.4, Code 1993, is amended to  
6 read as follows:

7 903.4 PROVIDING PLACE OF CONFINEMENT.

8 All persons sentenced to confinement for a period  
9 of one year or less shall be confined in a place to be  
10 furnished by the county where the conviction was had  
11 unless the person is presently committed to the  
12 custody of the director of the Iowa department of  
13 corrections, in which case the provisions of section  
14 901.8 apply. All persons sentenced to confinement for  
15 a period of more than one year shall be committed to  
16 the custody of the director of the Iowa department of  
17 corrections to be confined in a place to be designated  
18 by the director and the cost of the confinement shall  
19 be borne by the state. The director may contract with

20 local governmental units for the use of detention or  
21 correctional facilities maintained by the units for  
22 the confinement of such persons. Each person  
23 sentenced to confinement for a period of more than one  
24 year who has previously been sentenced to a period of  
25 incarceration shall be provided, upon release, with an  
26 accounting of the costs of providing the person with  
27 food, lodging, and clothing during the period of the  
28 person's confinement."  
29 2. By renumbering as necessary.

ANDY McKEAN

S-5201

1 Amend Senate File 2313 as follows:  
2 1. By striking page 24, line 35 through page 25,  
3 line 2 and inserting the following: "Evaluation and  
4 assessment reports and information required by section  
5 144.29A as enacted by this Act shall be provided to  
6 the department of human services and the Iowa  
7 department of public health, at a time determined by  
8 the department of human services in the grant award."  
9 2. Page 43, by inserting after line 11 the  
10 following:  
11 "Sec. \_\_\_\_ . **NEW SECTION. 144.29A TERMINATION OF**  
12 **PREGNANCY REPORTING.**  
13 1. A health care provider who identifies a  
14 spontaneous termination of pregnancy or who induces a  
15 termination of pregnancy shall file with the  
16 department a report for each termination within thirty  
17 days of the occurrence. The report shall contain all  
18 of the following information with respect to each  
19 termination:  
20 a. The health care provider number.  
21 b. The health facility number.  
22 c. The patient number.  
23 d. The state of residence and, if this state, the  
24 county of residence of the patient.  
25 e. The race of the patient.  
26 f. The age of the patient.  
27 g. The marital status of the patient.  
28 h. The educational level of the patient.  
29 i. The month and year in which the termination  
30 occurred.  
31 j. The number of weeks since the patient's last  
32 menstrual period.  
33 k. Complications, if any.  
34 l. The cause of termination, if known.  
35 m. The type of procedure.

36 2. The information shall be collected in a manner  
37 specified by rule of the department, pursuant to  
38 chapter 17A, and which ensures the anonymity of the  
39 patient who experiences a termination of pregnancy,  
40 the health care provider who identifies or induces a  
41 termination of pregnancy, and the hospital, clinic, or  
42 other health facility in which a termination of  
43 pregnancy is identified or induced. The department  
44 shall publish, annually, demographic summaries of the  
45 information obtained pursuant to this section, except  
46 that the department shall not disclose any information  
47 obtained pursuant to this section which reveals the  
48 identity of any patient, health care provider, or  
49 hospital, clinic, or other health facility, and shall  
50 ensure anonymity in the following ways:

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1 a. The department may use information concerning  
2 the patient number or concerning the identity of a  
3 specific reporting hospital, clinic, or other health  
4 facility only for purposes of information collection.  
5 The department shall not reproduce this information  
6 for any purpose, and shall not extrapolate this  
7 information for any purposes other than for use in  
8 annually publishing the demographic summary under this  
9 section.  
10 b. The department shall immediately destroy all  
11 reports submitted after information is extrapolated  
12 from the reports for use in annually publishing the  
13 demographic summary under this section.  
14 3. For the purposes of this section, "health care  
15 provider" means a person providing health care  
16 services of any kind.  
17 Sec. \_\_\_\_ . Section 144.53, Code 1993, is amended by  
18 adding the following new subsection:  
19 NEW SUBSECTION. 4. Violates a provision of  
20 section 144.29A."  
21 3. By renumbering and correcting internal  
22 references as necessary.

WILLIAM W. DIELEMAN  
ALLEN BORLAUG

S-5202

1 Amend Senate File 2313 as follows:  
2 1. Page 15, by inserting after line 17 the  
3 following:  
4 "7. a. Within the funds appropriated in this

5 section, the department shall, effective January 1,  
6 1995, establish a three-year pilot project for the  
7 development of a boot camp academy for juveniles who  
8 have been adjudicated delinquent. The department  
9 shall select the site for the project on a competitive  
10 basis. In establishing the pilot project criteria,  
11 the department shall consider other states' efforts  
12 and experiences in developing and establishing boot  
13 camps for juveniles who have been adjudicated  
14 delinquent, as well as the problems and successes  
15 experienced in existing programs for youthful  
16 offenders in this state.

17 b. The goals of the project shall include, but are  
18 not limited to, reducing the incidence of criminal  
19 activities by certain youthful offenders, improving  
20 the chances of correction and successful return of  
21 youthful offenders to the community, providing  
22 offenders with the skills necessary for living and  
23 rehabilitation, and providing a cost-effective  
24 alternative to other more restrictive dispositions.  
25 Boot camp academy programs shall take a holistic  
26 approach to providing services to program participants  
27 and shall include, but are not limited to, the  
28 following components:

- 29 (1) Intensive educational services.
- 30 (2) Mental health and substance abuse treatment.
- 31 (3) Nonmilitaristic discipline.
- 32 (4) Proper diet.
- 33 (5) Exercise.
- 34 (6) Self-esteem building.
- 35 (7) An internal sanctioning structure.
- 36 (8) An aftercare plan.
- 37 (9) An evaluation component.

38 c. The project shall specify that any boot camp  
39 academy program developed shall not utilize more than  
40 one facility. Program participants shall be  
41 determined on a statewide basis by the juvenile court  
42 based upon the court's assessment of a particular  
43 juvenile delinquent's amenability to successful  
44 completion of a boot camp academy program. The  
45 department shall adopt rules which provide the court  
46 with objective criteria to consider in determining  
47 whether placement of a juvenile in a boot camp academy  
48 is appropriate. Placement criteria shall include, but  
49 are not limited to, the following:

- 50 (1) Boot camp academy participation will provide



Page 2

1 an alternative to placement of the individual in a  
2 more restrictive setting.

3 (2) Individuals selected shall meet the criteria  
4 established in section 232.52.

5 (3) The individual is at least somewhat amenable  
6 to treatment.

7 (4) The individual is within the age range of  
8 fifteen to eighteen years of age.

9 (5) The individual does not have physical or  
10 mental characteristics that would cause placement in a  
11 boot camp academy to be detrimental to the person's  
12 physical or mental health.

13 d. The department shall adopt rules establishing  
14 criteria for facilities for and the employment of  
15 staff at a boot camp academy. In establishing  
16 criteria, the department shall consider requirements  
17 established for secure facilities for juveniles and  
18 adult correctional institutions and for staff employed  
19 at those facilities and institutions.

20 e. Each boot camp academy resident shall be  
21 informed of the sanctions and discipline that will  
22 result from violation of boot camp academy policies.  
23 Boot camp academy rules and regulations shall be well  
24 publicized within the boot camp academy setting. Boot  
25 camp academy discipline and sanctions shall provide  
26 for immediate incremental punishments for rule  
27 violations and lack of progress. Voluntary  
28 withdrawals and program terminations shall be  
29 discouraged as sanctions.

30 f. The boot camp academy aftercare program shall  
31 emphasize individual, family, and community support.  
32 Aftercare programming shall be performed by local  
33 providers who shall be familiar with the juvenile and  
34 the juvenile's family prior to, and during the course  
35 of, the participation of the juvenile in the boot camp  
36 academy program. Aftercare programming shall be  
37 developed cooperatively by boot camp academy staff and  
38 aftercare providers and shall include a wide range of  
39 incremental sanctions designed to prevent the juvenile  
40 from committing new criminal offenses. Aftercare  
41 programs may include, but are not limited to, a  
42 continuation of any appropriate substance abuse  
43 treatment, continuation of or additional educational  
44 programming, community service work, employment skills  
45 training, drug and alcohol screening as appropriate,  
46 in-home visits by the aftercare provider, imposition  
47 of and compliance with curfew hours, a prohibition of  
48 participation in any gang activity as appropriate, and

49 participation in mentoring programs.  
 50 g. In addition to any internal boot camp academy

**Page 3**

1 evaluation program, the division of criminal and  
 2 juvenile justice planning of the department of human  
 3 rights shall annually monitor the effect of any boot  
 4 camp academy programs established under the pilot  
 5 project on recidivism and rehabilitation of  
 6 delinquents who participated in the programs and  
 7 report any findings to the general assembly. The  
 8 division, in cooperation with the department of human  
 9 services, shall conduct a comprehensive review of the  
 10 program and submit the findings in a report to the  
 11 general assembly by January 15, 1998."  
 12 2. By renumbering and correcting internal  
 13 references as necessary.

RAY TAYLOR  
 PAUL D. PATE

**S-5203**

1 Amend Senate File 2313 as follows:  
 2 1. Page 24, line 24, by striking the word  
 3 "services" and inserting the following: "programs".  
 4 2. Page 24, line 28, by inserting after the word  
 5 "relationships" the following: "including sexual  
 6 abstinence".

MERLIN E. BARTZ

**S-5204**

1 Amend Senate File 2294 as follows:  
 2 1. Page 15, by striking lines 3 and 4, and  
 3 inserting the following: "a demonstration project  
 4 using diesel vehicles. Each vehicle shall operate  
 5 using".

PATTY JUDGE

**S-5205**

1 Amend House File 181, as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 1, by striking lines 3 and 4 and  
 4 inserting the following:  
 5 "7. CLASS M LICENSE EDUCATION REQUIREMENTS. A

6 person under the age of ~~eighteen~~ twenty-one applying  
7 for a driver's license valid for".

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

10 "Sec. \_\_\_\_ . REPEAL. The provisions of this Act  
11 which amend section 321.189, subsection 7, shall be  
12 repealed if the federal government repeals the  
13 requirement that the state enact a mandatory helmet  
14 law pursuant to the federal Intermodal Surface  
15 Transportation Efficiency Act of 1991."

16 3. By renumbering as necessary.

JIM KERSTEN

S-5206

1 Amend the amendment, S-5193, to House File 2256, as  
2 passed by the House, as follows:

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

5 "Sec. \_\_\_\_ . MOTOR VEHICLE ENFORCEMENT OFFICERS.  
6 The office of motor vehicle enforcement of the motor  
7 vehicle division of the state department of  
8 transportation shall be transferred to the department  
9 of public safety, effective July 1, 1994. The  
10 appropriations, grants, motor vehicles, equipment,  
11 supplies, and records of or used by the employees of  
12 the office of motor vehicle enforcement of the state  
13 department of transportation shall also be transferred  
14 to the department of public safety, effective July 1,  
15 1994. All references in the Code which authorize the  
16 motor vehicle enforcement office of the motor vehicle  
17 division of the state department of transportation to  
18 perform enforcement related duties shall be considered  
19 authority for the transferred employees to perform  
20 those same enforcement related duties as employees of  
21 the department of public safety. The commissioner of  
22 public safety and the director of transportation shall  
23 work jointly to implement the transfer authorized  
24 under this Act."

25 2. By renumbering as necessary.

JIM KERSTEN

S-5207

1 Amend House File 2256, as passed by the House, as  
2 follows:

3 1. Page 7, by inserting after line 16 the  
4 following:

5 "Sec. \_\_\_\_ . Section 321.52, subsection 4, Code  
6 Supplement 1993, is amended by adding the following  
7 new paragraph:  
8 NEW PARAGRAPH. e. Notwithstanding other  
9 provisions of this section to the contrary, if the  
10 costs to repair a damaged motor vehicle exceed one  
11 hundred percent of the retail value of the vehicle at  
12 the time the vehicle was damaged, as determined by the  
13 national automobile dealers association's official  
14 used car guide for Iowa, the owner of the motor  
15 vehicle shall surrender the certificate of title to  
16 the county treasurer. The county treasurer shall  
17 issue to such person without fee a dead certificate.  
18 A regular certificate of title shall not again be  
19 issued for the vehicle subsequent to the issuance of a  
20 dead certificate. A dead certificate of title may be  
21 assigned only to a licensed vehicle recycler. The  
22 department shall adopt rules pursuant to chapter 17A  
23 defining a "dead certificate".  
24 2. By renumbering as necessary.

EUGENE FRAISE  
JOHN W. JENSEN

S-5208

1 Amend House File 2256, as passed by the House, as  
2 follows:  
3 1. Page 11, by inserting after line 31 the  
4 following:  
5 "Sec. 100. Section 321.124, subsection 3,  
6 paragraph h, Code Supplement 1993, is amended to read  
7 as follows:  
8 h. For multipurpose vehicles in accordance with  
9 the following:  
10 (1) Two hundred dollars for registration for the  
11 first and second model years.  
12 (2) One hundred seventy-five dollars for  
13 registration for the third and fourth model years.  
14 (3) One hundred fifty dollars for registration for  
15 the fifth model year.  
16 (4) Seventy-five dollars for registration for the  
17 sixth model year.  
18 (5) Fifty-five dollars for registration for each  
19 succeeding model year.  
20 (6) The annual registration fee for a multipurpose  
21 vehicle with permanently installed equipment  
22 manufactured for and necessary to assist a disabled  
23 person who is either the owner or a member of the  
24 owner's household in entry and exit of the vehicle or

25 for a multipurpose vehicle if the vehicle's owner or a  
26 member of the vehicle owner's household uses a  
27 wheelchair as the only means of mobility shall be  
28 sixty dollars. For purposes of this subparagraph,  
29 "uses a wheelchair" does not include use of a  
30 wheelchair due to a temporary injury or medical  
31 condition.

32 The registration fees required by this lettered  
33 paragraph are applicable to all 1992 and older model  
34 years for multipurpose vehicles beginning January 1,  
35 1993. The registration fees for multipurpose vehicles  
36 that are 1993 and subsequent model years shall be in  
37 accordance with section 321.109. However, if the  
38 registration fee for a 1992 or older model year  
39 exceeds the registration fee for the current model  
40 year, as determined under section 321.109, the  
41 registration fee shall be for the amount as determined  
42 under section 321.109.

43 For purposes of determining that portion of the  
44 annual registration fee which is based upon the value  
45 of the multipurpose vehicle, sixty percent of the  
46 annual fee is attributable to the value of the  
47 vehicle."

48 2. Page 15, by inserting after line 30 the  
49 following:

50 "Sec. \_\_\_\_ . APPLICABILITY. The amendment to

## Page 2

1 section 321.124 is retroactively applicable to  
2 multipurpose vehicle registration fees paid on or  
3 after January 1, 1993. The owner of a vehicle may  
4 apply to the state department of transportation for a  
5 refund of any registration fee overpayments."

6 3. By renumbering as necessary.

JIM KERSTEN  
JOE WELSH

S-5209

1 Amend House File 2256, as passed by the House, as  
2 follows:

3 1. Page 11, by inserting after line 31 the  
4 following:

5 "Sec. \_\_\_\_ . Section 321.210A, subsection 3, Code  
6 1993, is amended to read as follows:

7 3. Upon receipt of a report of a failure to pay  
8 the fine, penalty, surcharge, or court costs from the  
9 clerk of the district court, the department shall in

10 accordance with its rules, suspend the person's motor  
11 vehicle license until the fine, penalty, surcharge, or  
12 court costs are paid, unless the person proves to the  
13 satisfaction of the department that the person cannot  
14 pay the fine, penalty, surcharge, or court costs. A  
15 suspension of a person's motor vehicle license under  
16 this section shall not, by itself, render the person  
17 ineligible for issuance of a temporary restricted  
18 license under section 321.215, subsection 1.

19 Sec. \_\_\_\_ . Section 321.215, subsection 2,  
20 unnumbered paragraph 1, Code Supplement 1993, is  
21 amended to read as follows:

22 Upon conviction and the suspension or revocation of  
23 a person's motor vehicle license under section  
24 321.209, subsection 5, 6, or 8; 321.210; ~~321.210A~~;  
25 321.513; or 321.555, subsection 2, or upon the denial  
26 of issuance of a license under section 321.560, based  
27 solely on offenses defined in section 321.555,  
28 subsection 1, paragraph "c", and upon the denial by  
29 the director of an application for a temporary  
30 restricted license, a person may apply to the district  
31 court having jurisdiction for the residence of the  
32 person for a temporary restricted permit to operate a  
33 motor vehicle for the limited purpose or purposes  
34 specified in subsection 1. The application may be  
35 granted only if all of the following criteria are  
36 satisfied:

37 Sec. \_\_\_\_ . Section 321.215, subsection 2, paragraph  
38 d, unnumbered paragraph 1, Code Supplement 1993, is  
39 amended to read as follows:

40 Proof of financial responsibility is established as  
41 defined in chapter 321A. However, such proof is not  
42 required if the motor vehicle license was suspended  
43 under section ~~321.210A~~ or 321.513 or revoked under  
44 section 321.209, subsection 8.

45 Sec. \_\_\_\_ . Section 321.215, subsection 2, Code  
46 Supplement 1993, is amended by adding the following  
47 new paragraph:

48 NEW PARAGRAPH e. A permit applicant, whose  
49 license has been denied under section 321.560 for  
50 offenses defined in section 321.555, subsection 1,

Page 2

1 paragraph "c", shall be required to provide a proposed  
2 schedule for repayment of overdue fines, penalties,

3 surcharges, or court costs."

4 2. By renumbering as necessary.

JOHN W. JENSEN

JOE J. WELSH

TOM VILSACK

S-5210

1 Amend Senate File 2207 as follows:

2 1. Page 4, line 30, by striking the words "two

3 miles" and inserting the following: "one mile".

MIKE CONNOLLY

S-5211

1 Amend the amendment, S-5188, to Senate File 2190 as  
2 follows:

3 1. Page 2, line 12, by striking the words "mobile  
4 home square footage tax" and inserting the following:  
5 "annual tax as required by section 435.22".

6 2. Page 4, line 36, by inserting after the word  
7 "home" the words "to be".

8 3. Page 9, by striking line 17 and inserting the  
9 following:

10 "Sec. \_\_\_\_ . Section 441.17, subsection 10, Code  
11 1993, is amended to read as follows:

12 10. Measure the exterior length and exterior width  
13 of all mobile homes except those for which  
14 measurements are contained in the manufacturer's and  
15 importer's certificate of origin, and report the  
16 information to the county treasurer. Check all mobile  
17 homes for inaccuracy of measurements as necessary or  
18 upon written request of the county treasurer and  
19 report the findings immediately to the county  
20 treasurer. If a mobile home has been converted to  
21 real estate the title shall be collected and returned  
22 to the county treasurer for cancellation. ~~If taxes  
23 due for prior years have not been paid, the assessor  
24 shall collect the unpaid taxes due as a condition of  
25 conversion.~~ The assessor shall make frequent  
26 inspections and checks within the assessor  
27 jurisdiction of all mobile homes and mobile home parks  
28 and make all the required and needed reports to carry  
29 out the purposes of this section.

30 Sec. \_\_\_\_ . Section 555B.1, Code Supplement 1993,".

ELAINE SZYMONIAK

S-5212

1 Amend the amendment, S-5138, to Senate File 2295 as  
2 follows:

3 1. Page 1, by striking lines 25 and 26 and  
4 inserting the following:

5 " \_\_\_\_ . Page 2, by striking lines 8 through 11 and  
6 inserting the following: "Iowa by offering gap  
7 coverage similar to the gap coverage available through  
8 commercial title companies.""

9 2. Page 1, line 34, by inserting after the word  
10 "participation." the following: "The fee shall be  
11 collected by the mortgage lender and shall be  
12 considered a permissible cost as provided under  
13 section 535.8, subsection 2, paragraph "b"."

14 3. Renumber as necessary.

JOE WELSH

S-5213

1 Amend House File 2256, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting after line 15 the  
4 following:

5 "Section 1. Section 97B.49, subsection 16,  
6 paragraph d, subparagraph (7), Code Supplement 1993,  
7 is amended to read as follows:

8 (7) An employee of the state department of  
9 transportation who is designated as a "peace officer"  
10 ~~by resolution~~ under section 321.477, but only if the  
11 employee retires on or after July 1, 1990. For  
12 purposes of this subparagraph, service as a traffic  
13 weight officer employed by the highway commission  
14 prior to the creation of the state department of  
15 transportation or as a peace officer employed by the  
16 Iowa state commerce commission prior to the creation  
17 of the state department of transportation shall be  
18 included in computing the employee's years of  
19 membership service."

20 2. Page 2, by inserting after line 26 the  
21 following:

22 "Sec. \_\_\_\_ . Section 321.1, subsection 50, Code  
23 Supplement 1993, is amended to read as follows:  
24 50. "Peace officer" means every officer authorized  
25 to direct or regulate traffic or to make arrests for  
26 violations of traffic regulations in addition to its  
27 meaning in carry out and enforce all laws of the state  
28 and the rules and regulations of the department or any  
29 other peace officer included in the definition of



30 peace officers under section 801.4. However, the  
 31 primary responsibility of motor vehicle enforcement  
 32 officers shall be limited to commercial motor vehicle  
 33 enforcement. The primary responsibility of motor  
 34 vehicle investigators shall be fraud investigations  
 35 relating to vehicle transactions, driver license  
 36 applications, and issuance and enforcement of laws and  
 37 regulations relating to motor vehicle dealers.”

38 3. Page 12, by inserting before line 30 the  
 39 following:

40 “Sec. \_\_\_\_ . Section 321.477, Code 1993, is amended  
 41 to read as follows:

42 321.477 EMPLOYEES AS PEACE OFFICERS.

43 The department ~~may~~ shall designate by resolution as  
 44 peace officers certain of its full-time employees upon  
 45 each of whom there is hereby conferred who shall have  
 46 the authority of a peace officer to control and direct  
 47 to carry out and enforce all laws of the state and  
 48 rules and regulations of the department. Each  
 49 designated employee's peace officer authority shall  
 50 include, but not be limited to, controlling and

Page 2

1 directing traffic and weigh, weighing vehicles, and to  
 2 make making arrests for violations of the motor  
 3 vehicle laws relating to the operating authority,  
 4 registration, size, weight, and load of motor vehicles  
 5 and trailers and registration of a motor carrier's  
 6 interstate transportation service with the  
 7 department.”

8 4. Page 15, by inserting after line 2 the  
 9 following:

10 “Sec. \_\_\_\_ . Section 327B.2, Code 1993, is amended  
 11 to read as follows:

12 327B.2 ENFORCEMENT.

13 The ~~state~~ State department of transportation ~~may~~  
 14 designate by resolution certain of its employees upon  
 15 each of whom there is hereby conferred employees  
 16 designated as peace officers under section 321.477  
 17 shall have the authority of a peace officer to make  
 18 arrests for violations of laws relating to the  
 19 registration of a motor carrier's interstate  
 20 transportation service with the state department of  
 21 transportation.”

22 5. Page 15, by inserting after line 26 the  
 23 following:

24 “Sec. \_\_\_\_ . Section 801.4, subsection 11, paragraph  
 25 h, Code 1993, is amended to read as follows:

26 h. ~~Such employees~~ Employees of the state

27 department of transportation ~~as~~ who are designated as  
 28 "peace officers" by ~~resolution~~ of the department under  
 29 section 321.477.

30 Sec. \_\_\_\_ . The amendments to section 97B.49,  
 31 subsection 16, section 321.1, subsection 50, section  
 32 321.477, section 327B.2, and section 801.4, subsection  
 33 11, paragraph "h", contained in this Act, are repealed  
 34 on July 1, 1995."

35 6. Title page, line 6, by inserting after the  
 36 word "titles" the following: ", peace officer  
 37 authority".

38 7. By renumbering as necessary.

MICHAEL E. GRONSTAL  
 JEAN LLOYD-JONES  
 JOHN W. JENSEN  
 RICHARD F. DRAKE

S-5214

1 Amend Senate File 2233 as follows:

2 1. Page 7, by inserting after line 30 the  
 3 following:

4 "Sec. \_\_\_\_ . TRANSFER OF RECORDS. All records in  
 5 the custody of the clerk of the district court which  
 6 relate to vital statistics duties being transferred to  
 7 the county recorder, shall be transferred to the  
 8 county recorder on the effective date of this Act."

ANDY McKEAN

S-5215

1 Amend Senate File 2233 as follows:

2 1. By striking everything after the enacting  
 3 clause and inserting the following:

4 "Section 1. Section 144.9, unnumbered paragraph 1,  
 5 Code 1993, is amended to read as follows:

6 The Except as otherwise provided in an agreement  
 7 adopted pursuant to chapter 28E assigning the duties  
 8 of county registrar to the county recorder and  
 9 approved by the board of supervisors of the county,

10 the clerk of the district court is the county  
 11 registrar and with respect to the county shall:

12 Sec. 2. NEW SECTION. 144.10 ADDITIONAL FEES.

13 1. A fee of four dollars for the following  
 14 certificates, records, or services relating to vital  
 15 statistics shall be charged by the county registrar:

16 a. A certified copy of a birth record, death  
 17 record, or marriage certificate.

- 18 b. A birth registration.  
 19 c. A marriage license.  
 20 d. An application for a name change.  
 21 2. Fees collected pursuant to this section by the  
 22 clerk of the district court shall be paid to court  
 23 revenue distribution account established under section  
 24 602.8108 and fees collected by the county recorder  
 25 shall be paid to the general fund of the county."

ANDY McKEAN  
 DON GETTINGS  
 MARY LOU FREEMAN

S-5216

- 1 Amend Senate File 2233 as follows:  
 2 1. Page 1, by inserting after line 10 the  
 3 following:  
 4 "Sec. \_\_\_\_ . NEW SECTION. 144.11 PUBLIC ACCESS TO  
 5 RECORDS.  
 6 The county registrar shall allow public access to  
 7 public records under their custody during normal  
 8 business hours for county offices in the county."

ANDY McKEAN  
 JIM RIORDAN

S-5217

- 1 Amend Senate File 2308 as follows:  
 2 1. Page 2, by striking lines 4 through 12 and  
 3 inserting the following: "the part. The director  
 4 may, as to actions taken on or after July 1, 1994,  
 5 order the party responsible for dumping or depositing  
 6 or permitting the dumping or depositing of solid  
 7 waste, to clean up the site, in accordance with rules  
 8 adopted under chapter 17A. The rules shall permit  
 9 disposal of solid waste at the site if approved by the  
 10 department. If the dumping or depositing occurred on  
 11 land used for farming, as defined in section 9H.1, the  
 12 owner of the land shall only be required to clean up  
 13 the site and dispose of waste that the owner knowingly  
 14 permitted to be dumped or deposited on or after July  
 15 1, 1994. The attorney general".

H. KAY HEDGE  
 BERL E. PRIEBE

S-5218

- 1 Amend Senate File 2065 as follows:  
2 1. Page 2, by inserting after line 8 the  
3 following:  
4 " \_\_\_\_ . The board may approve the operation of a  
5 telephone utility under a plan for alternative  
6 regulation if the board finds, after notice and an  
7 opportunity for evidentiary hearing, all of the  
8 following:  
9 a. Operation under a plan for alternative  
10 regulation is necessary to achieve operating  
11 efficiencies which could not otherwise be achieved.  
12 b. Operation under a plan for alternative  
13 regulation is likely to provide lower rates to  
14 customers for communications services that would not  
15 be possible under traditional rate base and rate of  
16 return regulation.  
17 c. Operation under a plan for alternative  
18 regulation will not result in the degradation of the  
19 quality or availability of communications services.  
20 These findings may be made as part of a contested  
21 case determining the reasonableness of a utility's  
22 rates."  
23 2. Renumber as necessary.

DERRYL McLAREN

S-5219

- 1 Amend Senate File 2065 as follows:  
2 1. Page 2, line 3, by inserting after the word  
3 "utility" the following: ", except as provided in  
4 this subsection".  
5 2. Page 2, line 8, by inserting after the word  
6 "utility." the following: "A refund or rate  
7 adjustment which results from a case pending on the  
8 effective date of this Act shall not be affected as a  
9 result of the implementation, existence, or approval  
10 of a plan for an alternative form of regulation."

DERRYL McLAREN

S-5220

- 1 Amend Senate File 2065 as follows:  
2 1. Page 2, line 33, by inserting after the word

3 "board" the following: "and to the utility's  
4 customers".

DERRYL McLAREN

S-5221

1 Amend the amendment, S-5163, to Senate File 2207 as  
2 follows:  
3 1. Page 1, line 7, by striking the word "shall"  
4 and inserting the following: "may".

MIKE CONNOLLY

S-5222

1 Amend Senate File 2065 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 101. NEW SECTION. 474.2A BAN ON  
5 EMPLOYMENT WITH PUBLIC UTILITY.  
6 A person who has served as a member of the  
7 utilities board shall not within two years after  
8 termination of service become an employee of a common  
9 carrier or other public utility which is under the  
10 jurisdiction of the utilities board."  
11 2. Page 4, line 28, by striking the words "DATE.  
12 This Act" and inserting the following: "DATES.  
13 Section 101 of this Act takes effect on July 1, 1994.  
14 The remaining sections of this Act, except section  
15 101".  
16 3. Page 4, line 29, by striking the word "takes"  
17 and inserting the following: "take".  
18 4. Renumber as necessary.

DERRYL McLAREN

S-5223

1 Amend Senate File 2233 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 144.9, unnumbered paragraph 1,  
5 Code 1993, is amended to read as follows:  
6 The Except as otherwise provided in an agreement  
7 adopted pursuant to chapter 28E assigning the duties  
8 of county registrar to the county recorder and  
9 approved by the board of supervisors of the county,  
10 the clerk of the district court is the county  
11 registrar and with respect to the county shall:

12 Sec. 2. Section 331.605, Code 1993, is amended by  
13 adding the following new subsection:  
14 **NEW SUBSECTION. 6. a.** A fee of four dollars for  
15 the following certificates, records, or services  
16 relating to vital statistics shall be charged by the  
17 county recorder:  
18 (1) A certified copy of a birth record, death  
19 record, or marriage certificate.  
20 (2) A birth registration.  
21 (3) A marriage license.  
22 (4) An application for a name change.  
23 b. Fees collected pursuant to this section by the  
24 county recorder shall be paid to the general fund of  
25 the county."

ANDY McKEAN  
DON GETTINGS  
MARY LOU FREEMAN

S-5224

1 Amend Senate File 2311 as follows:  
2 1. Page 17, line 24, by inserting after the word  
3 "services" the following: "including but not  
4 limited to definitions of each disability included  
5 within the term "disability services" as necessary for  
6 purposes of state and regional planning, programs, and  
7 services".  
8 2. Page 19, lines 16 and 17, by striking the  
9 words "for services which are not paid for under  
10 medical assistance".  
11 3. Page 21, by inserting after line 25 the  
12 following:  
13 "Sec. \_\_\_\_ . Section 225C.13, Code 1993, is amended  
14 to read as follows:  
15 225C.13 AUTHORITY OF ADMINISTRATOR TO LEASE  
16 FACILITIES.  
17 The administrator may enter into agreements under  
18 which a facility or portion of a facility administered  
19 by the administrator is leased to a department or  
20 division of state government, a county or group of  
21 counties, or a private nonprofit corporation organized  
22 under chapter 504A. A lease executed under this  
23 section shall require that the lessee use the leased  
24 premises to deliver either comprehensive disability  
25 services or other services normally delivered by the  
26 lessee.  
27 Sec. \_\_\_\_ . Section 225C.14, subsection 1, Code  
28 1993, is amended to read as follows:  
29 1. Except in cases of medical emergency, a person

30 shall be admitted to a state mental health institute  
 31 as an inpatient only after a preliminary diagnostic  
 32 evaluation by a community mental health center or by  
 33 an alternative diagnostic facility has confirmed that  
 34 the admission is appropriate to the person's mental  
 35 health needs, and that no suitable alternative method  
 36 of providing the needed services in a less restrictive  
 37 setting or in or nearer to the person's home community  
 38 is currently available. The policy established by  
 39 this section shall be implemented in the manner and to  
 40 the extent prescribed by sections 225C.15, 225C.16 and  
 41 225C.17. However, notwithstanding the mandatory  
 42 language requiring preliminary diagnostic evaluations  
 43 in this section and sections 225C.15, 225C.16 and  
 44 225C.17, preliminary diagnostic evaluations shall not  
 45 be required until the fiscal year for which the  
 46 general assembly has appropriated moneys to the state  
 47 community mental health and mental retardation  
 48 services fund under section 225C.7."

49 4. Page 36, by inserting after line 11 the  
 50 following:

Page 2

1 "DIVISION \_\_\_\_  
 2 AMENDMENT OF ADMINISTRATIVE RULES -- SERVICE FACILITY  
 3 REGULATORY REQUIREMENTS.  
 4 Sec. \_\_\_\_ . ADMINISTRATIVE RULES. The department of  
 5 human services shall not amend an administrative rule  
 6 solely for the purpose of making the changes in the  
 7 names of the mental health and mental retardation  
 8 commission and the division of mental health, mental  
 9 retardation, and developmental disabilities required  
 10 by this Act.  
 11 Sec. \_\_\_\_ . REGULATORY REQUIREMENTS. The director  
 12 of human services shall convene a task force which  
 13 includes mental retardation service consumers and  
 14 family members, community-based providers, advocates,  
 15 representatives of the Iowa state association of  
 16 counties and the department of inspections and  
 17 appeals, and other appropriate persons or entities.  
 18 The task force shall review outcome-based performance  
 19 standards for facilities and services directed to  
 20 persons with mental retardation and assess the impact  
 21 of state and federal rules and regulations upon the  
 22 efficiency and effectiveness of the facilities and  
 23 services. The task force shall identify outcome-based  
 24 performance standards, and rules and regulations which  
 25 if waived, would improve the efficiency and  
 26 effectiveness of the facilities and services. Based

27 upon the findings of the task force, the director may  
28 request federal waivers to implement demonstration  
29 projects in which the outcome-based performance  
30 standards are applied and the identified rules and  
31 regulations are waived. The task force shall make a  
32 progress report to the governor and the general  
33 assembly in January 1995. The director shall not  
34 implement demonstration projects in a manner which  
35 would require additional funding.”  
36 5. By renumbering as necessary.

MAGGIE TINSMAN

S-5225

1 Amend House File 2256, as passed by the House, as  
2 follows:  
3 1. Page 12, by inserting after line 23 the  
4 following:  
5 “Sec. \_\_\_\_ . Section 321.449, unnumbered paragraph  
6 4, Code Supplement 1993, is amended by striking the  
7 unnumbered paragraph and inserting in lieu thereof the  
8 following:  
9 Notwithstanding other provisions of this section,  
10 rules adopted under this section for a driver of a  
11 commercial vehicle shall not apply to a driver for an  
12 agricultural interest, who is not for hire and who is  
13 engaged exclusively in intrastate commerce, when the  
14 driver’s commercial vehicle is operated between the  
15 farm and the retail agribusiness location.”  
16 2. Title page, line 7, by inserting after the  
17 word “lights,” the following: “federal motor carrier  
18 safety regulations.”  
19 3. By renumbering as necessary.

EUGENE FRAISE  
WILLIAM W. DIELEMAN

S-5226

1 Amend House File 2011, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting after line 12 the  
4 following:  
5 “Sec. \_\_\_\_ . Section 912.6, subsections 2 and 4,  
6 Code Supplement 1993, are amended to read as follows:  
7 2. Loss of income from work the victim would have  
8 performed and for which the victim would have received  
9 remuneration if the victim had not been injured not to  
10 exceed ~~two~~ four thousand dollars.



- 11 4. Reasonable funeral and burial expenses not to  
12 exceed ~~two~~ five thousand ~~five~~ hundred dollars.”  
13 2. Title page, line 1, by inserting after the  
14 word “to” the following: “victim compensation and”.

ELAINE SZYMONIAK

S-5227

- 1 Amend House File 2256, as passed by the House, as  
2 follows:  
3 1. Page 7, by inserting before line 17 the  
4 following:  
5 “Sec. \_\_\_\_ . Section 321.69, subsections 2 and 3,  
6 Code 1993, are amended to read as follows:  
7 2. The damage disclosure statement required by  
8 this section shall, at a minimum, state the total  
9 retail dollar amount of all damage to the vehicle  
10 during the period of the transferor’s ownership of the  
11 vehicle. For the purposes of this section, “damage”  
12 refers to damage to the vehicle caused by fire,  
13 vandalism, collision, weather, falling objects,  
14 submersion in water, or flood, where the cost of  
15 repair is ~~three~~ five thousand dollars or more per  
16 incident, but does not include normal wear and tear,  
17 glass damage, mechanical repairs or electrical repairs  
18 that have not been caused by fire, vandalism,  
19 collision, weather, falling objects, submersion in  
20 water, or flood. A determination of the amount of  
21 damage to a vehicle shall be based on estimates of the  
22 retail cost of repairing the vehicle, including labor,  
23 parts, and other materials, if the vehicle has not  
24 been repaired or on the actual retail cost of repair,  
25 including labor, parts, and other materials, if the  
26 vehicle has been repaired. Only individual incidents  
27 in which the retail cost of repairs is ~~three~~ five  
28 thousand dollars or more are required to be disclosed  
29 by this section. If the vehicle has incurred damage  
30 of ~~three~~ five thousand dollars or more per incident in  
31 more than one incident, the damage amounts must be  
32 combined and disclosed as the total of all separate  
33 incidents.  
34 3. The damage disclosure statement shall be  
35 provided by the transferor to the transferee at or  
36 before the time of sale. If the transferor is not a  
37 resident of this state the transferee shall not be  
38 required to submit a damage disclosure statement from  
39 the transferor with the transferee’s application for  
40 title unless the state of the transferor’s residence  
41 requires a damage disclosure statement. However, the

42 transferee shall submit a damage disclosure statement  
 43 with the transferee's application for title indicating  
 44 whether a salvage or rebuilt title had ever existed  
 45 for the vehicle, whether the vehicle had incurred  
 46 prior damage of ~~three~~ five thousand dollars or more  
 47 per incident, and the year, make, and vehicle  
 48 identification number of the motor vehicle."  
 49 2. By renumbering as necessary.

WILLIAM D. PALMER

S-5228

1 Amend Senate File 2300 as follows:  
 2 1. Page 1, by striking lines 1 through 27.  
 3 2. By striking page 1, line 31 through page 2,  
 4 line 3, and inserting the following: "establish a  
 5 special waste authorization program."  
 6 3. By striking page 3, line 27 through page 4,  
 7 line 7, and inserting the following:  
 8 "Sec. \_\_\_\_ . Section 455E.11, subsection 2,  
 9 paragraph a, subparagraph (9), Code Supplement 1993,  
 10 is amended to read as follows:  
 11 (9) One dollar per ton from the fees imposed under  
 12 section 455B.310 for the fiscal year beginning July 1,  
 13 1990 and thereafter shall be used by the department to  
 14 develop and implement demonstration projects for  
 15 landfill alternatives to solid waste disposal  
 16 including recycling programs. The first fifty  
 17 thousand dollars of moneys allocated to the department  
 18 pursuant to this subparagraph shall be used for  
 19 administration of the special waste authorization  
 20 program established pursuant to section 455B.304,  
 21 subsection 18.  
 22 Sec. \_\_\_\_ . ADDITIONAL POSITION. Notwithstanding  
 23 the full-time equivalent position limitations in  
 24 effect for the department of natural resources for the  
 25 fiscal year beginning July 1, 1994, and ending June  
 26 30, 1995, the waste management assistance division of  
 27 the department of natural resources may employ one  
 28 additional full-time equivalent position to administer  
 29 the special waste authorization program established  
 30 pursuant to section 455B.304, subsection 18."  
 31 4. By renumbering as necessary.

BRAD BANKS

S-5229

- 1 Amend House File 2256, as passed by the House, as  
2 follows:  
3 1. Page 7, by inserting after line 16 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 321.52, subsection 4, Code  
6 Supplement 1993, is amended by adding the following  
7 new paragraph:  
8 NEW PARAGRAPH. e. Notwithstanding other  
9 provisions of this section to the contrary, if the  
10 costs to repair a damaged motor vehicle exceed one  
11 hundred percent of the retail value of the vehicle at  
12 the time the vehicle was damaged, as determined by the  
13 national automobile dealers association's official  
14 used car guide for Iowa, the owner of the motor  
15 vehicle shall surrender the certificate of title to  
16 the county treasurer. The county treasurer shall  
17 issue to such person without fee a junking  
18 certificate. A regular certificate of title shall not  
19 again be issued for the vehicle subsequent to the  
20 issuance of a junking certificate."  
21 2. By renumbering as necessary.

EUGENE FRAISE  
JOHN W. JENSEN

S-5230

- 1 Amend the amendment, S-5158, to Senate File 2246 as  
2 follows:  
3 1. Page 14, by inserting after line 23 the  
4 following:  
5 "Sec. \_\_\_\_ . NEW SECTION. 104C.26A INDUSTRY  
6 ADVISORY COMMITTEE.  
7 An industry advisory committee is established for  
8 the purpose of providing comment and recommendations  
9 to the department concerning the requirements of this  
10 chapter. The advisory committee shall consist of  
11 representatives of the plumbing and the heating,  
12 ventilation, and air conditioning industries as  
13 determined by the department. The advisory committee  
14 shall meet as often as necessary as determined by the  
15 advisory committee. Members of the advisory committee  
16 shall serve without compensation."  
17 2. Renumber as necessary.

RALPH ROSENBERG

S-5231

1 Amend Senate File 2294 as follows:

2 1. By striking page 14, line 34, through page 16,  
3 line 19, and inserting the following:

4 "Sec. \_\_\_\_ . SOYDIESEL DEMONSTRATION PROJECTS.

5 1. There is appropriated from the renewable fuel  
6 coproduct enhancement account of the renewable fuel  
7 fund created in section 159A.7 for the fiscal year  
8 beginning July 1, 1993, and ending June 30, 1994, the  
9 following amount, or so much thereof as is necessary,  
10 to be used for the purpose designated:

11 For purposes of conducting soydiesel demonstration  
12 projects administered by state agencies under the  
13 oversight of the renewable fuel advisory committee:

14 ..... \$ 100,000

15 2. a. The office of renewable fuel shall allocate  
16 a portion of the moneys to the state department of  
17 transportation and the department of general services  
18 which shall conduct soydiesel demonstration projects  
19 using diesel vehicles. Each vehicle shall operate  
20 using soydiesel fuel for at least 20,000 miles. The  
21 projects shall be conducted under the oversight of the  
22 renewable fuel advisory committee.

23 b. The office shall allocate the remaining moneys  
24 to the state department of transportation to assist  
25 governmental bodies which seek to operate public  
26 transit vehicles using a mixture of diesel fuel and  
27 soybean oil. The department shall expend the moneys  
28 on a dollar-for-dollar matching basis with  
29 contributions from a nonstate source in order to  
30 support one or more special project operation  
31 assistance grants that demonstrate the use of  
32 soydiesel fuel in one or more public transit vehicles.  
33 All awards received by a governmental body shall be  
34 used directly to subsidize the operation of public  
35 transit vehicles using fuel which contains a mixture  
36 of diesel fuel and soybean oil.

37 3. The state department of transportation and the  
38 department of general services shall evaluate the  
39 performance of vehicles operating on soydiesel fuel,  
40 including the rate of repairs on the vehicles and  
41 comments of persons operating and maintaining the  
42 vehicles. The departments shall submit findings and  
43 recommendations to the renewable fuel advisory  
44 committee which shall submit a report to the general  
45 assembly, not later than March 1, 1995.

46 4. Moneys appropriated pursuant to this section  
47 which remain unexpended or unobligated on June 30,  
48 1994, shall continue to be available to support the

49 demonstration project and shall not revert pursuant to  
50 section 8.33."

PATTY JUDGE

S-5232

1 Amend House File 2241, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting after line 12 the  
4 following:

5 "Sec. \_\_\_\_ . Section 812.5, Code 1993, is amended to  
6 read as follows:

7 812.5 EFFECT OF RESTORATION OF MENTAL CAPACITY.

8 If the accused is committed to the department of  
9 human services or to the department of corrections for  
10 placement at the Iowa medical and classification  
11 center under section 812.4, after the expiration of a  
12 period not to exceed six months, the court shall upon  
13 hearing review the confinement and determine whether  
14 there is a substantial probability the accused will  
15 regain capacity within a reasonable time. If not, the  
16 state shall be directed to institute civil commitment  
17 proceedings. When it thereafter appears that the  
18 accused can effectively assist in the accused's  
19 defense, the department shall give notice to the  
20 sheriff and county attorney of the proper county of  
21 such fact, and the sheriff, without delay, shall  
22 receive and hold the accused in custody until the  
23 accused is brought to trial or judgment, as the case  
24 may be, or is legally discharged, the expense for  
25 conveying and returning the accused, or any other, to  
26 be paid in the first instance by the county from which  
27 the accused is sent, but such county may recover the  
28 same from another county or municipal body required to  
29 provide for or maintain the accused elsewhere, and the  
30 sheriff shall be allowed for the sheriff's services  
31 the same fees as are allowed for conveying persons to  
32 institutions under section 331.655."

33 2. Title page, line 3, by inserting after the  
34 word "center" the following: "and providing for  
35 periodic review of the commitment to determine whether  
36 the persons have regained mental capacity".

37 3. By numbering and renumbering as necessary.

RANDAL J. GIANNETTO  
RALPH ROSENBERG

S-5233

- 1 Amend House File 542, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 1, through page 2,  
4 line 32.
- 5 2. By striking page 2, line 35 through page 3,  
6 line 11, and inserting the following:
- 7 **"NEW SUBSECTION. 1A. "Lead abatement" means any**  
8 **actions designed to permanently eliminate lead-based**  
9 **paint hazards in accordance with standards established**  
10 **by rule of the department, including but not limited**  
11 **to all of the following:**
- 12 a. The complete removal of lead-based paint from a  
13 surface, the permanent containment or encapsulation of  
14 lead-based paint, the replacement of lead-painted  
15 surfaces or fixtures, and the removal or permanent  
16 covering of lead-contaminated soil.
- 17 b. All preparation, cleanup, disposal, or  
18 postabatement clearance testing activities associated  
19 with abatement measures."
- 20 3. Page 3, by inserting after line 30, the  
21 following:
- 22 **"NEW SUBSECTION. 1G. "Interim control" means a**  
23 **measure designed to temporarily reduce exposure to**  
24 **lead-based paint hazards in accordance with standards**  
25 **established by rule of the department, including**  
26 **cleaning, repairs, maintenance, repainting without**  
27 **removing all of the underlying lead-based paint from a**  
28 **surface, temporary containment, ongoing monitoring of**  
29 **lead-based paint hazards or potential hazards, and the**  
30 **establishment and operation of management and resident**  
31 **education programs."**
- 32 4. Page 4, line 2, by striking the figure "1994"  
33 and inserting the following: "1995".
- 34 5. Page 4, by striking line 21 and inserting the  
35 following: "by January 1, 1995, regarding training,  
36 certification, and suspension and revocation".
- 37 6. By striking page 4, line 28, through page 5,  
38 line 2, and inserting the following:
- 39 "1. The department shall develop standards by  
40 January 1, 1995, regarding inspection for lead-based  
41 paint and lead hazards, for abatement and interim  
42 control of lead hazards, and for repainting and  
43 remodeling that may involve working with lead-based  
44 paint, including lead-based paint and lead hazards  
45 found in privately owned homes and rental property.  
46 The department shall consult with federal, state, and  
47 local governments and agencies, and with associations  
48 of painting, lead inspector, lead abatement, and

49 remodeling contractors in developing the standards.  
50 2. The standards developed for lead inspections,

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1 for abatement and interim control of lead hazards, and  
2 for painting and remodeling that may involve working  
3 with lead-based paint shall include, but are not  
4 limited to, the following:"

5 7. Page 5, by striking lines 10 and 11 and  
6 inserting the following:

7 "b. Techniques approved by the department for  
8 abatement and interim control of lead hazards and for  
9 painting and remodeling that may involve working with  
10 lead-based paint, taking into account reliability,  
11 effectiveness, and".

12 8. Page 5, by striking lines 23 through 27, and  
13 inserting the following: "training and certification  
14 by the department and unless the training program used  
15 has been approved by the department.

16 2. Lead inspection, abatement and interim control  
17 of lead hazards, and painting and remodeling that may  
18 involve working with lead-based paint shall be  
19 performed only in compliance with the standards  
20 established by the department."

21 9. Page 5, line 32, by inserting after the word  
22 "inspector." the following: "Certification is not  
23 required for persons who perform lead abatement work  
24 or lead inspections without compensation, and is not  
25 required for persons who perform interim controls and  
26 painting and remodeling that may involve working with  
27 lead-based paint. However, all work performed,  
28 whether or not subject to certification, must be  
29 performed in compliance with the standards established  
30 by the department."

31 10. Page 5, line 33, by striking the figure  
32 "1994" and inserting the following: "1995".

33 11. By striking page 7, line 24, through page 9,  
34 line 14.

35 12. Title page, by striking lines 2 through 8,  
36 and inserting the following: "Iowa department of  
37 public health, including operation of radiation  
38 equipment, tanning devices enforcement, and lead  
39 poisoning, and providing criminal penalties."

40 13. By renumbering and correcting internal  
41 references as necessary.

S-5234

1 Amend House File 181, 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 321.178, subsection 1,  
6 unnumbered paragraph 1, Code 1993, is amended to read  
7 as follows:

8 An approved driver education course as programmed  
9 by the department of education shall consist of at  
10 least thirty clock hours of classroom instruction, and  
11 six or more clock hours of laboratory instruction of  
12 which at least three clock hours shall consist of  
13 street or highway driving. An approved course  
14 Classroom instruction shall include a all of the  
15 following:

16 a. A minimum of four hours of classroom  
17 instruction concerning substance abuse as part of its  
18 curriculum.

19 b. A minimum of twenty minutes of instruction  
20 concerning railroad crossing safety.

21 c. Instruction relating to becoming an organ donor  
22 under the uniform anatomical gift Act.

23 **PARAGRAPH DIVIDED.** After the student has completed  
24 three clock hours of street or highway driving and has  
25 demonstrated to the instructor an ability to properly  
26 operate a motor vehicle and upon written request of a  
27 parent or guardian, the instructor may waive the  
28 remaining required laboratory instruction."

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

31 "Sec. \_\_\_\_ . The department of public health shall  
32 cooperate with the department of education to provide  
33 materials and information for driver's education  
34 courses which promote organ donation with the goal of  
35 increasing the number of potential organ donors."

36 3. Title page, line 1, by inserting after the  
37 word "rider" the following: "and driver's".

38 4. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION  
JEAN LLOYD-JONES, Chairperson

S-5235

1 Amend House File 2256, as amended by the House as  
2 follows:

3 1. Page 11, by inserting after line 31 the  
4 following:



5 "Sec. \_\_\_\_ . Section 321.176A, subsection 1, Code  
6 Supplement 1993, is amended to read as follows:  
7 1. A farmer or a person working for a farmer while  
8 operating a commercial motor vehicle owned by the  
9 farmer within one hundred fifty air miles of the  
10 farmer's farm to transport the farmer's own  
11 agricultural products, farm machinery, or farm  
12 supplies to or from the farm. For the purposes of  
13 this subsection, transporting farm supplies includes  
14 hauling gravel. The exemption provided in this  
15 subsection shall apply to farmers who assist each  
16 other through an exchange of services and shall  
17 include operation of a commercial motor vehicle  
18 between the farms of the farmers who are exchanging  
19 services."  
20 2. By renumbering as necessary.

JIM KERSTEN

S-5236

1 Amend Senate File 2062 as follows:  
2 1. Page 1, line 13, by inserting after the word  
3 "infection." the following: "Initiation of any new  
4 epidemiological studies shall be contingent upon the  
5 receipt of funding sufficient to cover all the costs  
6 associated with the studies."

JIM RIORDAN

S-5237

1 Amend the amendment, S-5213, to House File 2256, as  
2 passed by the House, as follows:  
3 1. Page 2, by inserting after line 29 the  
4 following:  
5 "Sec. \_\_\_\_ . MOTOR VEHICLE ENFORCEMENT OFFICERS.  
6 The office of motor vehicle enforcement of the motor  
7 vehicle division of the state department of  
8 transportation shall be transferred to the department  
9 of public safety, effective July 1, 1994. The  
10 appropriations, grants, motor vehicles, equipment,  
11 supplies, and records of or used by the employees of  
12 the office of motor vehicle enforcement of the state  
13 department of transportation shall also be transferred  
14 to the department of public safety, effective July 1,  
15 1994. All references in the Code which authorize the  
16 motor vehicle enforcement office of the motor vehicle  
17 division of the state department of transportation to  
18 perform enforcement related duties shall be considered

19 authority for the transferred employees to perform  
20 those same enforcement related duties as employees of  
21 the department of public safety. The commissioner of  
22 public safety and the director of transportation shall  
23 work jointly to implement the transfer authorized  
24 under this Act.”  
25 2. By renumbering as necessary.

JIM KERSTEN

S-5238

1 Amend House File 2197, as passed by the House, as  
2 follows:  
3 1. Page 1, line 9, by striking the word “and” and  
4 inserting the following: “or”.  
5 2. Page 1, line 12, by striking the word “and”  
6 and inserting the following: “or”.

COMMITTEE ON JUDICIARY  
AL STURGEON, Chairperson

S-5239

1 Amend House File 2011, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting after line 12 the  
4 following:  
5 “Sec. \_\_\_\_ . Section 912.6, subsections 2 and 4,  
6 Code Supplement 1993, are amended to read as follows:  
7 2. Loss of income from work the victim would have  
8 performed and for which the victim would have received  
9 remuneration if the victim had not been injured not to  
10 exceed ~~two~~ four thousand dollars.  
11 4. Reasonable funeral and burial expenses not to  
12 exceed ~~two five~~ five thousand ~~five hundred~~ dollars.”  
13 2. Title page, line 1, by inserting after the  
14 word “to” the following: “victim compensation and”.

COMMITTEE ON JUDICIARY  
AL STURGEON, Chairperson

S-5240

1 Amend the amendment, S-5173, to House File 2256, as  
2 passed by the House, as follows:  
3 1. Page 1, by striking lines 7 and 8, and

4 inserting the following: "and inserting the  
5 following: "three hundred thirty."

ANDY McKEAN

S-5241

1 Amend Senate File 2096 as follows:

2 1. Page 1, by striking lines 3 through 13 and  
3 inserting the following:

4 "1. If real property condemned pursuant to this  
5 chapter is not used for the purpose stated in the  
6 application filed pursuant to section 6B.3 and the  
7 condemner seeks to dispose of the real property, the  
8 condemner shall first offer the property for sale to  
9 the prior owner of the condemned property as provided  
10 in this section. For purposes of this section, prior  
11 owner of the real property includes the successor in  
12 interest of the real property.

13 2. The condemner shall notify the prior owner of  
14 the real property condemned in writing of the  
15 condemner's intent to dispose of the real property, of  
16 the amount of damages awarded the prior owner for the  
17 real property when the real property was condemned  
18 pursuant to this chapter, and of the prior owner's  
19 right to purchase the real property within sixty days  
20 from the date the notice is served at a price equal to  
21 the amount of damages awarded the prior owner for the  
22 real property when the real property was condemned,  
23 before the real property may be offered for sale to  
24 the general public. The notice sent by the condemner  
25 as provided in this subsection shall be filed with the  
26 office of the recorder in the county where the real  
27 property is located.

28 3. If the prior owner elects to purchase the real  
29 property at the price established in subsection 2, the  
30 prior owner shall notify the condemner in writing of  
31 this intention and file a copy of this notice with the  
32 office of the recorder in the county where the real  
33 property is located prior to purchasing the real  
34 property before the expiration of the sixty-day  
35 period.

36 4. The provisions of this section do not apply to  
37 the sale of unused right-of-way property as provided  
38 in chapter 306."

ANDY McKEAN

S-5242

- 1 Amend Senate File 2310 as follows:  
2 1. Page 1, line 14, by inserting after the figure  
3 "16.100" the following: "except that interest on a  
4 rental deposit earned by a landlord renting four or  
5 fewer dwelling units shall be the property of the  
6 landlord".

RALPH ROSENBERG

S-5243

- 1 Amend Senate File 2310 as follows:  
2 1. By striking page 2, line 34, through page 3,  
3 line 1, and inserting the following: "to section  
4 648.1, subsections 2 through 6, the landlord shall  
5 attach to the pleading copies of all written notices  
6 relating to the action which are required to be served  
7 by the landlord upon the tenant by this chapter or  
8 chapter 562A or 562B. Prior to hearing evidence in  
9 the forcible entry or detention action, the court  
10 shall determine the legal sufficiency of the notices  
11 required to be attached to the pleading. If the court  
12 determines that the notices are not sufficient to meet  
13 the applicable statutory requirements, the court shall  
14 dismiss the action and tax the costs of the action to  
15 the plaintiff."  
16 2. Page 3, by inserting before line 2 the  
17 following:  
18 "Sec. \_\_\_\_ . APPLICABILITY DATE. Section 2 of this  
19 Act applies only to rental agreements entered into on  
20 or after July 1, 1994."  
21 3. By renumbering as necessary.

RALPH ROSENBERG

S-5244

- 1 Amend Senate File 414 as follows:  
2 1. Page 1, by inserting after line 18 the  
3 following:  
4 "However, a member who serves as chairperson or  
5 ranking member on the senate education appropriations  
6 subcommittee shall not serve on the board for more  
7 than four consecutive years. If such a member has  
8 served on the board for four consecutive years, and  
9 continues to serve as chairperson or ranking member of  
10 the subcommittee, the majority or minority leader, as  
11 the case may be, shall designate another member of the

12 senate education appropriations subcommittee to serve  
13 on the board for a term of no more than four  
14 consecutive years.”  
15 2. Page 1, by inserting after line 20 the  
16 following:  
17 “However, a member who serves as the chairperson or  
18 ranking member on the house of representatives  
19 education appropriations subcommittee shall not serve  
20 on the board for more than four consecutive years. If  
21 such a member has served on the board for four  
22 consecutive years, and continues to serve as  
23 chairperson or ranking member of the subcommittee, the  
24 speaker of the house or the minority leader, as the  
25 case may be, shall designate another member of the  
26 house of representatives education appropriations  
27 subcommittee to serve on the board for a term of no  
28 more than four consecutive years.”

BRAD BANKS

S-5245

1 Amend Senate File 2220 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 “Section 1. Section 692.8, unnumbered paragraphs 1  
5 and 2, Code 1993, are amended to read as follows:  
6 Intelligence data contained in the files of the  
7 department of public safety or a criminal justice  
8 agency may be placed within a computer data storage  
9 system, provided that access to the computer data  
10 storage system is restricted to authorized employees  
11 of the department or criminal justice agency ~~and the~~  
12 ~~computer data storage system is not interconnected~~  
13 ~~with any other computer, computer system, or~~  
14 ~~communication facility outside of the department or~~  
15 ~~agency and cannot be accessed by persons outside of~~  
16 ~~the department or agency.~~  
17 Intelligence data in the files of the department  
18 may be disseminated only to a peace officer, criminal  
19 justice agency, or state or federal regulatory agency,  
20 and only if the department is satisfied that the need  
21 to know and the intended use are in furtherance of a  
22 reasonable law enforcement or criminal investigative  
23 purpose. Whenever intelligence data relating to a  
24 defendant for the purpose of sentencing has been  
25 provided a court, the court shall inform the defendant  
26 or the defendant's attorney that it is in possession  
27 of such data and shall, upon request of the defendant  
28 or the defendant's attorney, permit examination of

29 such data.

30 Intelligence data in the files of the department  
31 may be disseminated upon request to designated tribal  
32 officials, tribal gaming commission members, or tribal  
33 regulatory agency members of a federally recognized  
34 Indian tribe engaged in gaming within the state, who  
35 are directly responsible for authorizing gaming  
36 background investigations or licensing pursuant to the  
37 Iowa gaming compact only if the department is  
38 satisfied that the intended use of the data is  
39 directly related to the tribal gaming background  
40 investigations or licensing and the tribe seeking the  
41 data has enacted an Indian gaming compact with the  
42 state which is consistent with departmental policies  
43 and rules, which specifically includes provisions for  
44 the dissemination, redissemination, and  
45 confidentiality of the data consistent with the  
46 statutes and rules governing intelligence data, and  
47 which provides for penalties that are consistent with  
48 the statutes and rules governing intelligence data.  
49 Notwithstanding any state provision regarding  
50 intelligence data, dissemination and redissemination

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1 of criminal intelligence information that is governed  
2 by federal law shall comply with all applicable  
3 federal law provisions."

4 2. Title page, line 1, by inserting before the  
5 word "access" the following: "criminal intelligence  
6 data and".

RAY TAYLOR  
JOE WELSH

S-5246

1 Amend House File 2256, as passed by the House, as  
2 follows:  
3 1. Page 15, by inserting after line 27 the  
4 following:  
5 "Sec. \_\_\_\_ . MOTOR VEHICLE ENFORCEMENT OFFICER  
6 STUDY. The legislative council is requested to  
7 authorize an interim study committee to study the  
8 issue of transferring the motor vehicle enforcement  
9 officers from the state department of transportation  
10 to the department of public safety. The committee  
11 shall study whether or not motor vehicle enforcement  
12 officers should have all the powers and duties of  
13 other peace officers defined in section 801.4. The

14 committee shall also study the issue of transferring  
15 the Iowa highway safety patrol from the department of  
16 public safety to the state department of  
17 transportation.”

18 2. By renumbering as necessary.

RANDAL J. GIANNETTO

S-5247

1 Amend Senate File 2258 as follows:

2 1. Page 1, by striking lines 1 through 10 and

3 inserting the following:

4 “Section 1. Section 321.449, unnumbered paragraph

5 4, Code Supplement 1993, is amended to read as

6 follows:

7 Notwithstanding other provisions of this section,

8 rules adopted under this section for a driver of a

9 commercial vehicle shall not apply to a driver for a

10 private carrier farm operation, as defined in section

11 352.2, or for an agricultural interest, who is not for

12 hire and who is engaged exclusively in intrastate

13 commerce, when the driver's commercial vehicle is not

14 operated more than one hundred miles from the driver's

15 work reporting location between the farm, as defined

16 in section 352.2, and another farm; between the farm

17 and a market for farm products, as defined in section

18 352.2; or between the farm and an agribusiness

19 location.”

WILLIAM W. DIELEMAN  
EUGENE FRAISE

S-5248

1 Amend House File 2256, as passed by the House, as

2 follows:

3 1. Page 12, by inserting after line 23 the

4 following:

5 “Sec. \_\_\_\_ . Section 321.449, unnumbered paragraph

6 4, Code Supplement 1993, is amended to read as

7 follows:

8 Notwithstanding other provisions of this section,

9 rules adopted under this section for a driver of a

10 commercial vehicle shall not apply to a driver for a

11 private carrier farm operation, as defined in section

12 352.2, or for an agricultural interest, who is not for

13 hire and who is engaged exclusively in intrastate

14 commerce, when the driver's commercial vehicle is not

15 operated more than one hundred miles from the driver's

- 16 work reporting location between the farm, as defined  
17 in section 352.2, and another farm; between the farm  
18 and a market for farm products, as defined in section  
19 352.2; or between the farm and an agribusiness  
20 location."  
21 2. By renumbering as necessary.

WILLIAM W. DIELEMAN  
EUGENE FRAISE

S-5249

- 1 Amend House File 2309, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 12, by inserting after the word  
4 "person." the following: "A person licensed under  
5 chapter 148, 150, 150A, or 154 shall not withhold a  
6 contact lens prescription after the requirements of  
7 this section have been met."  
8 2. Page 1, line 27, by striking the words "that  
9 original" and inserting the following: "a valid".  
10 3. Page 2, by striking lines 11 and 12 and  
11 inserting the following: "prescription shall contain  
12 an expiration date. The ophthalmic spectacle lens  
13 prescription shall".  
14 4. Page 2, line 28, by striking the words "that  
15 original" and inserting the following: "a valid".

COMMITTEE ON STATE GOVERNMENT  
MICHAEL E. GRONSTAL, Chairperson

S-5250

- 1 Amend House File 592, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 7 through 31 and  
4 inserting the following: "of education pursuant to  
5 the statewide plan outlined in the federal Act and the  
6 code of federal regulations."

COMMITTEE ON EDUCATION  
MICHAEL CONNOLLY, Chairperson

S-5251

- 1 Amend House File 618, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 1, line 16, by striking the words "by  
4 filing a notice" and inserting the following: "for up



5 to an additional ten years by filing a notice during  
6 the ninth year".

COMMITTEE ON BUSINESS AND  
LABOR RELATIONS  
DON E. GETTINGS, Chairperson

S-5252

- 1 Amend House File 2374 as follows:  
2 1. Page 6, line 10, by striking the words "plan  
3 group health" and inserting the following: "group  
4 health plan".  
5 2. Page 23, line 32, by striking the word  
6 "mutual" and inserting the following: "a mutual".

MICHAEL E. GRONSTAL

S-5253

- 1 Amend Senate File 2281 as follows:  
2 1. Page 1, by striking lines 1 through 24.  
3 2. Page 6, line 34, by striking the words "group  
4 health plan" and inserting the following: "plan group  
5 health".  
6 3. Page 24, line 22, by striking the words "a  
7 mutual" and inserting the following: "mutual".  
8 4. Title page, line 4, by striking the words  
9 "establishing fees."  
10 5. Renumber as necessary.

MICHAEL E. GRONSTAL

S-5254

- 1 Amend House File 2003, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 237A.1, subsection 8, paragraph  
6 b, Code Supplement 1993, is amended to read as  
7 follows:  
8 b. "Group day care home" means a facility  
9 providing child day care for more than six but less  
10 than twelve children, or for less than sixteen  
11 children at any one time as authorized in accordance  
12 with section 237A.3, subsection 3, provided each child  
13 in excess of six children is attending school full-  
14 time on a regular basis in kindergarten or a higher  
15 grade level.

16 Sec. \_\_\_\_ . Section 237A.3, subsection 1, paragraph  
17 b, Code Supplement 1993, is amended to read as  
18 follows:

19 b. No greater number of children than is  
20 authorized by the registration certificate shall be  
21 kept in the family day care home at any one time.  
22 However, a registered or unregistered family day care  
23 home may provide care for more than six but less than  
24 twelve children at any one time for a period of less  
25 than two hours, provided that each child in excess of  
26 six children is attending school ~~full-time on a~~  
27 regular basis in kindergarten or a higher grade level.

28 Sec. \_\_\_\_ . Section 237A.3, subsection 1, paragraph  
29 d, Code Supplement 1993, is amended to read as  
30 follows:

31 d. In determining the number of children cared for  
32 at any one time in a registered or unregistered family  
33 day care home, if the person who operates or  
34 establishes the home is a child's parent, guardian,  
35 relative, or custodian and the child is not attending  
36 school ~~full-time on a regular basis in kindergarten or~~  
37 a higher grade level or is not receiving child day  
38 care full-time on a regular basis from another person,  
39 the child shall be considered to be receiving child  
40 day care from the person and shall be counted as one  
41 of the children cared for in the home."

42 2. Title page, line 1, by inserting after the  
43 word "care" the following: "provisions involving age  
44 and school status of the children receiving care and".

45 3. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES  
ELAINE SZYMONIAK, Chairperson

S-5255

1 Amend House File 582 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. PREAMISSION SCREENING AND ASSESSMENT  
6 PILOT PROGRAM.

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

9 a. "Assessment" means a face-to-face conference  
10 between a case management program assessor and the  
11 elder which includes an evaluation of physical health,  
12 cognitive and emotional status, activities of daily  
13 living, transportation needs, a support system, the  
14 physical environment, and the financial status of the

15 elder.

16 b. "Case management program for elders" means a  
17 comprehensive system administered by the department as  
18 specified in this chapter.

19 c. "Department" means the department of elder  
20 affairs.

21 d. "Elder" means a person sixty-five years of age  
22 or older.

23 e. "Nursing facility" means a nursing facility as  
24 defined in section 135C.1.

25 f. "Screening" means an initial review to  
26 determine if a face-to-face comprehensive assessment  
27 by a case management program assessor is necessary  
28 prior to admission or following admission to a nursing  
29 facility.

30 2. Beginning July 1, 1994, and ending June 30,  
31 1996, the department shall administer a preadmission  
32 screening and assessment pilot program for elders  
33 seeking admission to nursing facilities, in three to  
34 six counties in the state, which have existing case  
35 management programs for elders, in consultation with  
36 area agencies on the aging, service providers, and the  
37 peer review organization. The counties selected shall  
38 represent both rural and urban populations. Unless an  
39 elder is exempt from the preadmission screening and  
40 assessment pilot program pursuant to subsection 5 or  
41 6, an elder shall not be admitted to a nursing  
42 facility in a participating county prior to completion  
43 of a preadmission screening and, if necessary, an  
44 assessment.

45 3. The department shall determine the appropriate  
46 agency to conduct the screening program.

47 a. The screening shall include but is not limited  
48 to a utilization review for the level of care needed  
49 and the identification of mental illness, mental  
50 retardation, and related mental health conditions of

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1 an elder.

2 b. The screening shall be conducted not more than  
3 three months prior to the application for admission of  
4 the elder to a nursing facility. If the screening of  
5 an elder has not been completed during the three-month  
6 period prior to the application for admission, the  
7 nursing facility shall request a screening prior to  
8 the admission of the elder.

9 c. During the screening process, the peer review  
10 organization shall identify elders with care needs who  
11 may be served through coordination of services in the

12 community and shall refer these elders to the area  
13 agency on aging in the county of residence of the  
14 elder for a complete needs assessment.

15 4. A post-admission screening of elders in nursing  
16 facilities may be initiated based on any of the  
17 following criteria:

18 a. A rehabilitative placement shall be screened,  
19 periodically.

20 b. Residents with relatively low-level care needs,  
21 as identified in the existing peer review organization  
22 continued stay review process, shall be screened,  
23 periodically.

24 c. A member of the resident's family, the  
25 resident's physician, or a member of the nursing  
26 facility staff, may request screening.

27 5. If, following a screening, a determination of  
28 the need for an assessment is made, the case  
29 management program assessor shall perform an  
30 assessment of the elder, using a standard assessment  
31 tool approved by the department. Following the  
32 assessment and an interdisciplinary case conference,  
33 the case management staff shall explain the options  
34 available to the elder, the elder's family, and  
35 persons providing support services to the elder for  
36 the most appropriate care in the least restrictive  
37 environment. The elder, the elder's family, and  
38 persons providing support services to the elder, shall  
39 choose the care options to be provided to the elder.

40 6. If an elder's attending physician determines  
41 that an emergency placement of the elder in a nursing  
42 facility is necessary, a nursing facility may admit  
43 the elder prior to completion of a screening or  
44 assessment. Within three days following admission,  
45 the peer review organization shall provide for a  
46 screening and request an assessment if the screening  
47 indicates the need for an assessment.

48 7. The following elders are exempt from screening  
49 and assessment:

50 a. An elder transferring between nursing

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1 facilities, whether or not an intervening hospital  
2 stay takes place.

3 b. An elder admitted to a nursing facility prior  
4 to January 1, 1995.

5 c. An elder entering a nursing facility who has  
6 completed an assessment under the program within the  
7 three-month period prior to application for admission.

8 d. An elder admitted to a nursing facility

9 directly from a hospital after receiving acute  
10 inpatient care at the hospital, unless the elder  
11 requires more than thirty days of nursing facility  
12 care, in which case the peer review organization shall  
13 conduct a screening within forty days of admission to  
14 the nursing facility.

15 e. An elder transferred within the same continuing  
16 care retirement community, as defined in section  
17 523D.1, from a level of care or from a portion of the  
18 facility in which residents do not require nursing  
19 care, except on an emergency basis, to a level of care  
20 which is primarily nursing care or to a portion of the  
21 facility which is primarily engaged in providing  
22 nursing care.

23 8. The department shall submit an annual report to  
24 the governor and to the general assembly which  
25 provides an analysis of the pilot program."

26 2. Title page, line 1, by striking the words  
27 "preadmission assessment" and inserting the following:  
28 "screening and assessment pilot".

29 3. Title page, line 2, by striking the words "for  
30 frail elders" and inserting the following: "to  
31 determine the appropriateness of community-based  
32 services for elders".

COMMITTEE ON HUMAN RESOURCES  
ELAINE SZYMONIAK, Chairperson

S-5256

1 Amend Senate File 2273 as follows:

2 1. Page 1, line 1, by striking the words  
3 "paragraphs i and" and inserting the following:  
4 "paragraph".

5 2. Page 1, line 2, by striking the word "are" and  
6 inserting the following: "is".

7 3. Page 1, by striking lines 3 through 12.

8 4. Page 1, by inserting after line 19 the  
9 following:

10 "Sec. \_\_\_\_ . Section 524.901, subsection 3, Code  
11 1993, is amended by adding the following new  
12 paragraph:

13 NEW PARAGRAPH. n. Shares or units of investment  
14 companies or investment trusts registered under the  
15 federal Investment Company Act of 1940, 15 U.S.C. §  
16 80a, the portfolio of which is limited to the United  
17 States obligations described in subsection 1 or  
18 repurchase agreements fully collateralized by United  
19 States obligations described in subsection 1 if  
20 delivery of the collateral is taken either directly or

- 21 through an authorized custodian and the dollar-  
 22 weighted average maturity of the portfolio is not more  
 23 than five years.”  
 24 5. By renumbering as necessary.

PATRICK DELUHERY

S-5257

- 1 Amend Senate File 2300 as follows:  
 2 1. Page 1, by striking lines 1 through 27.  
 3 2. By striking page 1, line 31 through page 2,  
 4 line 3, and inserting the following: “establish a  
 5 special waste authorization program.”  
 6 3. By striking page 3, line 27 through page 4,  
 7 line 7, and inserting the following:  
 8 “Sec. \_\_\_\_ . Section 455E.11, subsection 2,  
 9 paragraph a, subparagraph (9), Code Supplement 1993,  
 10 is amended to read as follows:  
 11 (9) One dollar per ton from the fees imposed under  
 12 section 455B.310 for the fiscal year beginning July 1,  
 13 1990 and thereafter shall be used by the department to  
 14 develop and implement demonstration projects for  
 15 landfill alternatives to solid waste disposal  
 16 including recycling programs. The first fifty  
 17 thousand dollars of moneys allocated to the department  
 18 pursuant to this subparagraph shall be used for  
 19 administration of the special waste authorization  
 20 program established pursuant to section 455B.304,  
 21 subsection 18.  
 22 Sec. \_\_\_\_ . ADDITIONAL POSITION. Notwithstanding  
 23 the full-time equivalent position limitations in  
 24 effect for the department of natural resources for the  
 25 fiscal year beginning July 1, 1994, and ending June  
 26 30, 1995, the environmental protection division of the  
 27 department of natural resources may employ one  
 28 additional full-time equivalent position to administer  
 29 the special waste authorization program established  
 30 pursuant to section 455B.304, subsection 18.”  
 31 4. By renumbering as necessary.

BRAD BANKS

S-5258

- 1 Amend House File 2314, as passed by the House, as  
 2 follows:

3 1. Page 3, line 1, by striking the word  
4 "provide".

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO  
SENATE FILE 2069

S-5259

- 1 Amend Senate File 2069, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the words and  
4 figure "NEW SECTION. 144C.2".
- 5 2. Page 3, line 2, by inserting after the figure  
6 "135H;" the following: "a hospice program certified  
7 under Title XVIII or XIX of the federal Social  
8 Security Act or".
- 9 3. Page 3, line 3, by striking the words "health  
10 related" and inserting the following: "health-  
11 related".
- 12 4. Page 3, line 4, by inserting after the figure  
13 "155A" the following: "; and a home care aide  
14 services program certified under Title XVIII or XIX of  
15 the federal Social Security Act or a home care aide  
16 services program under contract with the department of  
17 public health".
- 18 5. Page 4, by striking lines 29 through 31 and  
19 inserting the following: "duties."
- 20 6. Page 6, line 28, by inserting after the word  
21 "include" the following: "the system's annual  
22 operating budget for the coming year and".
- 23 7. Page 8, line 15, by striking the word  
24 "government" and inserting the following:  
25 "governmental".
- 26 8. Page 9, line 11, by inserting after the word  
27 "board." the following: "This section requires, to  
28 the extent permitted under federal law, that a self-  
29 insured plan providing health care coverage in this  
30 state shall, on its own or through a third-party  
31 administrator or other third party, accept electronic  
32 transaction submissions, provide remittance, and  
33 transmit eligibility electronically as provided by the  
34 board."
- 35 9. By renumbering and correcting internal  
36 references as necessary.

S-5260

- 1 Amend House File 2011, 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 912.6, subsections 2 and 4,  
6 Code Supplement 1993, are amended to read as follows:  
7 2. Loss of income from work the victim would have  
8 performed and for which the victim would have received  
9 remuneration if the victim had not been injured not to  
10 exceed ~~two~~ four thousand dollars.  
11 4. Reasonable funeral and burial expenses not to  
12 exceed ~~two five thousand five hundred~~ five thousand dollars."  
13 2. Title page, by striking lines 1 and 2 and  
14 inserting the following: "An Act relating to victim  
15 compensation for loss of income and funeral and burial  
16 expenses."

ELAINE SZYMONIAK

S-5261

- 1 Amend Senate File 2314 as follows:
- 2 1. Page 5, line 17, by striking the words  
3 "pursuant to" and inserting the following: "for  
4 purposes of carrying out".  
5 2. Page 8, line 10, by inserting after the figure  
6 "15.00" the following: "additional".  
7 3. Page 15, line 17, by striking the word  
8 "subsection" and inserting the following: "section".  
9 4. Page 19, line 20, by inserting after the word  
10 "incentives" the following: "under the program".  
11 5. Page 19, by striking line 21 and inserting the  
12 following: "expenses incurred by the division in  
13 administering the program. Not more".  
14 6. Page 19, line 23, by striking the words  
15 "organic nutrient management".  
16 7. Page 24, line 29, by striking the word "fund"  
17 and inserting the following: "fund,".  
18 8. Page 26, by striking line 17 and inserting the  
19 following: "deposited in the water quality protection  
20 fund, as".  
21 9. Page 26, line 22, by striking the word  
22 "account" and inserting the following: "fund".

EMIL J. HUSAK  
BRAD BANKS



S-5262

- 1 Amend Senate File 2314 as follows:
- 2 1. Page 23, by inserting after line 6 the follow-
- 3 ing:
- 4 "Sec. \_\_\_\_ . Section 352.7, subsection 2, Code
- 5 Supplement 1993, is amended to read as follows:
- 6 2. Within sixty days after receipt, the county
- 7 board shall adopt the proposal or any modification of
- 8 the proposal it deems appropriate, unless to do so
- 9 would be inconsistent with the purposes of this
- 10 chapter. The board may deny a proposal, if the board
- 11 determines that the disposal of waste from livestock
- 12 produced in the area cannot be effectively
- 13 administered."
- 14 2. By renumbering as necessary.

BERL E. PRIEBE  
 BRAD BANKS  
 H. KAY HEDGE  
 DERRYL McLAREN  
 EMIL J. HUSAK

S-5263

- 1 Amend House File 2216, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 5 and
- 4 inserting the following:
- 5 "Section 1. Section 483A.1, subsection 1, Code
- 6 1993, is amended by adding the following new lettered
- 7 paragraph:
- 8 NEW LETTERED PARAGRAPH. e. Lifetime license for legal
- 9 residents permanently disabled or sixty-five years of age or
- 10 older ..... \$ 10.50
- 11 Sec. 2. Section 483A.1, subsection 2, Code 1993,
- 12 is amended by adding the following new lettered
- 13 paragraph:
- 14 NEW LETTERED PARAGRAPH. g. Lifetime hunting license for
- 15 legal residents permanently disabled or sixty-five years of
- 16 age or older ..... \$ 12.50
- 17 Sec. 3. Section 483A.1, subsection 3, Code 1993,
- 18 is amended to read as follows:
- 19 3. Hunting and fishing combined licenses:
- 20 a. Legal residents except as otherwise provided ..... \$ 23.50
- 21 23.00
- 22 b. Lifetime license for residents permanently disabled or
- 23 sixty-five years of age or older ..... \$ 23.00".
- 24 2. By renumbering sections.

JIM KERSTEN  
BERL E. PRIEBE  
ALLEN BORLAUG  
DERRYL McLAREN

S-5264

- 1 Amend Senate File 2302 as follows:  
2 1. Page 3, by inserting after line 4 the  
3 following:  
4 "Sec. —. NEW SECTION. 566.28 ABANDONMENT OF  
5 CEMETERY.  
6 1. A governmental subdivision having a cemetery  
7 within its jurisdiction, for which protection or  
8 preservation is not otherwise provided, shall protect  
9 and preserve the cemetery as necessary to restore or  
10 maintain its physical integrity as a cemetery. Upon a  
11 ruling by a court that a cemetery has been abandoned,  
12 the governmental subdivision having the cemetery  
13 within its jurisdiction shall maintain the burial  
14 records of the cemetery and maintain and care for all  
15 interment spaces and cemetery structures as necessary  
16 to allow use and visitation of the cemetery. The  
17 governmental subdivision shall be entitled to receive  
18 the income from any existing perpetual care trust  
19 funds during any period that the political subdivision  
20 is providing care and maintenance of the cemetery.  
21 2. A governmental subdivision having an abandoned  
22 cemetery within its jurisdiction may apply to the  
23 district court of that county to dissolve the  
24 corporation or other form of organization which owns  
25 the cemetery. Upon dissolution of such corporation or  
26 other organization, title to all property owned by the  
27 cemetery corporation or organization shall vest in the  
28 governmental subdivision and the perpetual care  
29 guarantee fund, together with all investments then  
30 outstanding, and all books, records, and papers of  
31 such corporation or organization shall be transferred  
32 to the treasurer of the governmental subdivision. The  
33 principal and interest of the fund shall be used  
34 exclusively for the care and maintenance of the  
35 cemetery."  
36 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5265

- 1 Amend Senate File 2302 as follows:  
2 1. Page 3, by inserting after line 4 the

3 following:

4 "Sec. \_\_\_\_ . NEW SECTION. 566.29 PROTECTION AND  
5 PRESERVATION OF BURIAL SITES.

6 1. The commissioner shall notify the attorney  
7 general if the commissioner finds that a cemetery  
8 subject to this chapter has been abandoned. As used  
9 in this section, an "abandoned cemetery" means any  
10 cemetery where there has been a failure to cut grass  
11 or weeds or care for graves, grave markers, walls,  
12 fences, driveways, and buildings, or for which proper  
13 records have not been maintained. The attorney  
14 general shall apply to the district court for a ruling  
15 that the cemetery has been abandoned.

16 2. A governmental subdivision or agency having a  
17 burial site within its jurisdiction, for which  
18 protection or preservation is not otherwise provided,  
19 shall protect and preserve the burial site as  
20 necessary to restore or maintain its physical  
21 integrity as a burial site. The governmental  
22 subdivision or agency may enter into an agreement  
23 with a public or private organization interested in  
24 historical preservation to delegate to the  
25 organization the responsibility for the protection and  
26 preservation of the burial site."

27 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5266

1 Amend Senate File 2302 as follows:

2 1. Page 5, by inserting after line 9 the  
3 following:

4 "A religious cemetery shall file a written notice  
5 with the insurance division on a form provided by the  
6 division regarding the cemetery's status as a  
7 religious cemetery not later than April 1 of each  
8 year. The written notice shall include all of the  
9 following:

10 a. The name and address of the cemetery.

11 b. The name and address of any cemetery trustee  
12 holding funds for the care and maintenance of the  
13 cemetery.

14 c. An affidavit that the cemetery is a religious  
15 cemetery, as defined in section 566A.1A.

16 d. Copies of all sales agreement forms used by the  
17 cemetery."

MICHAEL E. GRONSTAL

S-5267

- 1 Amend Senate File 2302 as follows:  
2 1. Page 5, by inserting after line 9 the  
3 following:  
4 "An agreement for interment rights at a religious  
5 cemetery shall be written in clear, understandable  
6 language and do all of the following:  
7 a. Identify the seller and purchaser.  
8 b. Identify the salesperson.  
9 c. Specify the interment rights to be provided and  
10 the cost of each item.  
11 d. State clearly the conditions on which  
12 substitution will be allowed.  
13 e. Set forth the total purchase price and the  
14 terms under which it is to be paid.  
15 f. State clearly whether the agreement is a  
16 revocable or irrevocable contract, and, if revocable,  
17 which parties have the authority to revoke the  
18 agreement.  
19 g. State the amount or percentage of money to be  
20 placed in the irrevocable trust fund for the care and  
21 maintenance of the cemetery.  
22 h. Set forth an explanation that the funds are in  
23 an irrevocable trust, that deposits cannot be  
24 withdrawn, even in the event of cancellation of the  
25 agreement, and that the trust's income shall be used  
26 by the cemetery for its maintenance, repair, and care.  
27 i. Set forth an explanation of any fees or  
28 expenses that may be charged."

MICHAEL E. GRONSTAL

S-5268

- 1 Amend Senate File 2300 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the 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 to establish a special waste authorization  
8 program. For purposes of this subsection, "special  
9 waste" means waste that is not domestic, office, or  
10 commercial waste which by its nature may require  
11 special handling or limitations on its disposal.  
12 Special waste does not include hazardous wastes which  
13 are regulated under the federal Resource Conservation  
14 and Recovery Act, 42 U.S.C., § 6921-6934, hazardous  
15 wastes as defined in section 455B.411, subsection 3,

16 or hazardous or restricted wastes as compiled in  
17 accordance with section 455B.464.

18 Sec. 2. Section 455B.305, subsection 6, Code 1993,  
19 is amended to read as follows:

20 6. Beginning July 1, 1992, the director shall not  
21 issue a permit for a sanitary landfill unless the  
22 sanitary landfill is equipped with a leachate control  
23 system. Beginning July 1, 1994, the director shall  
24 not renew or reissue a permit for an existing sanitary  
25 landfill unless the sanitary landfill is equipped with  
26 a leachate control system. During the period from  
27 July 1, 1992, through June 30, 1994, the director may  
28 require an existing sanitary landfill to install a  
29 leachate control system if leachate from the sanitary  
30 landfill is adversely impacting the public health or  
31 safety or the environment. During the period from  
32 July 1, 1992, through June 30, 1994, the director  
33 shall require an existing sanitary landfill to install  
34 a leachate control system if the sanitary landfill has  
35 not submitted a completed hydrogeological plan to the  
36 department. The director may exempt a permit  
37 applicant from these requirements if the director  
38 determines that certain conditions regarding, but not  
39 limited to, existing physical conditions, topography,  
40 soil, geology, and climate, are such that a leachate  
41 control system is unnecessary. The director may  
42 exempt a permit applicant from the requirements of  
43 this subsection if the permittee certifies that a risk  
44 assessment of the site indicates that a current or  
45 potential threat to environmental health does not  
46 exist such that an exposed individual has no greater  
47 than a one in one million risk of developing cancer  
48 and for noncarcinogens a hazard index of less than  
49 one. The director shall use the United States  
50 environmental protection agency's risk assessment

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1 guidance for the superfund as a basis for determining  
2 whether to grant the exemption. The exemption in this  
3 subsection shall apply only to sanitary landfill cells  
4 in existence prior to July 1, 1992, or the vertical  
5 expansion above a cell in which waste was deposited  
6 prior to July 1, 1992. A sanitary landfill permittee  
7 desiring an exemption shall apply to the director and  
8 certify a completion date for a risk assessment study  
9 by December 1, 1994. If an exemption is not granted,  
10 or if the risk assessment study concludes that a  
11 leachate control system is required, a permittee shall  
12 certify a completion date and increments of progress

13 for the installation of a leachate control system.  
14 The department shall retain the discretion to approve  
15 or disapprove a risk assessment study or a proposed  
16 completion date under this subsection. If a schedule  
17 for a risk assessment study or the installation of a  
18 leachate control system is approved by the department  
19 and satisfactory progress is being made toward  
20 completion of the study or the installation of the  
21 leachate control system, the permittee shall not be  
22 subject to penalties for failure to meet the  
23 requirements of this subsection.

24 Sec. 3. Section 455B.307, Code 1993, is amended by  
25 adding the following new subsection:

26 NEW SUBSECTION. 2A. A person seeking to remove  
27 solid waste from a service area for disposal in a  
28 sanitary landfill which is not included in the  
29 comprehensive plan of the originating service area  
30 shall obtain approval from the entity which filed the  
31 comprehensive plan governing the originating service  
32 area prior to removal of the solid waste. The person  
33 shall file the certified approval with the receiving  
34 sanitary landfill.

35 A sanitary landfill shall not accept solid waste  
36 from a service area which is not included in the  
37 comprehensive plan of the receiving service area  
38 unless the person seeking to deposit the solid waste  
39 has obtained a certified approval from the entity  
40 which filed the comprehensive plan governing the  
41 originating service area.

42 The attorney general has the authority to enforce  
43 the provisions of this section or orders or permits  
44 issued or rules adopted pursuant to this section. A  
45 local government may request that the attorney general  
46 institute civil or criminal proceedings, including an  
47 action for injunction, to enforce the provisions of  
48 this section or orders or permits issued or rules  
49 adopted pursuant to this section. Removal or  
50 acceptance of solid waste in violation of this

### Page 3

1 subsection shall be punishable by a fine of five  
2 hundred dollars per ton of solid waste.

3 Sec. 4. Section 455B.310, subsection 2, paragraph  
4 a, Code Supplement 1993, is amended to read as  
5 follows:

6 a. The tonnage fee is twenty-five cents per ton of  
7 solid waste. However, for the year beginning July 1,  
8 1988, the tonnage fee is one dollar and fifty cents  
9 per ton of solid waste and shall increase annually in

10 the amount of fifty cents per ton through July 1,  
11 1992. A city, county, or private agency which files a  
12 comprehensive plan to operate a sanitary landfill  
13 under section 455B.306 and which accepts solid waste  
14 from a service area not included in but contiguous to  
15 the service area included in the comprehensive plan,  
16 in accordance with section 455B.307, subsection 2A,  
17 shall charge a tonnage fee for the disposal of that  
18 solid waste which is at least the amount of the  
19 current tonnage fee charged by the sanitary landfill  
20 representing the receiving service area or the  
21 sanitary landfill representing the service area from  
22 which the solid waste originated, whichever amount is  
23 greater. A sanitary landfill which accepts solid  
24 waste from a service area not included in and not  
25 contiguous to the service area included in the  
26 comprehensive plan shall charge a tonnage fee for the  
27 disposal of the solid waste which is three hundred  
28 percent of the fee otherwise established in this  
29 section. The additional fee charged and the moneys  
30 collected shall be used in accordance with section  
31 455E.11, subsection 2, paragraph "a", subparagraph  
32 (11), subparagraph subdivision (b).

33 Sec. 5. Section 455D.3, Code 1993, is amended to  
34 read as follows:

35 455D.3 GOAL.

36 1. YEAR 1994 AND 2000 GOALS. The goal of the  
37 state is to reduce the amount of materials in the  
38 waste stream, existing as of July 1, 1988, twenty-five  
39 percent by July 1, 1994, and fifty percent by July 1,  
40 2000, through the practice of waste volume reduction  
41 at the source and through recycling. For the purposes  
42 of this section, "waste stream" means the disposal of  
43 solid waste as "solid waste" is defined in section  
44 455B.301. In determination of the reduction level of  
45 the waste stream, it shall be considered that each  
46 person currently generates three and one-half pounds  
47 of waste per day, and that this amount shall be  
48 reduced by the percentages indicated in order to  
49 preserve the health and safety of all Iowans.

50 Notwithstanding section 455D.1, subsection 6,

Page 4

1 facilities which employ combustion of solid waste with  
2 energy recovery and refuse-derived fuel, which are  
3 included in an approved comprehensive plan, and which  
4 were in operation prior to July 1, 1989, may include  
5 these processes in the definition of recycling for the  
6 purpose of meeting the state goal if at least thirty-

7 five percent of the waste reduction goal, required to  
8 be met by July 1, 2000, pursuant to this section, is  
9 met through volume reduction at the source and  
10 recycling and reuse, as established pursuant to  
11 section 455B.301A, subsection 1, paragraphs "a" and  
12 "b".

13 2. PROJECTED WASTE STREAM -- YEAR 2000. A planning  
14 area may request the department to allow the planning  
15 area to project the planning area's waste stream for  
16 the year 2000 for purposes of meeting the year 2000  
17 fifty percent waste volume reduction and recycling  
18 goals required by this section. The department shall  
19 make a determination of the eligibility to use this  
20 option based upon the annual tonnage of solid waste  
21 processed by the planning area and the population  
22 density of the area the planning area serves. If the  
23 department agrees to allow the planning area to make  
24 year 2000 waste stream projections, the planning area  
25 shall calculate the year 2000 projections and submit  
26 the projections to the department for approval. The  
27 planning area shall use data which is current as of  
28 July 1, 1994, and shall take into account population,  
29 employment, and industrial changes and documented  
30 diversions due to existing programs. The planning  
31 area shall use the departmental methodology to  
32 calculate the tonnage necessary to be diverted from  
33 landfills in order to meet the year 2000 fifty percent  
34 waste volume reduction and recycling goals required by  
35 this section. Once the department approves the year  
36 2000 projections, the projections shall not be changed  
37 prior to the year 2001.

38 3. DEPARTMENTAL MONITORING.

39 a. A planning area that fails to meet the July 1,  
40 1994, twenty-five percent goal, as determined by the  
41 department as of July 1, 1995, shall implement the  
42 solid waste management techniques as listed in  
43 subsection 4 on or before July 1, 1997.

44 b. The department shall report to the general  
45 assembly by July 1, 1997, on the progress that each  
46 planning area is making towards meeting the July 1,  
47 2000, goals of this section. If the department  
48 determines that a planning area is not progressing  
49 towards the reduction goals, based on the most recent  
50 subsequent comprehensive plan submitted, the planning

Page 5

1 area shall implement the solid waste management  
2 techniques, as listed in subsection 4, designed to  
3 assist the planning area in meeting the July 1, 2000,



- 4 goals.
- 5 4. SOLID WASTE MANAGEMENT TECHNIQUES. The  
6 department shall require a planning area pursuant to  
7 subsection 2 or 3, to implement the following solid  
8 waste management techniques:
- 9 a. Require the planning area to assess and retain  
10 an additional one dollar and fifty cents from tonnage  
11 fees to be used for waste reduction and recycling  
12 activities.
- 13 b. Inform the public of the planning area's  
14 failure to adequately meet or failure to adequately  
15 progress towards meeting the waste volume reduction  
16 goals of this section.
- 17 c. Assure that all waste-generating sectors,  
18 residential, commercial, and industrial generators,  
19 have the opportunity to recycle, or treat waste at a  
20 facility that will separate the waste.
- 21 d. Establish container fees for waste collection  
22 to promote waste reduction, reuse, and recycling, such  
23 as a graduated fee scale based on volume or on the  
24 number of containers used for disposal by residents.
- 25 e. Conduct an educational and promotional program  
26 to inform citizens of the manner and benefits of  
27 reducing, reusing, and recycling material and the  
28 procurement of products made with recycled content.  
29 The program shall include the following:
- 30 (1) Targeted waste reduction and recycling  
31 education for residents.
- 32 (2) An intensive one-day seminar for the  
33 commercial sector regarding the benefits of and  
34 opportunities for waste reduction and recycling.
- 35 (3) Promotion of recycling through targeted  
36 community and media events.
- 37 (4) Recycling notification and education packets  
38 to all new residential, commercial, and institutional  
39 collection service customers that include, at a  
40 minimum, the materials collected, the schedule for  
41 collection, the manner of preparation of materials for  
42 collection, and the reasons for separation of  
43 materials for recycling.
- 44 f. Collect at least four principal recyclable  
45 materials from each multifamily dwelling complex  
46 having five or more units. The multifamily collection  
47 program shall include promotion and education directed  
48 to the residents of the multifamily dwelling units.
- 49 g. Submit an actual report beginning July 1, 1995,  
50 to the department on implementation progress.

## Page 6

1 including a detailed accounting of expenditures from  
 2 any retained moneys.

3 Sec. 6. Section 455E.11, subsection 2, paragraph  
 4 a, subparagraph (9), Code Supplement 1993, is amended  
 5 to read as follows:

6 (9) One dollar per ton from the fees imposed under  
 7 section 455B.310 for the fiscal year beginning July 1,  
 8 1990 and thereafter shall be used by the department to  
 9 develop and implement demonstration projects for  
 10 landfill alternatives to solid waste disposal  
 11 including recycling programs. The first fifty  
 12 thousand dollars of moneys allocated to the department  
 13 pursuant to this subparagraph shall be used for  
 14 administration of the special waste authorization  
 15 program established pursuant to section 455B.304,  
 16 subsection 18.

17 Sec. 7. ADDITIONAL POSITION. Notwithstanding the  
 18 full-time equivalent position limitations in effect  
 19 for the department of natural resources for the fiscal  
 20 year beginning July 1, 1994, and ending June 30, 1995,  
 21 the environmental protection division of the  
 22 department of natural resources may employ one  
 23 additional full-time equivalent position to administer  
 24 the special waste authorization program established  
 25 pursuant to section 455B.304, subsection 18.

26 Sec. 8. RULES. The commission shall adopt rules  
 27 to establish a special waste authorization program.  
 28 The rules shall be effective by December 31, 1994.

29 Sec. 9. EFFECTIVE DATE. Section 2 of this Act,  
 30 being deemed of immediate importance, takes effect  
 31 upon enactment. The remainder of the Act takes effect  
 32 on July 1, 1994."

33 2. Title page, by striking line 3 and inserting  
 34 the following: "solid waste."

RALPH RPSENBERG  
 BRAD BANKS  
 JIM KERSTEN

S-5269

1 Amend House File 2256, as passed by the House, as  
 2 follows:

3 1. Page 7, by inserting after line 16 the  
 4 following:

5 "Sec. \_\_\_\_ . Section 321.52, subsection 4, Code  
 6 Supplement 1993, is amended by adding the following  
 7 new paragraph:

8 NEW PARAGRAPH. e. Notwithstanding other  
9 provisions of this section to the contrary, if the  
10 costs to repair a damaged motor vehicle exceed one  
11 hundred percent of the retail value of the vehicle at  
12 the time the vehicle was damaged, as determined by the  
13 national automobile dealers association's official  
14 used car guide for Iowa, the owner of the motor  
15 vehicle shall surrender the certificate of title to  
16 the county treasurer. The county treasurer shall  
17 issue to such person without fee a junking  
18 certificate. A regular certificate of title shall not  
19 again be issued for the vehicle subsequent to the  
20 issuance of a junking certificate. A junking  
21 certificate issued under this paragraph may be  
22 assigned only to a licensed vehicle recycler."  
23 2. By renumbering as necessary.

EUGENE FRAISE  
JOHN W. JENSEN

HOUSE AMENDMENT TO  
SENATE FILE 2016

S-5270

1 Amend Senate File 2016, as amended, passed, and re-  
2 printed by the Senate, as follows:  
3 1. By striking page 1, line 1, through page 2,  
4 line 7, and inserting the following:  
5 "Sec. \_\_\_\_ . Section 203.1, subsection 2, Code 1993,  
6 is amended to read as follows:  
7 2. "Credit-sale contract" means a contract for the  
8 sale of grain pursuant to which the sale price is to  
9 be paid more than thirty days after the delivery of  
10 the grain to the buyer, ~~and includes but is not~~  
11 ~~limited to~~ or those contracts commonly referred to as  
12 deferred payment contracts, deferred pricing  
13 contracts, and price-later contracts.  
14 Sec. \_\_\_\_ . Section 203.3, subsection 4, paragraph  
15 b, Code 1993, is amended by adding the following new  
16 unnumbered paragraph:  
17 NEW UNNUMBERED PARAGRAPH. A grain dealer shall  
18 submit a report to the department according to  
19 procedures required by the department, if the grain  
20 dealer provides a bond based in part on the number of  
21 bushels of unpaid grain purchased by the grain dealer,  
22 as provided in rules adopted by the department, in  
23 order to satisfy the current assets to current  
24 liabilities ratio requirement of this section. The  
25 report shall contain information required by the

26 department, including the number of bushels of unpaid  
27 grain purchased by the grain dealer. The grain dealer  
28 shall submit the report not more than once each month.  
29 However, the department may require that a grain  
30 dealer submit a report on a more frequent basis, if  
31 the department has good cause.

32 Sec. \_\_\_\_ . Section 203.3, subsection 4, paragraph  
33 c, Code 1993, is amended to read as follows:

34 c. The grain dealer shall have and maintain  
35 current assets equal to at least one hundred percent  
36 of current liabilities or provide a ~~deficiency bond or~~  
37 ~~an irrevocable letter of credit~~ under the following  
38 conditions:

39 (1) A grain dealer with current assets equal to at  
40 least fifty percent of current liabilities may shall  
41 provide a deficiency bond or an irrevocable letter of  
42 credit of two thousand dollars for each one thousand  
43 dollars or fraction of one thousand dollars of current  
44 assets that the grain dealer is lacking to meet the  
45 minimum requirement. However, the bond or irrevocable  
46 letter of credit shall not be used for longer than six  
47 consecutive months in a twelve-month period. After  
48 the amount of the bond equals one million dollars, the  
49 grain dealer may elect to base the remainder of the  
50 amount of the bond on the number of bushels of unpaid

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1 grain being purchased by the grain dealer, as provided  
2 for by rules which shall be adopted by the department.  
3 The remaining amount shall equal two thousand dollars  
4 for each one thousand dollars of the highest amount of  
5 bushels of unpaid grain purchased by the grain dealer  
6 during each month.

7 (2) A grain dealer with current assets equal to  
8 less than fifty percent of current liabilities may  
9 shall provide a deficiency bond or an irrevocable  
10 letter of credit of two thousand dollars for each one  
11 thousand dollars or fraction of one thousand dollars  
12 of current assets that the grain dealer is lacking to  
13 meet the minimum requirement. However, the bond or  
14 irrevocable letter of credit shall not be used for  
15 longer than thirty consecutive days in a twelve-month  
16 period.

17 Sec. \_\_\_\_ . Section 203.3, subsection 5, paragraph  
18 b, Code 1993, is amended by adding the following new  
19 unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. A grain dealer shall  
21 submit a report to the department according to  
22 procedures required by the department, if the grain

23 dealer provides a bond based in part on the number of  
24 bushels of unpaid grain purchased by the grain dealer,  
25 as provided in rules adopted by the department, in  
26 order to satisfy the current assets to current  
27 liabilities ratio requirement of this section. The  
28 report shall contain information required by the  
29 department, including the number of bushels of unpaid  
30 grain purchased by the grain dealer. The grain dealer  
31 shall submit the report not more than once each month.  
32 However, the department may require that a grain  
33 dealer submit a report on a more frequent basis, if  
34 the department has good cause.

35 Sec. \_\_\_\_ . Section 203.3, subsection 5, paragraph  
36 c, Code 1993, is amended to read as follows:

37 c. The grain dealer shall have and maintain  
38 current assets equal to at least one hundred percent  
39 of current liabilities or provide a deficiency bond or  
40 an irrevocable letter of credit under the following  
41 conditions:

42 (1) A grain dealer with current assets equal to at  
43 least fifty percent of current liabilities ~~may shall~~  
44 provide a deficiency bond or an irrevocable letter of  
45 credit of two thousand dollars for each one thousand  
46 dollars or fraction of one thousand dollars of current  
47 assets that the grain dealer is lacking to meet the  
48 minimum requirement. ~~However, the bond or irrevocable~~  
49 ~~letter of credit shall not be used for longer than six~~  
50 ~~consecutive months in a twelve-month period. After~~

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1 ~~the amount of the bond equals one million dollars, the~~  
2 ~~grain dealer may elect to base the remainder of the~~  
3 ~~amount of the bond on the number of bushels of unpaid~~  
4 ~~grain being purchased by the grain dealer, as provided~~  
5 ~~for by rules which shall be adopted by the department.~~  
6 ~~The remaining amount shall equal two thousand dollars~~  
7 ~~for each one thousand dollars of the highest amount of~~  
8 ~~bushels of unpaid grain purchased by the grain dealer~~  
9 ~~during each month.~~

10 (2) A grain dealer with current assets equal to  
11 less than fifty percent of current liabilities ~~may~~  
12 ~~shall~~ provide a deficiency bond or an irrevocable  
13 letter of credit of two thousand dollars for each one  
14 thousand dollars or fraction of one thousand dollars  
15 of current assets that the grain dealer is lacking to  
16 meet the minimum requirement. However, the bond or  
17 irrevocable letter of credit shall not be used for  
18 longer than thirty consecutive days in a twelve-month  
19 period.

- 20 Sec. \_\_\_\_ . Section 203C.1, subsection 4, Code 1993,  
 21 is amended to read as follows:  
 22 4. "Credit-sale contract" means a contract for the  
 23 sale of grain pursuant to which the sale price is to  
 24 be paid more than thirty days after the delivery of  
 25 the grain to the buyer, ~~and includes but is not~~  
 26 ~~limited to~~ or those contracts commonly referred to as  
 27 deferred-payment contracts, deferred-pricing  
 28 contracts, and price-later contracts."  
 29 2. Title page, by striking line 1, and inserting  
 30 the following: "An Act relating to grain regulation,  
 31 by providing for transactions, and".  
 32 3. By renumbering as necessary.

S-5271

- 1 Amend Senate File 2293 as follows:  
 2 1. Page 1, by striking lines 1 through 6 and  
 3 inserting the following:  
 4 "Section 1. Section 702.18, Code 1993 is amended  
 5 to read as follows:  
 6 702.18 SERIOUS INJURY.  
 7 "Serious injury" means disabling mental illness, or  
 8 bodily injury which creates a substantial risk of  
 9 death or which causes serious permanent disfigurement,  
 10 or protracted loss or impairment of the function of  
 11 any bodily member or organ, and includes but is not  
 12 limited to skull fractures, rib fractures, and  
 13 metaphyseal fractures of the long bones of children  
 14 under the age of four years.  
 15 Sec. \_\_\_\_ . Section 707.2, Code 1993, is amended by  
 16 adding the following new subsection:  
 17 NEW SUBSECTION. 5. The person kills a child while  
 18 committing child endangerment under section 726.6,  
 19 subsection 1, paragraph "b", or while committing  
 20 assault under section 708.1 upon the child, and the  
 21 death occurs under circumstances manifesting an  
 22 extreme indifference to human life."  
 23 2. Page 1, by striking lines 7 through 12.  
 24 3. By renumbering as necessary.

RANDAL J. GIANNETTO  
 RALPH ROSENBERG  
 ELAINE SZYMONIAK  
 AL STURGEON

S-5272

- 1 Amend Senate File 2210 as follows:  
 2 1. Page 1, by striking lines 15 and 16 and

- 3 inserting the following: "trust subject to  
4 foreclosure under chapter 654, or an assignment of a  
5 real estate contract for collateral purposes."  
6 2. Page 1, by striking lines 17 and 18 and  
7 inserting the following:  
8 "c. "Party" means a person who is to convey or to  
9 whom is to be conveyed a legal or equitable interest  
10 in real estate which is the subject of an instrument  
11 of conveyance, or a person extending or receiving  
12 credit pursuant to an instrument of credit."  
13 3. Page 1, line 19, by striking the word  
14 "pending".  
15 4. Page 1, line 21, by striking the word  
16 "pending".  
17 5. Page 1, line 23, by inserting after the figure  
18 "2." the following: "a."  
19 6. Page 1, line 28, by striking the words "The  
20 county" and inserting the following:  
21 "b. A party, or the attorney representing a party,  
22 shall not file a notice of settlement, unless the  
23 person who conveys and the person to whom is conveyed  
24 a legal or equitable interest in the real estate  
25 described in the notice of settlement, have previously  
26 executed a contract for the conveyance of the real  
27 estate."  
28 7. Page 1, line 29, by inserting before the word  
29 "recorder" the following:  
30 "3. The county".  
31 8. Page 2, line 1, by striking the figure "3" and  
32 inserting the following: "4".  
33 9. Page 2, line 8, by inserting after the word  
34 "in" the following: "substantially".  
35 10. Page 3, line 19, by striking the figure "4"  
36 and inserting the following: "5".  
37 11. Page 3, line 27, by inserting after the word  
38 "recorded" the following: "and indexed".  
39 12. Page 3, by striking lines 29 and 30 and  
40 inserting the following:  
41 "6. A notice of settlement may be terminated if  
42 all parties required to be named in the notice or  
43 their attorneys, execute a written statement filed  
44 with the county recorder."  
45 13. Page 3, lines 31 and 32, by striking the  
46 words "statement of notice" and inserting the  
47 following: "notice of settlement".  
48 14. Page 3, line 34, by striking the words "a  
49 party involved" and inserting the following: "all  
50 parties required to be named".

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- 1 15. Page 3, by striking line 35 and inserting the  
2 following: "of settlement, or their attorneys. The".  
3 16. Page 4, by inserting before line 5 the  
4 following:  
5 "7. A notice of settlement shall be void and  
6 ineffective, upon the termination of the notice of  
7 settlement caused by the expiration of the thirty days  
8 from the date of filing or by the filing of a written  
9 statement terminating the notice of settlement, as  
10 provided in this section. A party may file a  
11 subsequent notice of settlement which shall be  
12 effective from the date of its filing as provided in  
13 this section."  
14 17. Page 4, line 5, by striking the figure "6"  
15 and inserting the following: "8".

DONALD B. REDFERN

## S-5273

- 1 Amend the amendment, S-5268, to Senate file 2300 as  
2 follows:  
3 1. Page 2, line 42, by inserting after the word  
4 "general" the following: ", a county attorney, or a  
5 city attorney."  
6 2. Page 2, line 45, by striking the words "local  
7 government": and inserting the following: "city,  
8 county, or chapter 28E agency".

BRAD BANKS

## S-5274

- 1 Amend House File 610, as passed by the House, as  
2 follows:  
3 1. Page 1, line 14, by inserting after the figure  
4 "1986," the following: "or who has provided  
5 abstracting services in an additional county other  
6 than the county in which the attorney has provided  
7 abstracting services continuously from November 12,  
8 1986.".

EUGENE FRAISE

## S-5275

- 1 Amend Senate File 2279 as follows:  
2 1. By striking page 15, line 17, through page 16,



3 line 25, and inserting the following:

4 "Sec. \_\_\_\_ . NEW SECTION. 554.3118 ACCRUAL OF  
5 CAUSE OF ACTION.

6 1. A cause of action against a maker or an  
7 acceptor accrues

8 a. In the case of a time instrument on the day  
9 after maturity;

10 b. In the case of a demand instrument upon its  
11 date or, if no date is stated, on the date of issue.

12 2. A cause of action against the obligor of a  
13 demand or time certificate of deposit accrues upon  
14 demand, but demand on a time certificate may not be  
15 made until on or after the date of maturity.

16 3. A cause of action against a drawer of a draft  
17 or an endorser of any instrument accrues upon demand  
18 following dishonor of the instrument. Notice of  
19 dishonor is a demand.

20 4. Unless an instrument provides otherwise,  
21 interest runs at the rate provided by law for a  
22 judgment

23 a. In the case of a maker, acceptor or other  
24 primary obligor of a demand instrument, from the date  
25 of demand;

26 b. In all other cases from the date of accrual of  
27 the cause of action."

28 2. Page 33, by striking line 16 and inserting the  
29 following: "claimant under subsection 2, paragraph  
30 "d",."

31 3. Page 42, line 30, by striking the figure "3"  
32 and inserting the following: "4".

33 4. Page 44, line 8, by striking the word "thirty"  
34 and inserting the following: "sixty".

35 5. Page 45, line 32, by striking the word  
36 "thirty" and inserting the following: "sixty".

37 6. Page 59, line 24, by striking the word  
38 "requires:" and inserting the following: "requires;"

39 7. Page 60, line 13, by striking the word  
40 "certified" and inserting the following:  
41 "certificated".

42 8. Page 60, by striking line 14 and inserting the  
43 following: "instructions for uncertificated  
44 securities (section 554.8308) or".

45 9. Page 60, line 20, by striking the word  
46 "Drawer" and inserting the following: "Drawee".

47 10. Page 61, by striking line 11 and inserting  
48 the following:

49 "Agreement for electronic presentment". Section 554.4110."

50 11. Page 61, by striking line 12 and inserting

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- 1 the following:
- 2 "Bank". Section 554.4105."
- 3 12. Page 61, line 19, by striking the figure
- 4 "554.4105" and inserting the following: "554.4110".
- 5 13. Page 61, by striking line 26 and inserting
- 6 the following:
- 7 "Certificate of deposit". Section 554.3104."
- 8 14. Page 61, by striking line 28 and inserting
- 9 the following:
- 10 "Certified check". Section 554.3409."
- 11 15. Page 64, by striking lines 32 through 34 and
- 12 inserting the following:
- 13 "2. If an item states that it is "payable at" a
- 14 bank identified in the item, (i) the item designates
- 15 the bank as a collecting bank and does not by itself
- 16 authorize the bank to pay the item, and (ii) the item
- 17 may be presented for payment only by or through the
- 18 bank.
- 19 3. If a draft names a nonbank drawee and it is
- 20 unclear whether a bank named in the draft is a co-
- 21 drawee or a collecting bank, the bank is a collecting
- 22 bank."
- 23 16. By striking page 64, line 35, through page
- 24 65, line 3.
- 25 17. Page 67, line 30, by striking the word
- 26 "UNINDORSED" and inserting the following:
- 27 "UNENDORSED".
- 28 18. Page 69, line 15, by striking the word
- 29 "thirty" and inserting the following: "sixty".
- 30 19. By striking page 70, line 35, through page
- 31 71, line 1, and inserting the following:
- 32 "PRESENTMENT BY NOTICE OF ITEM NOT PAYABLE BY,
- 33 THROUGH, OR AT A BANK - ; LIABILITY OF SECONDARY
- 34 PARTIES DRAWER OR ENDORSER."
- 35 20. Page 78, line 4, by striking the word
- 36 "thirty" and inserting the following: "sixty".
- 37 21. Page 80, line 17, by striking the figure
- 38 "554.4208" and inserting the following: "554.4215".
- 39 22. Page 85, line 25, by striking the word
- 40 "seven" and inserting the following: "eleven".
- 41 23. Page 86, line 22, by striking the word
- 42 "thirty" and inserting the following: "sixty".
- 43 24. Page 90, by inserting after line 15 the
- 44 following:
- 45 "Sec. \_\_\_\_ . NEW SECTION. 668.16 APPLICABILITY OF
- 46 THIS CHAPTER.
- 47 This chapter does not apply to Article 3 or 4 of
- 48 chapter 554."

49 25. Page 90, by striking lines 17 through 20 and  
50 inserting the following:

**Page 3**

- 1 "The Code editor, in cooperation with the  
2 legislative service bureau and in conformity with the  
3 policies of the legislative council, is directed to  
4 renumber sections in this Act in conformance with the  
5 numbering system included in the model Act as  
6 recommended by the American law institute and national  
7 conference of commissioners on uniform state laws, and  
8 to correct internal references as necessary."  
9 26. Page 90, by inserting after line 24 the  
10 following:  
11 "Sec. \_\_\_\_ . EFFECTIVE DATE. This Act takes effect  
12 July 1, 1995."  
13 27. Title page, line 3, by inserting after the  
14 word "sections" the following: ", and providing an  
15 effective date".  
16 28. By renumbering as necessary.

AL STURGEON

S-5276

- 1 Amend Senate File 2290 as follows:  
2 1. Page 1, line 1, by inserting after the letter  
3 "m," the following: "Code 1993,".  
4 2. Page 1, line 14, by striking the word "third-  
5 party" and inserting the following: "~~third party~~".  
6 3. Page 1, line 15, by inserting before the word  
7 "acting" the following: "third party".  
8 4. Page 9, by striking lines 9 through 20.  
9 5. Title page, line 5, by striking the words  
10 "making appropriations,".  
11 6. By renumbering as necessary.

TONY BISIGNANO

S-5277

- 1 Amend Senate File 2294 as follows:  
2 1. Page 16, by inserting before line 20 the  
3 following:  
4 "Sec. \_\_\_\_ . MICROBUSINESS RURAL ENTERPRISE  
5 DEMONSTRATION PROJECT.  
6 1. As used in this section:  
7 a. "Department" means the department of economic  
8 development.

9 b. "Microbusiness" means a business producing  
10 goods or providing services with five or fewer full-  
11 time equivalent employee positions, and with asset  
12 requirements of up to twenty-five thousand dollars.

13 c. "Microbusiness organization" means a nonprofit  
14 corporation organized under chapter 504A which is  
15 exempt from taxation pursuant to section 501(c) of the  
16 Internal Revenue Code, and which has a principal  
17 mission of actively engaging in microbusiness  
18 development, training, technical assistance, and  
19 access to capital for the start-up or expansion of  
20 microbusinesses.

21 2. For the fiscal year beginning July 1, 1993, and  
22 ending June 30, 1994, there is allocated to the  
23 department two and one-half percent of the total  
24 moneys used to support the renewable fuel fund as  
25 provided in section 423.24 for the purpose of  
26 conducting a microbusiness rural enterprise  
27 demonstration project.

28 3. The department shall contract with a  
29 microenterprise organization actively engaged in  
30 microbusiness enterprise in order to assist the  
31 establishment of this demonstration project. In order  
32 to qualify as the demonstration project, the  
33 microenterprise organization must:

34 a. Demonstrate a past performance and a capacity  
35 to successfully engage in microbusiness development.

36 b. Have a statewide commitment and focus to  
37 microbusiness development.

38 c. Provide training and technical assistance.

39 d. Demonstrate an ability to provide access to  
40 capital for start-up or expansion of a microbusiness.

41 e. Have established linkages with financial  
42 institutions.

43 f. Demonstrate an ability to provide follow-up  
44 technical assistance after a microbusiness start-up or  
45 expansion.

46 4. Moneys allocated pursuant to this section which  
47 remain unexpended or unobligated on June 30, 1994,  
48 shall be available to support the demonstration  
49 project and shall not revert pursuant to section 8.33.  
50 Moneys remaining unexpended or unobligated on June 30,

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1 1995, shall be available to support the demonstration  
2 project and shall not revert pursuant to section 8.33,  
3 but shall be credited to the renewable fuel coproduct  
4 enhancement account of the renewable fuel fund as  
5 created in section 159A.7.

6 5. The department shall submit a report to the  
 7 secretary of the senate and the chief clerk of the  
 8 house not later than November 1, 1994. The report  
 9 shall detail the activities of the microenterprise  
 10 organization, and describe the success of the  
 11 project."

12 2. Title page, line 1, by inserting after the  
 13 words "relating to" the following: "agricultural  
 14 development and rural revitalization, by providing  
 15 for".

16 3. By renumbering as necessary.

PATTY JUDGE  
 JIM RIORDAN

S-5278

1 Amend Senate File 2286 as follows:

2 1. Title page, line 1, by inserting after the  
 3 word "Act" the following: ", otherwise known as the  
 4 official Iowa loan shark Act of 1994,".

AL STURGEON

S-5279

1 Amend House File 642, as amended, passed, and  
 2 reprinted by the House as follows:

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

5 "Sec. \_\_\_\_ . Section 24.17, unnumbered paragraph 1,  
 6 Code 1993, is amended to read as follows:

7 The local budgets of the various political  
 8 subdivisions, including school districts as defined in  
 9 section 257.2, shall be certified by the chairperson  
 10 of the certifying board or levying board, as the case  
 11 may be, in duplicate to the county auditor not later  
 12 than March April 15 of each year on blanks prescribed  
 13 by the state board, and according to the rules and  
 14 instruction which shall be furnished all certifying  
 15 and levying boards in printed form by the state board  
 16 or city finance committee in the case of cities.  
 17 However, if a city or county holds a special levy  
 18 election, the certification shall be not later than  
 19 fourteen days following the special levy election; and  
 20 if the political subdivision is a school district, as  
 21 defined in section 257.2, its budget shall be  
 22 certified not later than April 15 of each year.

23 Sec. \_\_\_\_ . Section 24.27, Code Supplement 1993, is  
 24 amended to read as follows:

## 25 24.27 PROTEST TO BUDGET.

26 Not later than ~~March 25~~ or April 25 if the  
 27 municipality is a school district, a number of persons  
 28 in any municipality equal to one-fourth of one percent  
 29 of those voting for the office of governor, at the  
 30 last general election in the municipality, but the  
 31 number shall not be less than ten, and the number need  
 32 not be more than one hundred persons, who are affected  
 33 by any proposed budget, expenditure or tax levy, or by  
 34 any item thereof, may appeal from any decision of the  
 35 certifying board or the levying board by filing with  
 36 the county auditor of the county in which the  
 37 municipal corporation is located, a written protest  
 38 setting forth their objections to the budget,  
 39 expenditure or tax levy, or to one or more items  
 40 thereof, and the grounds for their objections. If a  
 41 budget is certified after March 15 or April 15 in the  
 42 case of a school district, all appeal time limits  
 43 shall be extended to correspond to allowances for a  
 44 timely filing. Upon the filing of a protest, the  
 45 county auditor shall immediately prepare a true and  
 46 complete copy of the written protest, together with  
 47 the budget, proposed tax levy or expenditure to which  
 48 objections are made, and shall transmit them forthwith  
 49 to the state board, and shall also send a copy of the  
 50 protest to the certifying board or to the levying

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1 board, as the case may be.

2 Sec. \_\_\_\_ . Section 24.48, unnumbered paragraphs 4  
 3 and 5, Code 1993, are amended to read as follows:

4 The city finance committee shall have officially  
 5 notified any city of its approval, modification, or  
 6 rejection of the city's appeal of the decision of the  
 7 director of the department of management regarding a  
 8 city's request for a suspension of the statutory  
 9 property tax levy limitation prior to thirty-five days  
 10 before ~~March~~ April 15.

11 The state appeals board shall have officially  
 12 notified any county of its approval, modification, or  
 13 rejection of the county's request for a suspension of  
 14 the statutory property tax levy limitation prior to  
 15 thirty-five days before ~~March~~ April 15."

16 2. Page 2, by striking lines 4 through 23 and  
 17 inserting the following:

18 "Sec. \_\_\_\_ . Section 100.18, subsection 2, paragraph  
 19 b, Code 1993, is amended to read as follows:

20 b. The rules shall require the installation of  
 21 smoke detectors in existing single-family rental units

22 and multiple-unit residential buildings. Existing  
 23 single-family dwelling units shall be equipped with  
 24 approved smoke detectors. A person who files for a  
 25 homestead credit pursuant to chapter 425 shall certify  
 26 that the single-family dwelling unit for which the  
 27 credit is filed has a smoke detector installed in  
 28 compliance with this section; or that one will be  
 29 installed within thirty days of the date the filing  
 30 for the credit is made. The state fire marshal shall  
 31 adopt rules and establish appropriate procedures for  
 32 the distribution and filing of such certificates with  
 33 the state fire marshal."

34 3. By striking page 3, line 8 through page 6,  
 35 line 28.

36 4. Page 7, by striking lines 12 through 23.

37 5. By striking page 8, line 11 through page 9,  
 38 line 18.

39 6. Page 10, by striking lines 12 and 13 and  
 40 inserting the following:

41 "Sec. \_\_\_\_ . Section 321.285, subsection 5, Code  
 42 Supplement 1993, is amended to read as follows:

43 5. Reasonable and proper, but not greater than  
 44 fifty-five miles per hour at any time between sunrise  
 45 and sunset, and not greater than fifty miles per hour  
 46 at any time between sunset and sunrise, on secondary  
 47 roads unless such roads are surfaced with concrete or  
 48 asphalt or a combination of both, in which case the  
 49 speed limits shall be the same as provided in  
 50 subsection 4 of this section. ~~Whenever~~ When the board

### Page 3

1 of supervisors of any county shall determine ~~upon the~~  
 2 ~~basis of an engineering and traffic investigation~~  
 3 ~~conducted by the department when so requested by said~~  
 4 ~~board~~ that the speed limit on any secondary road is  
 5 greater than is reasonable and proper under the  
 6 conditions found to exist at any intersection or other  
 7 place or upon any part of a secondary road, ~~said the~~  
 8 board shall determine and declare a reasonable and  
 9 proper speed limit ~~thereat at the intersection or~~  
 10 ~~other part of the secondary road. Such The~~ speed  
 11 limits as determined by the board of supervisors shall  
 12 be effective when appropriate signs giving notice  
 13 ~~thereof of the speed limits~~ are erected by the board  
 14 of supervisors at ~~such the~~ intersection or other place  
 15 or part of the highway."

16 7. Page 10, line 14, by inserting after the word  
 17 "Code" the following: "Supplement".

18 8. Page 10, by striking lines 34 and 35 and

19 inserting the following:

20 "Sec. \_\_\_\_ . Section 331.381, subsection 14, Code  
21 Supplement 1993, is amended to read as follows:

22 14. Provide for the licensure, seizure,  
23 impoundment, and disposition of dogs in accordance  
24 with chapter 351."

25 9. Page 11, by striking lines 1 through 5.

26 10. Page 11, line 6, by inserting after the word  
27 "Code" the following: "Supplement".

28 11. Page 11, line 8, by inserting after the word  
29 "Code" the following: "Supplement".

30 12. Page 11, by striking lines 10 and 11.

31 13. Page 11, by inserting after line 17 the  
32 following:

33 "Sec. \_\_\_\_ . Section 331.512, subsection 5, Code  
34 1993, is amended to read as follows:

35 5. Carry out duties relating to the preparation of  
36 the tax list as provided in sections ~~427A.3, 427A.6,~~  
37 ~~428.4, 441.17, 441.21, 443.2 to 443.9 and 443.21."~~

38 14. Page 11, line 18, by striking words  
39 "subsections 21 and 53" and inserting the following:  
40 "subsection 21".

41 15. Page 11, line 19, by striking the word "are"  
42 and inserting the following: "is".

43 16. Page 11, by inserting after line 19 the  
44 following:

45 "Sec. \_\_\_\_ . Section 331.756, subsection 5,  
46 unnumbered paragraph 1, Code Supplement 1993, is  
47 amended to read as follows:

48 Enforce all forfeited bonds and recognizances and  
49 prosecute all proceedings necessary for the recovery  
50 of debts, revenues, moneys, fines, penalties,

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1 restitution of court-appointed attorney fees or  
2 expense of a public defender, and forfeitures accruing  
3 to the state, ~~or the county or to a school district or~~  
4 ~~a road district in the county, and all suits in the~~  
5 county against public service corporations which are  
6 brought in the name of the state. To assist in this  
7 duty, the county attorney may procure professional  
8 collection services provided by persons or  
9 organizations, including private attorneys, which are  
10 generally considered to have knowledge and special  
11 abilities which are not generally available to state  
12 or local government or may designate another county  
13 official or agency to assist with collection efforts."

14 17. Page 11, by striking line 20 and inserting  
15 the following:



16 "Sec. \_\_\_\_ . Section 331.756, subsections 13, 23,  
17 30, 75, and 76, Code Supplement".

18 18. Page 12, by inserting after line 12 the  
19 following:

20 "Sec. \_\_\_\_ . Section 427.3, subsections 1 and 2,  
21 Code 1993, are amended by striking the subsections."

22 19. By striking page 12, line 13 through page 13,  
23 line 5 and inserting the following:

24 "Sec. \_\_\_\_ . Section 455E.11, subsection 2,  
25 paragraph a, subparagraph (15), Code Supplement 1993,  
26 is amended to read as follows:

27 (15) Notwithstanding the limitations of use of the  
28 fees imposed under section 455B.310 and retained by a  
29 city, county, public agency, or private agency under  
30 this section, moneys retained by the city, county,  
31 public agency, or private agency may be used to defray  
32 the cost of installation of a scale at a sanitary  
33 landfill or to defray the costs of closure of the  
34 sanitary landfill, the costs related to the  
35 establishment of a transfer station, or the costs of a  
36 hydrogeological plan for other environmental  
37 protection and environmental compliance activities."

38 20. Page 13, lines 6 and 7, by striking the words  
39 and figures "subsections 34 and 110, Code 1993, are"  
40 and inserting the following: "subsection 34, Code  
41 Supplement 1993, is".

42 21. Page 13, by inserting after line 7 the  
43 following:

44 "Sec. \_\_\_\_ . Section 641.1, Code 1993, is amended to  
45 read as follows:

46 641.1 INDEBTEDNESS DUE THE STATE.

47 In all cases in which any person is indebted to the  
48 state, or to any officer or agent thereof for the use  
49 or benefit of the state, the proper county attorney or  
50 attorney general shall demand payment or security

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1 therefor, when, in the opinion of said county attorney  
2 or the attorney general, the debt is not sufficiently  
3 secured.

4 Sec. \_\_\_\_ . Section 641.2, Code 1993, is amended to  
5 read as follows:

6 641.2 ATTACHMENT AUTHORIZED.

7 In all actions for money due to the state, or to  
8 any agent or officer for the use of the state, it  
9 shall be lawful for an attachment to issue against the  
10 property or debts of the defendant not exempt from  
11 execution, upon the filing of an affidavit by the  
12 county attorney of the proper county, or of the

13 attorney general, that the ~~county attorney or~~ attorney  
 14 general verily believes that a specific amount therein  
 15 stated is justly due, and the defendant therein has  
 16 refused to pay or secure the same, and unless an  
 17 attachment is issued against the property of the  
 18 defendant there is danger that the amount due will be  
 19 lost to the state."

20 22. Page 13, by striking lines 8 through 12, and  
 21 inserting the following:

22 "Sec. \_\_\_\_ . REPEALS.

23 1. Chapters 169B and 361, Code 1993, are repealed.

24 2. Sections 70A.24, 351.1 through 351.14, 351.17,

25 351.20, 351.22 through 351.24, 351.34, 427A.2 through

26 427A.6, 427A.9 through 427A.11, and 428.10, Code 1993,

27 are repealed."

28 23. Title page, line 2, by inserting after the  
 29 word "state" the following: "by striking certain  
 30 duties of cities, counties, and county auditors for  
 31 civil actions and public contracts, by amending dates  
 32 for certification and protests of county and city  
 33 budgets, by transferring to the attorney general  
 34 duties to represent the state fire marshal, the  
 35 department of public health for health professional  
 36 licensing, and other matters related to the state, by  
 37 removing certification requirements for placing smoke  
 38 detectors, by removing a reporting requirement by  
 39 county auditors for foreclosures of permanent school  
 40 fund mortgages, by making the appointment of a county  
 41 weed commissioner optional, by increasing the dollar  
 42 limit before county contract letting procedures are  
 43 required, by striking leave requirements for public  
 44 employees for Olympic competition, by striking a  
 45 requirement for lobby space in courthouses for certain  
 46 veterans, by striking property tax exemptions for  
 47 certain veterans, by amending procedures for setting  
 48 speed limits on secondary roads, by striking  
 49 provisions relating to personal property taxes, by  
 50 striking requirements for county attorneys to

#### Page 6

1 represent school districts, by striking the  
 2 requirements for county dog licensing, by striking  
 3 assessment provisions for ice and coal dealers, and by  
 4 making provisions for other properly related matters".

COMMITTEE ON LOCAL GOVERNMENT  
 ALBERT SORENSEN, Chairperson

S-5280

- 1 Amend House File 2302, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 4, line 2, by inserting before the word  
4 "funding" the following: "existing".  
5 2. Page 4, by inserting after line 22 the  
6 following:  
7 "g. An appeals process for adverse determinations  
8 involving individuals with disabilities and the  
9 personal assistance services program."  
10 3. Page 9, by inserting after line 20 the  
11 following:  
12 "(6) Proposals to reinvest current funding to  
13 attract federal funding for the personal assistance  
14 program. The department may identify and modify other  
15 existing state programs which could be modified to  
16 attain the objectives of the personal assistance  
17 program."  
18 4. By renumbering, relettering, and correcting  
19 internal references as necessary.

COMMITTEE ON HUMAN RESOURCES  
ELAINE SZYMONIAK, Chairperson

S-5281

- 1 Amend House File 2216, as passed by the House as  
2 follows:  
3 1. Page 1, by inserting before line 6 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 483A.24, subsection 1, Code  
6 1993, is amended to read as follows:  
7 1. Owners or tenants of land, and their juvenile  
8 children, may hunt, fish or trap upon such the lands  
9 and may shoot by lawful means ground squirrels,  
10 gophers, or woodchucks upon adjacent roads without  
11 securing a license ~~so to do; except, special licenses~~  
12 to take the animals. In addition, the owner of a farm  
13 unit or a member of the family of the farm owner and  
14 the tenant or a member of the family of the tenant may  
15 hunt deer and wild turkey shall be required of owners  
16 and tenants but they shall not be required to have a  
17 special wild turkey hunting license to hunt wild  
18 turkey on a game breeding and shooting preserve  
19 licensed under chapter 484B on their farm unit without  
20 a license. However, no more than two deer and two  
21 wild turkey shall be taken on a farm unit by the  
22 landowner and a tenant or their respective families  
23 without a license.

24 Sec. \_\_\_\_ . Section 483A.24, subsection 4, Code  
 25 1993, is amended to read as follows:  
 26 4. An owner of a farm unit or a member of the  
 27 owner's family who resides with the owner and a tenant  
 28 or a member of the tenant's family who resides with  
 29 the tenant, who do not reside on the farm unit but who  
 30 are actively engaged in farming the farm unit, are  
 31 also eligible for a free to hunt deer license and a  
 32 wild turkey license as provided in this section  
 33 subsection 1. The licenses are valid for hunting on  
 34 the farm unit only. This paragraph subsection applies  
 35 to Iowa residents actively engaged in the operation of  
 36 the farm units.

37 Sec. \_\_\_\_ . Section 483A.24, subsections 2, 3, 5,  
 38 and 6, Code 1993, are amended by striking the  
 39 subsections."

40 2. Title page, line 1, by inserting after the  
 41 word "relating" the following: "to hunting deer and  
 42 wild turkey without a license by landowners and  
 43 tenants, and".

JIM KERSTEN  
 BERL E. PRIEBE  
 RAY TAYLOR  
 DERRYL McLAREN

S-5282

1 Amend the amendment, S-5063, to Senate File 2063 as  
 2 follows:

- 3 1. Page 1, by striking lines 2 through 5.
- 4 2. Page 1, by striking lines 13 through 17.
- 5 3. By renumbering as necessary.

ROBERT E. DVORSKY

S-5283

1 Amend House File 2177, as amended, passed, and  
 2 reprinted by the House as follows:

- 3 1. Page 1, line 7, by striking the word  
 4 "inspected,".
- 5 2. Page 2, line 15, by striking the words "sixteen  
 6 million three" and inserting the following: "thirty-  
 7 two million three eight".
- 8 3. Page 2, line 17, by striking the word "ten"  
 9 and inserting the following: "ten twenty".
- 10 4. Page 2, line 22, by striking the word "Twenty-  
 11 five" and inserting the following: "Twenty-five  
 12 Fifty".

13 5. Page 2, by striking lines 23 and 24 and  
14 inserting the following: "maximum of three eight  
15 million ~~eight two hundred twenty-five~~ thousand dollars  
16 per quarter, shall be deposited".

17 6. Page 7, line 4, by inserting after the word  
18 "warranted." the following: "However, monitoring  
19 wells shall not be plugged, but shall be capped and  
20 maintained for a period of time, as determined by the  
21 department."

22 7. Page 10, by inserting after line 18 the  
23 following:

24 "Sec. \_\_\_\_ . Section 455G.2, subsection 15, Code  
25 1993, is amended by striking the subsection and  
26 inserting in lieu thereof the following:

27 15. "Responsible person" means any of the  
28 following:

29 a. The owner or operator of the property, site, or  
30 facility at which, or an underground storage tank from  
31 which, a petroleum release occurred.

32 b. A person who at the time of a petroleum release  
33 owned or operated the property, site, or facility at  
34 which, or an underground storage tank from which, the  
35 release occurred.

36 c. A person who owned the property, site, or  
37 facility or owned or operated an underground storage  
38 tank at the property, site, or facility at any time  
39 when released petroleum was present unless the  
40 underground storage tank was not operated on the  
41 property, site, or facility during the period of that  
42 ownership and the owner had no actual knowledge that  
43 the underground storage tank had been operated on the  
44 property, site, or facility.

45 d. A person who by contract, agreement, or  
46 otherwise arranged for disposal or caused any release  
47 of petroleum.

48 e. A person who caused or contributed to a  
49 petroleum release on the property, site, or facility.

50 f. Successors or assigns of a responsible person.

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1 Sec. \_\_\_\_ . Section 455G.2, Code 1993, is amended by  
2 adding the following new subsection:  
3 NEW SUBSECTION. 21. "Underground storage tank"  
4 means as defined in section 455B.471, subsection 11".

5 8. By striking page 12, line 24 through page 13,  
6 line 6.

7 9. Page 13, line 21, by striking the word and  
8 figure "October 26" and inserting the following:

9 "October 26 July 1".

10 10. By striking page 13, line 29 through page 14,  
11 line 28, and inserting the following:

12 "Sec. \_\_\_\_ . Section 455G.9, subsection 1, Code  
13 Supplement 1993, is amended by adding the following  
14 new paragraph:

15 NEW PARAGRAPH. j. Notwithstanding section 455G.1,  
16 subsection 2, corrective action, in an amount as  
17 specified in subsection 4, for an owner or operator  
18 who failed to meet either the reporting or filing  
19 deadlines under this section if all of the following  
20 apply:

21 (1) The owner or operator reported the release to  
22 the department of natural resources by March 1, 1989.

23 (2) The owner or operator submitted a work plan to  
24 the department of natural resources by July 1, 1989.

25 (3) The department of natural resources failed to  
26 approve the work plan by January 30, 1990.

27 (4) The owner or operator filed a claim with the  
28 board by October 26, 1990, which was denied by the  
29 board.

30 (5) The owner or operator filed an appeal of the  
31 denial of the claim by October 26, 1992.

32 The board shall pursue an action to recover the  
33 costs of an owner or operator who receives benefits  
34 under this paragraph from any legal professional from  
35 whom the owner or operator received incorrect  
36 information regarding the reporting or filing  
37 deadlines and upon whose information the owner or  
38 operator relied when the owner or operator failed to  
39 report a release or file a claim in a timely manner  
40 pursuant to this section.

41 Sec. \_\_\_\_ . Section 455G.9, Code Supplement 1993, is  
42 amended by adding the following new subsection:

43 NEW SUBSECTION. 11. CONDITIONAL RECEIPT OF  
44 BENEFITS. Receipt of benefits under this section  
45 shall be conditioned upon the compliance of an owner  
46 or operator with the following:

47 a. Allowing an adjacent property owner, who is  
48 eligible for remedial benefits under this section,  
49 access to a site to conduct on-site testing if it is  
50 necessary for the adjacent property owner to do so to

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1 complete a site cleanup report. Prior to entering the  
2 property, the adjacent property owner shall agree to  
3 take reasonable precautions not to disrupt the owner's  
4 or operator's operations, to restore the property to  
5 its prior state upon completion of testing, and to be  
6 liable for any damages to the property resulting from

7 the testing.

8 b. Allowing the adjacent property owner, who is  
9 eligible for remedial benefits under this section,  
10 access to completed test results from the owner's or  
11 operator's site. The owner or operator or groundwater  
12 professional hired by the owner or operator shall be  
13 prohibited from assessing a fee to the adjacent  
14 property owner for use of completed test results if  
15 those results were paid in part or in whole by the  
16 fund.

17 Sec. \_\_\_\_ . Section 455G.13, Code 1993, is amended  
18 to read as follows:

19 455G.13 COST RECOVERY ENFORCEMENT.

20 1. FULL COST RECOVERY SOUGHT FROM OWNER ACTIONS.

21 a. The board shall seek full recovery, a claimant,  
22 or both, may recover from the owner, operator, or  
23 other potentially a responsible party liable for the  
24 released petroleum which is the subject of a  
25 corrective action, for which the fund expends moneys  
26 person moneys that have been expended or will be  
27 expended in the future for corrective action or and  
28 third-party liability, and for all other costs,  
29 including reasonable attorney fees and costs of  
30 litigation for which moneys are expended by the fund  
31 in connection with the release. The board shall not  
32 seek recovery from past or present owners or operators  
33 and other potentially responsible parties who are  
34 small businesses, except pursuant to subsections 2, 3,  
35 and 4.

36 b. When The department of natural resources is  
37 authorized to recover federal cleanup funds are  
38 recovered, the funds which are to be deposited to in  
39 the remedial account of the fund and used solely for  
40 the purpose of future cleanup activities.

41 2. LIMITATION OF LIABILITY OF OWNER OR OPERATOR.

42 Except as provided in subsection 3:

43 a. The board or the department of natural  
44 resources shall not seek recovery for expenses in  
45 connection with corrective action for a release under  
46 subsection 1 from an owner or operator eligible for  
47 regarding any site where the owner or operator  
48 receives assistance under the remedial account for  
49 that site, except for any unpaid portion of the  
50 insurance deductible under section 455G.11 or remedial

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1 copayment amounts under section 455G.9, subsection 4.  
2 This section does not affect any authorization of the  
3 department of natural resources to impose or collect

4 ~~civil or administrative fines or penalties or fees.~~

5 The remedial account shall not be held liable for any  
6 third-party liability.

7 b. ~~An owner or operator's liability for a release  
8 for which coverage is admitted under the insurance  
9 account shall not exceed the amount of the deductible  
10 The liability of an owner or operator who is insured  
11 under the insurance account for the release for which  
12 coverage is admitted shall not exceed the amount of  
13 the deductible.~~

14 c. ~~The department of natural resources shall not  
15 seek recovery from an owner or operator regarding any  
16 site where the owner or operator receives assistance  
17 under the remedial account for that site. This  
18 section does not affect the department of natural  
19 resources' authority to impose or collect civil or  
20 administrative fines or penalties or fees.~~

21 3. OWNER OR OPERATOR NOT IN COMPLIANCE, SUBJECT TO  
22 FULL AND TOTAL COST RECOVERY. Notwithstanding  
23 subsection 2, the liability of an owner or operator  
24 shall be the full and total costs of corrective action  
25 and bodily injury or property damage to third parties,  
26 as specified in subsection 1, if the owner or operator  
27 has not complied with the financial responsibility or  
28 other underground storage tank rules of the department  
29 of natural resources or with this chapter and rules  
30 adopted under this chapter.

31 4. TREBLE DAMAGES FOR CERTAIN VIOLATIONS.  
32 Notwithstanding subsections 2 and 3, the owner or  
33 operator, or both, of a tank who receive benefits  
34 under section 455G.9 are liable to the fund for  
35 punitive damages in an amount equal to three times the  
36 amount of any cost incurred or moneys expended by the  
37 fund as a result of a release of petroleum from the  
38 tank recoverable under subsection 1, if the owner or  
39 operator did any of the following:

40 a. Failed, without sufficient cause, to respond to  
41 a release of petroleum from the tank upon, or in  
42 accordance with, a notice issued by the director of  
43 the department of natural resources.

44 b. After May 5, 1989, failed to perform any of the  
45 following:

46 (1) Failed to register the underground storage  
47 tank, which was known to exist or reasonably should  
48 have been known to exist.

49 (2) Intentionally failed to report a known  
50 release.



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1 The punitive damages imposed under this subsection  
2 are in addition to any costs or expenditures recovered  
3 from the owner or operator pursuant to this chapter  
4 and in addition to any other penalty or relief  
5 provided by this chapter or any other law.

6 However, the state, a city, county, or other  
7 political subdivision shall not be liable for punitive  
8 damages.

9 The provisions of chapter 668A do not apply to this  
10 subsection.

11 5. LIEN ON UNDERGROUND STORAGE TANK SITE. Any  
12 amount for which an owner or operator a claimant is  
13 liable to the fund, if not paid when due, by statute,  
14 rule, or contract, or determination of liability by  
15 the board or department of natural resources after  
16 hearing, shall constitute a lien upon the real  
17 property where the underground storage tank, which was  
18 the subject of corrective action, is situated, and the  
19 liability shall be collected in the same manner as the  
20 environmental protection charge pursuant to section  
21 424.11.

22 6. JOINDER OF PARTIES. The department of natural  
23 resources has standing in any case or contested action  
24 related to the fund or a an underground storage tank  
25 to assert any claim that the department may have  
26 regarding the underground storage tank at issue in the  
27 case or contested action; upon motion and sufficient  
28 showing by a party to a cost recovery or subrogation  
29 action provided for under this section; the court or  
30 the administrative law judge shall join to the action  
31 any potentially responsible party who may be liable  
32 for costs and expenditures of the type recoverable  
33 pursuant to this section. No other action may be  
34 joined with an action brought under subsection 1.

35 7. STRICT LIABILITY, DEFENSES AND DAMAGES --  
36 COMPARATIVE FAULT. The standard of liability for a  
37 release of petroleum or other regulated substance as  
38 defined in section 455B.471 is strict liability.  
39 Responsible persons are strictly liable for damages  
40 and costs recoverable under this section. The rule of  
41 joint and several liability applies in any action  
42 brought pursuant to this section.

43 Chapter 668 shall apply to cost recovery actions  
44 brought pursuant to this section. Any owner,  
45 operator, or other potentially responsible party,  
46 notwithstanding the owner's, operator's, or other  
47 potentially responsible party's immunity from suit  
48 under this section, may be assigned a percentage of

49 fault for purposes of determining the liability of any  
50 owner, operator, or other potentially responsible

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1 party under this section.

2 In order to establish the liability of a  
3 responsible person who owned, operated, or leased the  
4 site or an underground storage tank prior to the  
5 claimant, the board or the claimant need only show  
6 petroleum contamination was present during the time of  
7 ownership, operation, or leasehold of the person.

8 The amount of money expended by the board for  
9 corrective action and third-party liability is  
10 presumed to be reasonable.

11 **8. THIRD-PARTY CONTRACTS NOT BINDING ON BOARD,**  
12 **PROCEEDINGS AGAINST RESPONSIBLE PARTY NO TRANSFER OF**  
13 **LIABILITY.** An insurance, indemnification, hold  
14 harmless, conveyance, or similar risk-sharing or risk-  
15 shifting agreement shall not be effective to transfer  
16 any liability for ~~costs~~ expenditures recoverable under  
17 this section. The ~~fund~~, board, or department of  
18 natural resources may proceed directly against the  
19 ~~owner or operator or other allegedly a~~ responsible  
20 ~~party person.~~ This section does not bar any agreement  
21 to insure, hold harmless, or indemnify a party to the  
22 agreement for any costs or expenditures under this  
23 chapter, and does not modify rights between the  
24 parties to ~~an the~~ agreement, except to the extent the  
25 agreement shifts liability to an owner or operator  
26 eligible for assistance under the remedial account for  
27 any damages or other expenses in connection with a  
28 corrective action for which another potentially  
29 responsible party is or may be liable ~~a~~ claimant. Any  
30 such provision is null and void and of no force or  
31 effect.

32 **9. LATER PROCEEDINGS PERMITTED AGAINST OTHER**  
33 **PARTIES.** The entry of judgment against a party to the  
34 a ~~cost recovery~~ action does not bar a future action by  
35 the board, a claimant, or the department of natural  
36 resources against another person who is later alleged  
37 to be or discovered to be liable for costs and  
38 expenditures paid by the fund recoverable under this  
39 section. Notwithstanding section 668.5 no other  
40 potentially responsible party may seek contribution or  
41 any other recovery from an owner or operator eligible  
42 for assistance under the remedial account for damages  
43 or other expenses in connection with corrective action  
44 for a release for which the potentially responsible  
45 party is or may be liable. Subsequent successful

46 proceedings against another party shall not modify or  
 47 reduce the liability of a party against whom judgment  
 48 has been previously entered.

49 **10. CLAIMS AGAINST POTENTIALLY RESPONSIBLE**  
 50 **PARTIES.** Upon payment by the fund for corrective

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1 action or third-party liability pursuant to this  
 2 ~~chapter, the rights of the claimant to recover payment~~  
 3 ~~from any potentially responsible party, are assumed by~~  
 4 ~~the board to the extent paid by the fund. A claimant~~  
 5 ~~is precluded from receiving double compensation for~~  
 6 ~~the same injury.~~

7 10. CLAIMANT'S ACTION. In an action brought by a  
 8 claimant pursuant to this chapter seeking damages for  
 9 corrective action or third-party liability section,

10 the court shall permit evidence and argument as to the  
 11 replacement or indemnification of actual economic  
 12 losses incurred or to be incurred in the future by the  
 13 claimant by reason of insurance benefits, governmental  
 14 benefits or programs, or from any other source.

15 If evidence and argument regarding previous  
 16 payments or future rights of payment is permitted  
 17 pursuant to this subsection, the court shall also  
 18 permit evidence and argument as to the costs to the  
 19 claimant of procuring the previous payments or future  
 20 rights of payment and as to any existing rights of  
 21 indemnification or subrogation relating to the  
 22 previous payments or future rights of payment.

23 If evidence or argument is permitted pursuant to  
 24 this subsection, the court shall, unless otherwise  
 25 agreed to by all parties, except the board, instruct  
 26 the jury to answer special interrogatories or, if  
 27 there is no jury, shall make findings indicating the  
 28 effect of such evidence or argument on the verdict.

29 A claimant may elect to permit the board to pursue  
 30 the claimant's cause of action for any injury not  
 31 compensated by the fund against any potentially  
 32 responsible party moneys expended by the claimant  
 33 recoverable under this section, provided the attorney  
 34 general determines such representation would not be a  
 35 conflict of interest. If a claimant so elects, the  
 36 board's litigation expenses shall be shared on a pro  
 37 rata proportionate basis with the claimant, but the  
 38 claimant's share of litigation expenses are payable  
 39 exclusively from any share of the settlement or  
 40 judgment payable to the claimant.

41 **11. EXCLUSION OF PUNITIVE DAMAGES.** The fund shall  
 42 not be liable in any case for punitive damages.

43 12. RECOVERY OR SUBROGATION -- INSTALLERS AND  
 44 INSPECTORS. Notwithstanding any other provision  
 45 contained in this chapter, the board or a person  
 46 insured under the insurance account has no right of  
 47 recovery or right of subrogation against an installer  
 48 or an inspector insured by the fund for at the time of  
 49 the installation or inspection of the underground  
 50 storage tank giving rise to the liability other than

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1 for recovery of any deductibles paid.  
 2 13. CONTRIBUTION. A defendant to a cost recovery  
 3 action under this section shall not seek contribution,  
 4 fault allocation, or any recovery from the board or a  
 5 claimant in an action allowed under this section.  
 6 14. LIMITATIONS OF ACTIONS. A suit brought under  
 7 this section for the recovery of moneys expended under  
 8 the remedial account must be commenced no later than  
 9 five years after the last payment for corrective  
 10 action. All other actions brought under this section  
 11 must be commenced within five years from the date the  
 12 action accrues or becomes known, whichever is later.  
 13 15. RIGHT TO JURY TRIAL. Any party to an action  
 14 brought pursuant to this section is entitled to a jury  
 15 trial upon demand.  
 16 16. DEFINITIONS. For purposes of this section:  
 17 a. "Operator" means a person who has or had  
 18 control of or the responsibility for the operation of  
 19 an underground storage tank or the property, site, or  
 20 facility where the underground storage tank is or was  
 21 situated.  
 22 b. "Owner" means the person who owns or owned the  
 23 underground storage tank or the property, site, or  
 24 facility where the underground storage tank is or was  
 25 situated.  
 26 c. "Underground storage tank" means as defined in  
 27 section 455B.471, subsection 11, notwithstanding the  
 28 requirement to maintain proof of financial  
 29 responsibility under federal or state law.  
 30 17. RETROACTIVE APPLICATION. This section applies  
 31 to any release whether existing before or after the  
 32 effective date of this section of this Act."  
 33 11. Page 16, by striking lines 15 through 18 and  
 34 inserting the following:  
 35 "Sec. \_\_\_\_ . STATE FIRE MARSHAL'S OFFICE. The  
 36 underground storage tank fund board shall enter into a  
 37 chapter 28E agreement with the state fire marshal's  
 38 office for the board to provide the state fire  
 39 marshal's office with the funding for the addition

40 of".

41 12. Page 16, by inserting after line 21 the  
42 following:

43 "Sec. \_\_\_\_ . DEPARTMENT OF NATURAL RESOURCES --  
44 UNDERGROUND STORAGE TANK FUND BOARD -- EXECUTIVE  
45 DIRECTOR -- GROUNDWATER PROFESSIONAL TRAINING. The  
46 department of natural resources, in conjunction with  
47 the executive director of the underground storage tank  
48 fund board, shall provide training courses which shall  
49 be required attendance for all groundwater  
50 professionals conducting work on sites which receive

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1 fund benefits. The training shall focus on successful  
2 completion of the site cleanup report and the  
3 corrective action design report by the groundwater  
4 professional and the cost implications of various  
5 remedial techniques. The goal of the training courses  
6 shall be to increase the percentage of first-time  
7 approvals by the department for site cleanup reports  
8 and corrective action design reports and the cost  
9 containment of the proposed remedial designs."

10 13. Page 16, by inserting after line 24 the  
11 following:

12 "Sec. \_\_\_\_ . EFFECTIVE DATE. This Act, being deemed  
13 of immediate importance, takes effect upon enactment."

14 14. Title page, line 5, by inserting after the  
15 word "penalty" the following: "and an effective  
16 date".

17 15. By renumbering as necessary.

COMMITTEE ON ENVIRONMENT AND  
ENERGY UTILITIES  
RALPH ROSENBERG, Chairperson

S-5284

1 Amend Senate File 2213 as follows:

2 1. By striking page 1, line 8 through page 2,  
3 line 3.

4 2. Title page, by striking lines 3 through 6 and  
5 inserting the following: "required personal  
6 appearances."

MAGGIE TINSMAN

S-5285

1 Amend Senate File 2305 as follows:

2 1. Page 11, by inserting after line 17 the  
3 following:

4 "Sec. \_\_\_\_ . Section 724.22, subsection 7, Code  
5 1993, is amended to read as follows:

6 7. ACCESS TO ~~LOADED~~ FIREARMS AND AMMUNITION BY  
7 CHILDREN RESTRICTED -- PENALTY. ~~It shall be unlawful~~

8 for any person to store or leave a loaded A person

9 shall not store or leave a loaded or unloaded firearm

10 which or ammunition in a place which is accessible to

11 a minor under the age of fourteen years if the firearm

12 is not secured by a trigger lock mechanism, or if the

13 firearm or ammunition is not placed in a securely

14 locked box or container, or placed in some other

15 location which a reasonable person would believe to be

16 secure from a minor under the age of fourteen years,

17 if such person knows or has reason to believe that a

18 minor under the age of fourteen years is likely to

19 gain access to the firearm without the lawful

20 permission of the minor's parent, guardian, or person

21 having charge of the minor, the minor lawfully gains

22 access to the firearm without the consent of the

23 minor's parent, guardian, or person having charge of

24 the minor, and the minor exhibits the firearm in a

25 public place in an unlawful manner, or uses the

26 firearm unlawfully to cause injury or death to a

27 person is designed to prevent access to the firearm or

28 ammunition. This subsection does not apply if the

29 minor obtains the firearm or ammunition as a result of

30 an unlawful entry by any person. A violation of this

31 section is punishable as a serious misdemeanor."

32 2. By renumbering as necessary.

TONY BISIGNANO

S-5286

1 Amend House File 2146, as amended, passed, and

2 reprinted by the House, as follows:

3 1. By striking everything after the enacting

4 clause and inserting the following:

5 "Section 1. NEW SECTION. 123.47C SEIZURE OF

6 FALSE OR ALTERED MOTOR VEHICLE LICENSE OR NONOPERATOR

7 IDENTIFICATION CARD.

8 1. If a liquor control licensee or wine or beer

9 permittee or an employee of the licensee or permittee

10 has a reasonable belief based on factual evidence that

11 a motor vehicle license as defined in section 321.1,

12 subsection 43, or nonoperator identification card  
13 issued pursuant to section 321.190 offered by a person  
14 who wishes to purchase an alcoholic beverage at the  
15 licensed premises is altered or falsified or belongs  
16 to another person, the licensee, permittee, or  
17 employee may retain the motor vehicle license or  
18 nonoperator identification card. Within twenty-four  
19 hours, the card and a written report of the  
20 circumstances shall be delivered to the department of  
21 transportation which may investigate whether a  
22 violation of section 321.190, 321.216, or 321.216B has  
23 occurred. If no investigation is initiated or no  
24 probable cause is established by the department, the  
25 motor vehicle license or nonoperator identification  
26 card shall be delivered to the person to whom it was  
27 issued.

28 2. Upon taking possession of an identification  
29 card as provided in subsection 1, a receipt for the  
30 card with the date and hour of seizure noted shall be  
31 provided to the person from whom the card was seized.

32 3. A liquor control licensee or wine or beer  
33 permittee or an employee of the licensee or permittee  
34 is not subject to criminal prosecution for, or to  
35 civil liability for damages alleged to have resulted  
36 from, the retention and delivery of a motor vehicle  
37 license or a nonoperator identification card which is  
38 taken pursuant to subsections 1 and 2."

COMMITTEE ON STATE GOVERNMENT  
MICHAEL GRONSTAL, Chairperson

S-5287

1 Amend House File 403, as amended, passed, and re-  
2 printed by the House, as follows:  
3 1. Page 1, line 4, by striking the word "three"  
4 and inserting the following: "four".

COMMITTEE ON COMMERCE  
PATRICK J. DELUHERY, Chairperson

S-5288

1 Amend House File 230, amended, passed, and re-  
2 printed by the House, as follows:  
3 1. By striking page 1, line 34, through page 2,  
4 line 1.  
5 2. Page 2, lines 2 and 3, by striking the words  
6 "OR SAILBOAT".  
7 3. Page 2, by striking line 5, and inserting the

8 following: "while intoxicated if the person is  
9 involved in a motorboat accident and the person is  
10 operating a".

11 4. Page 2, line 6, by striking the words "or  
12 sailboat".

13 5. Page 3, line 12, by striking the words "or  
14 sailboat".

15 6. Page 3, line 14, by striking the words "or  
16 sailboat".

17 7. Page 3, line 18, by striking the words "or  
18 sailboat".

19 8. Page 3, line 22, by striking the words "or  
20 sailboat".

21 9. Page 3, line 24, by striking the words "or  
22 sailboat".

23 10. Page 3, line 27, by striking the words "or  
24 sailboat".

25 11. Page 3, line 30, by striking the words "or  
26 sailboat".

27 12. Page 4, line 21, by striking the words "or  
28 sailboat".

29 13. Page 4, line 31, by striking the words "or  
30 sailboat".

31 14. Page 4, by striking lines 32 and 33, and  
32 inserting the following: "violated section  
33 462A.14A,".

34 15. Page 4, line 34, by striking the word  
35 "death,".

36 16. Page 5, line 17, by striking the words "or  
37 sailboat".

38 17. Title page, lines 1 and 2, by striking the  
39 words "or sailboat".

COMMITTEE ON NATURAL RESOURCES  
WILLIAM FINK, Chairperson

S-5289

1 Amend House File 2383, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 1, line 1 through page 3,  
4 line 5.

5 2. Page 3, by striking lines 6 through 15.

6 3. By striking page 3, line 16 through page 5,  
7 line 12, and inserting the following:

8 "Sec. \_\_\_\_ . Section 256.11, unnumbered paragraph 1,  
9 Code Supplement 1993, is amended to read as follows:

10 The state board shall adopt rules under chapter 17A  
11 and a procedure for accrediting all public and  
12 nonpublic schools in Iowa offering instruction at any



13 or all levels from the prekindergarten level through  
 14 grade twelve. The rules of the state board shall  
 15 require that a multicultural, nonsexist approach is  
 16 used by schools and school districts. The educational  
 17 program shall be taught from a multicultural,  
 18 nonsexist approach. Global perspectives shall be  
 19 incorporated into all levels of the educational  
 20 program. The rules shall require that honesty,  
 21 courtesy, respect for the private property of others,  
 22 self-discipline, obedience to law, respect for and an  
 23 understanding of the Constitutions of the United  
 24 States and the State of Iowa, and the free enterprise  
 25 system, respect for parents and home, the dignity and  
 26 necessity of honest labor, and other skills, habits,  
 27 and qualities of character that will promote an  
 28 upright and desirable citizenry and better prepare  
 29 students for a richer, happier life shall be  
 30 incorporated into all levels of the educational  
 31 program."

32 4. Page 5, line 27, by striking the figures and  
 33 word "282.5, 287.3, and 287.4" and inserting the  
 34 following: "and 282.5".

35 5. By striking page 6, line 18 through page 7,  
 36 line 19.

37 6. Page 7, line 26, by striking the words "under  
 38 section 280.21B".

39 7. By striking page 8, line 12 through page 9,  
 40 line 16.

41 8. Page 10, by striking lines 6 through 13.

42 9. Page 10, by striking lines 14 through 18.

43 10. Page 10, by striking lines 19 through 34.

44 11. By striking page 10, line 35, through page  
 45 11, line 7.

46 12. By renumbering as necessary.

COMMITTEE ON EDUCATION  
 MIKE CONNOLLY, Chairperson

S-5290

1 Amend House File 2153, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Title page, by striking lines 1 through 3 and  
 4 inserting the following: "An Act relating to eluding  
 5 a law enforcement vehicle by prohibiting eluding while  
 6 participating in the commission of a felony, making  
 7 changes in the provisions applicable to unintentional

8 death or serious injury caused as a result of eluding,  
9 and providing penalties.”

RANDAL J. GIANNETTO

S-5291

1 Amend Senate File 2257 as follows:

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

4 “Section 1. Section 22.7, Code Supplement 1993, is  
5 amended by adding the following new subsection:  
6 NEW SUBSECTION. 31. Memoranda and work products  
7 of a mediator and all other confidential  
8 communications in the possession of a mediator, as  
9 provided in section 216.15B. This information is  
10 subject to disclosure only as provided in section  
11 216.15B, notwithstanding any other contrary provision  
12 of this chapter.”

13 2. Page 2, by striking lines 34 and 35 and  
14 inserting the following:

15 “2. a. All verbal or written information relating  
16 to the subject matter of a mediation agreement and  
17 transmitted between either the complainant or the  
18 respondent and a mediator to resolve a dispute  
19 pursuant to this section, during any stage of a  
20 mediation conducted by a mediator as provided by this  
21 section, whether reflected in notes, memoranda, or  
22 other work products is a confidential communication  
23 except as otherwise expressly provided in this  
24 chapter. Mediators involved in a mediation under this  
25 section shall not be examined in any judicial or  
26 administrative proceeding regarding confidential  
27 communications and are not subject to judicial or  
28 administrative process requiring the disclosure of  
29 confidential communications. A confidential  
30 communication as defined in this paragraph shall not  
31 be included in the commission's case file unless the  
32 person providing the information consents to its  
33 inclusion in the case file.

34 A mediator who has reason to believe that a  
35 complainant or respondent has given perjured evidence  
36 concerning a confidential communication is not barred  
37 by this paragraph from disclosing the basis for this  
38 belief to any party to a case in which the alleged  
39 perjury occurs or to the appropriate authorities  
40 including testifying concerning the relevant  
41 confidential communications.

42 b. For the purposes of this subsection, “mediator”  
43 means the person designated in writing by the

44 commission to conduct the mandatory mediation  
45 conference.  
46 3. In cases where a discriminatory practice  
47 involves the provision of a reasonable accommodation  
48 of a disability, actual damages other than damages for  
49 back pay shall not be awarded for a determination of  
50 disability discrimination in employment if".

Page 2

- 1 3. Page 3, by striking line 8.
- 2 4. Title page, by striking lines 5 and 6 and
- 3 inserting the following: "discrimination cases, and
- 4 providing for the confidentiality of certain
- 5 information provided in mediation concerning
- 6 disability discrimination."
- 7 5. By renumbering as necessary.

RALPH ROSENBERG

S-5292

- 1 Amend Senate File 2291 as follows:
- 2 1. By striking page 1, line 1 through page 2,
- 3 line 24, and inserting the following:
- 4 "Section 1. Section 125.14A, Code 1993, is amended
- 5 by adding the following new subsections:
- 6 NEW SUBSECTION. 5. In addition to the record
- 7 checks required under this section, the department of
- 8 human services may conduct dependent adult abuse
- 9 record checks in this state and may conduct these
- 10 checks in other states, on a random basis. The
- 11 provisions of this section, relative to an evaluation
- 12 following a determination that a person has been
- 13 convicted of a crime or has a record of founded child
- 14 abuse, shall also apply to a random check conducted
- 15 under this subsection.
- 16 NEW SUBSECTION. 6. Beginning July 1, 1994, a
- 17 program or facility shall inform all new applicants
- 18 for employment of the possibility of the performance
- 19 of a record check and shall obtain, from the
- 20 applicant, a signed acknowledgment of the receipt of
- 21 the information.
- 22 NEW SUBSECTION. 7. On or after July 1, 1994, a
- 23 program or facility shall include the following
- 24 inquiry in an application for employment: "Do you
- 25 have a record of founded child or dependent adult
- 26 abuse or have you ever been convicted of a crime in
- 27 this state or any other state?"
- 28 2. Page 2, by striking lines 27 through 32, and

29 inserting the following:

30 "1. On or after July 1, 1994, with regard to new  
31 applicants for licensure or employment, if a person is  
32 being considered for licensure under this chapter, or  
33 for employment involving direct responsibility for a  
34 resident or with access to a resident when the  
35 resident is alone, or if the person considered for  
36 licensure or employment under this chapter will reside  
37 in a facility, the facility may request that the  
38 department of human services conduct criminal and  
39 child and dependent adult abuse record checks in this  
40 state and in other states, on a random basis.  
41 Beginning July 1, 1994, a facility shall inform all  
42 new applicants for employment of the possibility of  
43 the performance of a record check and shall obtain,  
44 from the applicant, a signed acknowledgment of the  
45 receipt of the information. Additionally, on or after  
46 July 1, 1994, a facility shall include the following  
47 inquiry in an application for employment: "Do you  
48 have a record of founded child or dependent adult  
49 abuse or have you ever been convicted of a crime, in  
50 this state or any other state?" If the person has

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1 been convicted of a crime".

2 3. By striking page 3, line 33 through page 5,  
3 line 19 and inserting the following:

4 "Sec. \_\_\_\_ . Section 135H.7, Code 1993, is amended  
5 by adding the following new subsections:

6 NEW SUBSECTION. 4. In addition to the record  
7 checks required under subsection 2, the department of  
8 human services may conduct dependent adult abuse  
9 record checks in this state and may conduct these  
10 checks in other states, on a random basis. The  
11 provisions of subsections 2 and 3, relative to an  
12 evaluation following a determination that a person has  
13 been convicted of a crime or has a record of founded  
14 child abuse, shall also apply to a random dependent  
15 adult abuse record check conducted under this  
16 subsection.

17 NEW SUBSECTION. 5. Beginning July 1, 1994, a  
18 licensee shall inform all new applicants for  
19 employment of the possibility of the performance of a  
20 record check and shall obtain, from the applicant, a  
21 signed acknowledgment of the receipt of the  
22 information.

23 NEW SUBSECTION. 6. On or after July 1, 1994, a  
24 licensee shall include the following inquiry in an  
25 application for employment: "Do you have a record of

26 founded child or dependent adult abuse or have you  
27 ever been convicted of a crime, in this state or any  
28 other state?"

29 4. By striking page 5, line 20 through page 7,  
30 line 1, and inserting the following:

31 "Sec. \_\_\_\_ . Section 237.8, Code 1993, is amended by  
32 adding the following new subsections:

33 NEW SUBSECTION. 3. In addition to the record  
34 checks required under subsection 2, the department of  
35 human services may conduct dependent adult abuse  
36 record checks in this state and may conduct these  
37 checks in other states, on a random basis. The  
38 provisions of subsection 2, relative to an evaluation  
39 following a determination that a person has been  
40 convicted of a crime or has a record of founded child  
41 abuse, shall also apply to a random check conducted  
42 under this subsection.

43 NEW SUBSECTION. 4. On or after July 1, 1994, a  
44 licensee shall inform all new applicants for  
45 employment of the possibility of the performance of a  
46 record check and shall obtain, from the applicant, a  
47 signed acknowledgment of the receipt of the  
48 information.

49 NEW SUBSECTION. 5. On or after July 1, 1994, a  
50 licensee shall include the following inquiry in an

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1 application for employment: "Do you have a record of  
2 founded child or dependent adult abuse or have you  
3 ever been convicted of a crime, in this state or any  
4 other state?"

5 5. By striking page 7, line 2, through page 8,  
6 line 26 and inserting the following:

7 "Sec. \_\_\_\_ . Section 237A.5, Code 1993, is amended  
8 by adding the following new subsections:

9 NEW SUBSECTION. 3. In addition to the record  
10 checks required under subsection 2, the department of  
11 human services may conduct dependent adult abuse  
12 record checks in this state and may conduct these  
13 checks in other states, on a random basis. The  
14 provisions of subsection 2, relative to an evaluation  
15 following a determination that a person has been  
16 convicted of a crime or has a record of founded child  
17 abuse, shall also apply to a random dependent adult  
18 abuse record check conducted under this subsection.

19 NEW SUBSECTION. 4. On or after July 1, 1994, a  
20 licensee or registrant shall inform all new applicants  
21 for employment of the possibility of the performance  
22 of a record check and shall obtain, from the

23 applicant, a signed acknowledgment of the receipt of  
24 the information.

25 **NEW SUBSECTION.** 5. On or after July 1, 1994, a  
26 licensee or registrant shall include the following  
27 inquiry in an application for employment: "Do you  
28 have a record of founded child or dependent adult  
29 abuse or have you ever been convicted of a crime, in  
30 this state or any other state?"

31 6. Page 8, by inserting after line 33 the  
32 following:

33 "Sec. \_\_\_\_ . Section 692.2, subsection 1, Code  
34 Supplement 1993, is amended by adding the following  
35 new paragraph:

36 **NEW PARAGRAPH.** 1. Health care facilities licensed  
37 pursuant to chapter 135C for the purposes of section  
38 135C.33.

39 Sec. \_\_\_\_ . Section 692.3, subsection 2, Code 1993,  
40 is amended to read as follows:

41 2. Notwithstanding subsection 1, paragraph "a",  
42 the department of human services may disseminate  
43 criminal history data obtained pursuant to section  
44 692.2, subsection 1, paragraph "c", to persons  
45 licensed, registered, or certified under chapters  
46 135C, 237, 237A, 238 and 600 for the purposes of  
47 section 135C.33, section 237.8, subsection 2 and  
48 section 237A.5. A person who receives information  
49 pursuant to this subsection shall not use the  
50 information other than for purposes of section

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1 135C.33, section 237.8, subsection 2, section 237A.5,  
2 or section 600.8, subsections 1 and 2. A person who  
3 receives criminal history data pursuant to this  
4 subsection who uses the information for purposes other  
5 than those permitted by this subsection or who  
6 communicates the information to another person except  
7 for the purposes permitted by this subsection is  
8 guilty of an aggravated misdemeanor."  
9 7. By renumbering as necessary.

MARY E. KRAMER

S-5293

1 Amend Senate File 2257 as follows:

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

4 "Section 1. Section 22.7, Code Supplement 1993, is  
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 31. Memoranda and work products  
7 of a mediator and all other confidential  
8 communications in the possession of a mediator, as  
9 provided in section 216.15B. This information is  
10 subject to disclosure only as provided in section  
11 216.15B, notwithstanding any other contrary provision  
12 of this chapter."

13 2. Page 2, lines 21 and 22, by striking the words  
14 "of damages for emotional distress" and inserting the  
15 following: "for actual damages".

16 3. Page 2, by striking lines 34 and 35 and  
17 inserting the following:

18 "2. a. All verbal or written information relating  
19 to the subject matter of a mediation agreement and  
20 transmitted between either the complainant or the  
21 respondent and a mediator to resolve a dispute  
22 pursuant to this section, during any stage of a  
23 mediation conducted by a mediator as provided by this  
24 section, whether reflected in notes, memoranda, or  
25 other work products is a confidential communication  
26 except as otherwise expressly provided in this  
27 chapter. Mediators involved in a mediation under this  
28 section shall not be examined in any judicial or  
29 administrative proceeding regarding confidential  
30 communications and are not subject to judicial or  
31 administrative process requiring the disclosure of  
32 confidential communications. A confidential  
33 communication as defined in this paragraph shall not  
34 be included in the commission's case file unless the  
35 person providing the information consents to its  
36 inclusion in the case file.

37 A mediator who has reason to believe that a  
38 complainant or respondent has given perjured evidence  
39 concerning a confidential communication is not barred  
40 by this paragraph from disclosing the basis for this  
41 belief to any party to a case in which the alleged  
42 perjury occurs or to the appropriate authorities  
43 including testifying concerning the relevant  
44 confidential communications.

45 b. For the purposes of this subsection, "mediator"  
46 means the person designated in writing by the  
47 commission to conduct the mandatory mediation  
48 conference.

49 3. In cases where a discriminatory practice  
50 involves the provision of a reasonable accommodation

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1 of a disability, actual damages other than damages for  
2 back pay shall not be awarded for a determination of

- 3 disability discrimination in employment if".  
4 4. Page 3, by striking line 8.  
5 5. Title page, by striking lines 5 and 6 and  
6 inserting the following: "discrimination cases, and  
7 providing for the confidentiality of certain  
8 information provided in mediation concerning  
9 disability discrimination."  
10 6. By renumbering as necessary.

RALPH ROSENBERG

S-5294

- 1 Amend the amendment, H-5279, to House File 642, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, by inserting after line 35 the  
5 following:  
6 "\_\_\_\_. Page 7, by inserting after line 11 the  
7 following:  
8 "Sec. \_\_\_\_ . Section 229.19, unnumbered paragraph 3,  
9 Code Supplement 1993, is amended to read as follows:  
10 The court ~~or, if the advocate is appointed by the~~  
11 ~~county board of supervisors; the board shall prescribe~~  
12 reasonable compensation for the services of the  
13 advocate. The compensation shall be based upon the  
14 reports filed by the advocate with the court. The  
15 advocate's compensation shall be paid by the county in  
16 ~~which the court is located; either state~~ on order of  
17 the court ~~or, if the advocate is appointed by the~~  
18 county board of supervisors; on the direction of the  
19 board. ~~If the advocate is appointed by the court, the~~  
20 ~~The advocate is an employee of the state for purposes~~  
21 of chapter 669. ~~If the advocate is appointed by the~~  
22 county board of supervisors; the advocate is an  
23 employee of the county for purposes of chapter 670.  
24 If the person who is legally liable for the patient's  
25 support is not indigent, the state shall recover the  
26 costs of compensating the advocate from that person.  
27 If that person has an income level as determined  
28 pursuant to section 815.9 greater than one hundred  
29 percent but not more than one hundred fifty percent of  
30 the poverty guidelines, at least one hundred dollars  
31 of the advocate's compensation shall be recovered in  
32 accordance with rules adopted by the state public  
33 defender. If that person has an income level as  
34 determined pursuant to section 815.9 greater than one  
35 hundred fifty percent of the poverty guidelines, at  
36 least two hundred dollars of the advocate's  
37 compensation shall be recovered in accordance with



38 rules adopted by the state public defender.”  
 39 2. Page 5, line 40, by inserting after the word  
 40 “mortgages,” the following: “by providing state  
 41 compensation for an advocate for an indigent  
 42 involuntarily committed mental patient.”.

MAGGIE TINSMAN  
 TOM VILSACK

S-5295

1 Amend the Committee amendment, S-5279, to House  
 2 File 642, as amended, passed, and reprinted by the  
 3 House, as follows:  
 4 1. Page 2, by striking lines 16 and 17 and  
 5 inserting the following:  
 6 “— . Page 2, by inserting after line 23 the  
 7 following:”

MAGGIE TINSMAN  
 TOM VILSACK

S-5296

1 Amend House File 2049, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking lines 16 through 18 and  
 4 inserting the following:  
 5 “3. The purchase of buildings and the purchase of  
 6 a single unit of equipment or a technology system  
 7 exceeding five thousand dollars in value.”

COMMITTEE ON EDUCATION  
 MICHAEL E. CONNOLLY, Chairperson

S-5297

1 Amend House File 201, as passed by the House, as  
 2 follows:  
 3 1. Page 1, line 4, by inserting after the word  
 4 “fees,” the following: “not to exceed fifteen dollars  
 5 per year.”.  
 6 2. Page 1, line 11, by striking the words  
 7 “writing a check”.  
 8 3. Page 1, line 16, by inserting after the letter  
 9 “d.” the following: “A financial institution which  
 10 charges a fee pursuant to this paragraph shall file a  
 11 written report with the state regulatory authority for  
 12 that institution indicating the total amount  
 13 collected, which shall be included in the annual

14 report of the regulatory authority. The annual report  
 15 of the regulatory authority shall list the total  
 16 amount collected for each institution for each fee.  
 17 Notwithstanding this paragraph, a financial  
 18 institution shall not advertise that the institution  
 19 offers a free checking account or share draft account,  
 20 as appropriate, if the institution charges any fee  
 21 pursuant to this paragraph."

22 4. Page 1, by inserting after line 16 the  
 23 following:

24 "If a financial institution charges an account  
 25 maintenance fee pursuant to this paragraph for the  
 26 privilege of maintaining a demand deposit account with  
 27 a line of credit that may be accessed by the account  
 28 holder, then such accounts shall be made available to  
 29 all customers of the financial institution maintaining  
 30 a demand deposit with the financial institution  
 31 subject to a minimum line of credit as determined by  
 32 the banking division."

COMMITTEE ON COMMERCE  
 PATRICK J. DELUHERY, Chairperson

S-5298

1 Amend House File 2372, as amended, passed, and  
 2 reprinted by the House, as follows:

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

5 "\_\_\_\_. "Maximum monthly medical assistance payment  
 6 rate for services in an intermediate care facility for  
 7 the mentally retarded" means the allowable rate  
 8 established by the department of human services not to  
 9 exceed the eightieth percentile of participating  
 10 facilities and as published in the Iowa administrative  
 11 bulletin."

12 2. Page 2, by striking lines 18 through 20, and  
 13 inserting the following:

14 "\_\_\_\_. "Statewide average charge for state mental  
 15 health institute care" means the statewide average  
 16 charge for such care as calculated by the department  
 17 of human services and as published in the Iowa  
 18 administrative bulletin.

19 \_\_\_\_\_. "Statewide average charge to private-pay  
 20 patients for hospital-based, medicare-certified,  
 21 skilled nursing facility care" means the statewide  
 22 average charge for such care, excluding nonhospital-  
 23 based, medicare-certified, skilled nursing facilities,  
 24 as calculated by the department of human services and  
 25 as published in the Iowa administrative bulletin.

26 —. "Statewide average charge to private-pay  
27 patients for nonhospital-based, medicare-certified,  
28 skilled nursing facility care" means the statewide  
29 average charge for such care, excluding hospital-  
30 based, medicare-certified, skilled nursing facilities,  
31 as calculated by the department of human services and  
32 as published in the Iowa administrative bulletin.

33 —. "Statewide average charge for nursing  
34 facility services" means the statewide average charge  
35 for such care, excluding charges by medicare-  
36 certified, skilled nursing facilities, as calculated  
37 by the department of human services and as published  
38 in the Iowa administrative bulletin.

39 —. "Statewide average charge to private-pay  
40 patients for psychiatric medical institutions for  
41 children care" means the statewide average charge for  
42 such care as calculated by the department of human  
43 services and as published in the administrative  
44 bulletin."

45 3. Page 3, line 10, by striking the words "cost  
46 of" and inserting the following: "charge for".

47 4. Page 3, line 18, by striking the word  
48 "remainder" and inserting the following: "remaining  
49 principal or income of the trust".

50 5. Page 3, line 26, by striking the words "any

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1 remainder" and inserting the following: "the  
2 remaining principal or income of the trust".

3 6. Page 3, by striking line 31, and inserting the  
4 following:

5 "d. Any remaining principal or income of the trust  
6 may, at the trustee's discretion or as directed by the  
7 terms of the trust, be paid directly to providers of".

8 7. Page 4, line 3, by striking the words "cost  
9 of" and inserting the following: "charge for".

10 8. Page 4, by inserting after line 15 the  
11 following:

12 "3. Subsections 1 and 2 shall apply to the  
13 following beneficiaries, however, the following  
14 amounts indicated shall be applied in lieu of the  
15 statewide average charge for nursing facility  
16 services:

17 a. For a beneficiary who meets the medical  
18 assistance level of care requirements for services in  
19 an intermediate care facility for the mentally  
20 retarded and who resides in an intermediate care  
21 facility for the mentally retarded or who is eligible  
22 for medical assistance home and community-based waiver

23 services except that the beneficiary's income exceeds  
24 the allowable maximum, the applicable rate is the  
25 maximum monthly medical assistance payment rate for  
26 services in an intermediate care facility for the  
27 mentally retarded.

28 b. For a beneficiary who meets the medical  
29 assistance level of care requirements for hospital-  
30 based, medicare-certified, skilled nursing facility  
31 care and who resides in a hospital-based, medicare-  
32 certified, skilled nursing facility or who is eligible  
33 for medical assistance home and community-based waiver  
34 services except that the beneficiary's income exceeds  
35 the allowable maximum, the applicable rate is the  
36 statewide average charge to private-pay patients for  
37 hospital-based, medicare-certified, skilled nursing  
38 facility care.

39 c. For a beneficiary who meets the medical  
40 assistance level of care requirements for nonhospital-  
41 based, medicare-certified, skilled nursing facility  
42 care or who is eligible for medical assistance home  
43 and community-based waiver services except that the  
44 beneficiary's income exceeds the allowable maximum,  
45 the applicable rate is the statewide average charge to  
46 private-pay patients for nonhospital-based, medicare-  
47 certified, skilled nursing facility care.

48 d. For a beneficiary who meets the medical  
49 assistance level of care requirements for services in  
50 a psychiatric medical institution for children and who

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1 resides in a psychiatric medical institution for  
2 children, the applicable rate is the statewide average  
3 charge to private-pay patients for psychiatric medical  
4 institution for children care.

5 e. For a beneficiary who meets the medical  
6 assistance level of care requirements for services in  
7 a state mental health institute and who resides in a  
8 state mental health institute or who is eligible for  
9 medical assistance home and community-based waiver  
10 services except that the beneficiary's income exceeds  
11 the allowable maximum, the applicable rate is the  
12 statewide average charge for state mental health  
13 institute care."

14 9. By renumbering as necessary.

S-5299

1 Amend House File 2184, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. **NEW SECTION. 238.16A PREFERENCE AND**  
6 **CONSIDERATIONS IN PLACEMENT.**

7 1. Preference shall be given, by child-placing  
8 agencies which place children for adoption or foster  
9 care, to placement of a child with a relative of the  
10 child, if the relative is a qualified placement and if  
11 placement with the relative is in the best interest of  
12 the child.

13 2. Child-placing agencies which place children for  
14 adoption shall consider the preference of an adoptive  
15 applicant for placement of a child with the same  
16 racial and cultural identity as the adoptive parent  
17 applicant. Lack of availability of a qualified  
18 adoptive parent placement with the same racial and  
19 cultural identity as the child, however, shall not  
20 preclude placement of the child with an otherwise  
21 qualified adoptive parent placement if the placement  
22 is in the best interest of the child.

23 Sec. 2. Section 600.8, Code 1993, is amended by  
24 adding the following new subsection:

25 **NEW SUBSECTION. 13.** Preference shall be given, by  
26 an investigator, to placement of a child with a  
27 relative of the child, if the relative is a qualified  
28 placement and if placement with the relative is in the  
29 best interest of the child.

30 An investigator shall consider the preference of an  
31 adoption petitioner for placement of a child with the  
32 same racial and cultural identity as the adoption  
33 petitioner. Lack of availability of a qualified  
34 adoptive petitioner with the same racial and cultural  
35 identity as the child, however, shall not preclude  
36 placement of the child with an otherwise qualified  
37 adoptive petitioner if the placement is in the best  
38 interest of the child.

39 Sec. 3. Section 600.13, Code 1993, is amended by  
40 adding the following new subsection:

41 **NEW SUBSECTION. 1A.** Preference shall be given, by  
42 the court, to placement of a child with a relative of  
43 the child, if the relative is a qualified placement  
44 and if placement with the relative is in the best  
45 interest of the child.

46 The court shall consider the preference of an  
47 adoption petitioner for placement of a child with the  
48 same racial and cultural identity as the adoption

49 petitioner. Lack of availability of a qualified  
50 adoptive petitioner with the same racial and cultural

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1 identity as the child, however, shall not preclude  
2 placement of the child with an otherwise qualified  
3 adoptive petitioner if the placement is in the best  
4 interest of the child.”

COMMITTEE ON HUMAN RESOURCES  
ELAINE SZYMONIAK, Chairperson

**S-5300**

1 Amend House File 2261, as passed by the House, as  
2 follows:  
3 1. Page 4, by striking lines 5 through 18.  
4 2. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES  
ELAINE SZYMONIAK, Chairperson

**S-5301**

1 Amend House File 2410, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 37, by striking lines 13 and 14, and  
4 inserting the following:  
5 “a. Labor or services rendered by an employee or  
6 contractor to the payor of income.”  
7 2. Page 37, by striking lines 19 through 21 and  
8 inserting the following:  
9 “2. “Contractor” means a natural person who is an  
10 independent contractor, including an independent  
11 trucking owner or operator.”  
12 3. Page 37, by striking line 27 and inserting the  
13 following: “~~work~~ or a contractor performs labor or  
14 services”.  
15 4. Page 38, by striking lines 11 through 15.  
16 5. Page 38, by striking line 18, and inserting  
17 the following: “who engages a contractor for”.  
18 6. By striking page 39, line 29 through page 41,  
19 line 6.  
20 7. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES  
ELAINE SZYMONIAK, Chairperson

S-5302

- 1 Amend House File 2410, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 39, by striking lines 9 through 11 and  
4 inserting the following: "report employees who, on  
5 the date of hire or rehire, are eighteen years of age  
6 or older, and may report employees who, on the date of  
7 hire or rehire, are under eighteen years of age.  
8 Only".

MERLIN E. BARTZ

S-5303

- 1 Amend House File 542, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. NEW SECTION. 146A.1 NOTIFICATION OF  
6 PARENT PRIOR TO PERFORMANCE OF ABORTION ON A MINOR -  
7 REQUIREMENTS - EXCEPTIONS - CRIMINAL PENALTY.  
8 1. A person shall not perform an abortion on a  
9 pregnant minor until at least forty-eight hours' prior  
10 notification is provided to a parent of the minor.  
11 2. The person who will perform the abortion shall  
12 provide notification in person or by mailing the  
13 notification by restricted certified mail to the  
14 parent of the minor at the usual place of abode of the  
15 parent. For the purposes of delivery by restricted  
16 certified mail, the time of delivery is deemed to  
17 occur at twelve o'clock noon on the next day on which  
18 regular mail delivery takes place, subsequent to the  
19 mailing.  
20 3. For the purposes of this section, unless the  
21 context otherwise requires:  
22 a. "Abortion" means an abortion as defined in  
23 chapter 146.  
24 b. "Court" means the juvenile court.  
25 c. "Medical emergency" means a condition that,  
26 based on a physician's clinical judgment, so  
27 complicates the medical condition of a pregnant minor  
28 as to necessitate the immediate abortion of the  
29 minor's pregnancy to avert the minor's death, or for  
30 which a delay will create risk of substantial and  
31 irreversible impairment of a major bodily function.  
32 d. "Minor" means minor as defined in chapter 599.  
33 e. "Parent" means one parent of the pregnant minor  
34 or the pregnant minor's guardian or custodian.

35 4. Notification shall not be required under this  
36 section if any of the following conditions apply:  
37 a. The attending physician certifies that a  
38 medical emergency existed. The attending physician  
39 shall certify in writing the basis for the medical  
40 judgment that a medical emergency existed and shall  
41 make written certification available to a parent of  
42 the minor prior to the abortion, if possible. If it  
43 is not possible to provide a parent of the minor with  
44 written certification prior to the abortion, the  
45 physician shall provide the written certification to a  
46 parent of the minor within twelve hours following the  
47 performance of the abortion unless paragraph "b", "c",  
48 or "d" is applicable.  
49 b. The abortion is authorized in writing by a  
50 parent entitled to notification.

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1 c. The pregnant minor declares that the pregnant  
2 minor is a victim of child abuse pursuant to section  
3 232.68, the person responsible for the care of the  
4 child is a parent of the child, and the abuse has been  
5 reported pursuant to the procedures prescribed in  
6 chapter 232, division III, part 2, or a parent of the  
7 child is named in a report of founded child abuse.  
8 The department of human services shall maintain  
9 confidentiality under chapter 232 regarding the  
10 minor's pregnancy and abortion, if an abortion is  
11 obtained.  
12 d. The pregnant minor elects not to allow  
13 notification of the pregnant minor's parent and a  
14 court authorizes waiver of the notification  
15 requirement following completion of the proceedings  
16 prescribed under subsection 5.  
17 5. If a pregnant minor objects to the notification  
18 of a parent prior to the performance of an abortion on  
19 the pregnant minor, the pregnant minor may petition  
20 the court to authorize waiver of the notification  
21 requirement pursuant to this section in accordance  
22 with the following procedures:  
23 a. The court shall ensure that the minor is  
24 provided with assistance in preparing and filing the  
25 petition for waiver of notification and shall ensure  
26 that the minor's identity remains confidential.  
27 b. The minor may participate in the court  
28 proceedings on the minor's own behalf and the court  
29 may appoint a guardian ad litem for the minor. The  
30 court shall advise the minor of the minor's right to  
31 court-appointed legal counsel, and shall, upon the



32 minor's request, provide the minor with court-  
33 appointed legal counsel, at no cost to the minor.  
34 c. The court proceedings shall be conducted in a  
35 manner which protects the anonymity of the minor and  
36 all court documents pertaining to the proceedings  
37 shall remain confidential. Only the minor, the  
38 minor's guardian ad litem, the minor's legal counsel,  
39 and persons whose presence is specifically requested  
40 by the minor, by the minor's guardian ad litem, or by  
41 the minor's legal counsel may attend the hearing on  
42 the petition.  
43 d. The court proceedings under this section shall  
44 be given precedence over other pending matters to  
45 ensure that the court reaches a decision  
46 expeditiously.  
47 e. Upon petition and following an appropriate  
48 hearing, the court shall waive the notification  
49 requirements if the court determines either of the  
50 following:

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- 1 (1) That the minor is mature and capable of  
2 providing informed consent for the performance of an  
3 abortion.
- 4 (2) That the minor is not mature, or does not  
5 claim to be mature, but that notification is not in  
6 the best interest of the minor.
- 7 f. The court shall issue specific factual findings  
8 and legal conclusions, in writing, to support the  
9 decision.
- 10 g. Upon conclusion of the hearing, the court shall  
11 immediately issue a written order which shall be  
12 provided immediately to the minor, the minor's  
13 guardian ad litem, the minor's legal counsel, or any  
14 other person designated by the minor to receive the  
15 order.
- 16 h. An expedited, anonymous, confidential appeal  
17 shall be available to a minor for whom the court  
18 denies a petition for waiver of notification. An  
19 order granting the minor's application for waiver of  
20 notification is not subject to appeal. Access to the  
21 appellate courts for the purpose of an appeal under  
22 this section shall be provided to a minor twenty-four  
23 hours a day, seven days a week.
- 24 i. The supreme court shall prescribe rules to  
25 ensure that the proceedings under this section are  
26 performed in an expeditious, anonymous, and  
27 confidential manner.
- 28 j. A minor who chooses to utilize the waiver of

29 notification procedures under this subsection shall  
 30 not be required to pay a fee at any level of the  
 31 proceedings.

32 k. A person performing an abortion on a minor  
 33 under this chapter may inform the parent of the minor  
 34 of any necessary treatment resulting from  
 35 complications of the abortion procedure if, in the  
 36 judgment of the person, failure to inform the parent  
 37 would seriously jeopardize the health of the minor.

38 6. A person who performs an abortion in violation  
 39 of this section is guilty of a serious misdemeanor.

40 7. A person who harasses or interferes with a  
 41 minor seeking an abortion is guilty of a serious  
 42 misdemeanor.

43 8. Venue for proceedings under this section is in  
 44 any court in the state.

45 Sec. 2. NEW SECTION. 232.5 ABORTION PERFORMED ON  
 46 A MINOR -- PROCEEDINGS.

47 The court shall have exclusive jurisdiction over  
 48 the authorization of an abortion on a minor pursuant  
 49 to section 146A.1."

50 2. Title page, line 2, by striking the words "

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1 including programs and".

2 3. Title page, by striking lines 3 through 7, and  
 3 inserting the following: "and providing criminal".

MERLIN E. BARTZ

#### S-5304

1 Amend House File 542, as amended, passed, and  
 2 reprinted by the House as follows:

3 1. Page 6, by striking lines 33 and 34 and  
 4 inserting the following: "however, the local board of  
 5 health shall collect and retain the fees established  
 6 by the department to defray the costs of the local".

JEAN LLOYD-JONES

#### S-5305

1 Amend House File 2377, as amended, passed, and  
 2 reprinted by the House as follows:

3 1. By striking page 1, line 1, through page 4,  
 4 line 13.

5 2. By striking page 9, line 12, through page 10,  
 6 line 1, and inserting the following: "unless the

- 7 putative father files a petition to establish  
8 paternity and support pursuant to chapter 252A or 600B  
9 and serves notice on the child's mother within twenty  
10 days of the child's birth or prior to the holding of  
11 the termination of parental rights hearing, whichever  
12 is earlier."
- 13 3. Page 10, line 14, by inserting after the word  
14 "rights" the following: "as applicable".
- 15 4. By striking page 10, line 30 through page 11,  
16 line 1.
- 17 5. Page 11, line 2, by striking the letter "f"  
18 and inserting the following: "e".
- 19 6. Page 11, line 12, by inserting after the word  
20 "parents;" the following: "and".
- 21 7. Page 11, by striking lines 16 through 22 and  
22 inserting the following: "visits."
- 23 8. Page 11, line 27, by striking the words ", as  
24 necessary".
- 25 9. Page 12, by striking lines 15 through 17 and  
26 inserting the following:  
27 "d g. Shall be signed, not less than seventy-two  
28 hours after the birth of the child to be released, by  
29 all living parents. The seventy-two hour".
- 30 10. Page 12, by striking lines 30 through 32 and  
31 inserting the following: "paragraphs "a" and "b", or  
32 any unknown putative father, if any, except".
- 33 11. Page 13, line 32, by striking the word "AND"  
34 and inserting the following: "OR".
- 35 12. Page 14, by striking lines 7 through 14.
- 36 13. Page 14, by striking lines 23 through 26.
- 37 14. Page 14, line 27, by striking the figure "2."
- 38 15. Page 14, line 28 by striking the words "one  
39 hundred twenty-" and inserting the following:  
40 "seventy-two-".
- 41 16. By striking page 14, line 30 through page 15,  
42 line 1, and inserting the following:  
43 "Sec. \_\_\_\_ . PENDING PROCEEDINGS UNAFFECTED.  
44 This Act does not apply to a termination of  
45 parental rights proceeding or an adoption proceeding  
46 pending on July 1, 1994."
- 47 17. Title page, by striking line 3 and inserting  
48 the following: "penalties and an".
- 49 18. By renumbering, relettering, and correcting  
50 internal references as necessary.

S-5306

1 Amend House File 2377 as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 14 the  
4 following:

5 "Sec. \_\_\_\_ . Section 422.9, subsection 2, paragraph  
6 c, Code 1993, is amended to read as follows:

7 c. Add the amount by which expenses paid or  
8 incurred in connection with the adoption of a child by  
9 the taxpayer exceed three percent of the net income of  
10 the taxpayer, or of the taxpayer and spouse in the  
11 case of a joint return. The expenses may include  
12 medical and hospital expenses of the natural mother  
13 which are incident to the child's birth and are paid  
14 by the taxpayer, welfare agency fees, legal fees, and  
15 all other fees and costs relating to the adoption of a  
16 child if the child is placed by a child-placing agency  
17 licensed under chapter 238 ~~or by a person making an~~  
18 ~~independent placement~~ according to the provisions of  
19 ~~chapter chapters~~ 600 and 600A and not in violation of  
20 section 600.7A."

21 2. Page 5, by inserting after line 29 the  
22 following:

23 "Sec. \_\_\_\_ . **NEW SECTION. 600.7A ADOPTION THROUGH**  
24 **INDEPENDENT PLACEMENT PROHIBITED - PENALTY.**

25 A person shall not perform an independent placement  
26 of a minor for the purpose of adoption in this state.  
27 All placements of minors for the purposes of adoption  
28 in this state shall be performed by an agency. A  
29 person who violates this section is guilty of a  
30 serious misdemeanor.

31 Sec. \_\_\_\_ . Section 600.8, subsection 2, paragraph  
32 a, Code 1993, is amended to read as follows:

33 a. A preplacement investigation and report of the  
34 investigation shall be completed and the prospective  
35 adoption petitioner approved for a placement by the  
36 person making the investigation prior to any agency or  
37 independent placement of a minor person in the  
38 petitioner's home in anticipation of an ensuing  
39 adoption. A report of a preplacement investigation  
40 that has approved a prospective adoption petitioner  
41 for a placement shall not authorize placement of a  
42 minor person with that petitioner after one year from  
43 the date of the report's issuance. However, if the  
44 prospective adoption petitioner is a relative within  
45 the fourth degree of consanguinity who has assumed  
46 custody of a minor person to be adopted, a  
47 preplacement investigation of this petitioner and a  
48 report of the investigation may be completed at a time

49 established by the court or may be waived as provided  
50 in subsection 12."

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1 3. Page 7, by inserting after line 25 the  
2 following:

3 "Sec. \_\_\_\_ . Section 600.13, subsection 5, Code  
4 1993, is amended to read as follows:

5 5. An interlocutory or a final adoption decree  
6 shall be entered with the clerk of the court. Such  
7 decree shall set forth any facts of the adoption  
8 petition which have been proven to the satisfaction of  
9 the court and any other facts considered to be  
10 relevant by the court and shall grant the adoption  
11 petition. If so designated in the adoption decree,  
12 the name of the adopted person shall be changed by  
13 issuance of that decree. The clerk of the court  
14 shall, within thirty days of issuance, deliver one  
15 certified copy of any adoption decree to the  
16 petitioner, one copy of any adoption decree to the  
17 department and any agency ~~or person making an~~  
18 ~~independent placement~~ who placed a minor person for  
19 adoption, and one certification of adoption as  
20 prescribed in section 144.19 to the state registrar of  
21 vital statistics. Upon receipt of the certification,  
22 the state registrar shall prepare a new birth  
23 certificate pursuant to section 144.23 and deliver to  
24 the parents named in the decree and any adult person  
25 adopted by the decree a copy of the new birth  
26 certificate. The parents shall pay the fee prescribed  
27 in section 144.46. If the person adopted was born  
28 outside the state, the state registrar shall forward  
29 the certification of adoption to the appropriate  
30 agency in the state or foreign nation of birth. A  
31 copy of any interlocutory adoption decree vacation  
32 shall be delivered and another birth certificate shall  
33 be prepared in the same manner as a certification of  
34 adoption is delivered and the birth certificate was  
35 originally prepared.

36 4. Page 8, by inserting after line 2 the  
37 following:

38 "Sec. \_\_\_\_ . **NEW SECTION. 600.26 ADVERTISEMENT OF**  
39 **ADOPTION IN PUBLIC MEDIA PROHIBITED.**

40 1. A natural parent of a minor or a representative  
41 of a natural parent of a minor shall not advertise  
42 through any public newspaper in the state for the  
43 placement of the minor for the purposes of adoption.

44 2. A prospective adoptive parent or a  
45 representative of a prospective adoptive parent shall

46 not advertise through any public newspaper in the  
 47 state for the placement of a minor in the prospective  
 48 adoptive parent's or representative's care for the  
 49 purpose of adoption.  
 50 3. For the purposes of this section, "public

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1 newspaper" means any newspaper receivable by the  
 2 general public including both for-profit and nonprofit  
 3 public newspapers.

4 4. A person who violates this section is guilty of  
 5 a serious misdemeanor."

6 5. Page 10, by inserting after line 1 the  
 7 following:

8 "Sec. \_\_\_\_ . Section 600A.4, subsection 2, paragraph  
 9 a, Code 1993, is amended to read as follows:

10 a. Shall be accepted only by an agency or a person  
 11 making an independent placement."

12 6. Page 12, by inserting after line 18 the  
 13 following:

14 "Sec. \_\_\_\_ . Section 600A.4, subsection 3, Code  
 15 1993, is amended to read as follows:

16 3. Notwithstanding the provisions of subsection 2,  
 17 an agency or a person making an independent placement  
 18 may assume custody of a minor child upon the signature  
 19 of the one living parent who has possession of the  
 20 minor child if the agency or a person making an  
 21 independent placement immediately petitions the  
 22 juvenile court designated in section 600A.5 to be  
 23 appointed custodian and otherwise petitions, either in  
 24 the same petition or within a reasonable time in a  
 25 separate petition, for termination of parental rights  
 26 under section 600A.5. Upon the custody petition, the  
 27 juvenile court may appoint a guardian as well as a  
 28 custodian."

29 7. By renumbering as necessary.

LARRY MURPHY

S-5307

1 Amend House File 2179, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 11, by striking lines 30 and 31 and  
 4 inserting the following:

5 "Sec. \_\_\_\_ . EFFECTIVE DATE. This Act shall not  
 6 take effect unless the following proposition is  
 7 approved by a majority of the voters of this state at  
 8 the next general election. The state commissioner of

9 elections shall submit, not less than sixty-nine days  
 10 preceding the next general election, a certified copy  
 11 of the following public measure to the county  
 12 commissioners of elections to be placed on the ballot  
 13 and submitted to the voters of the state:  
 14 "Shall additional gambling be allowed in  
 15 Iowa?" Yes \_\_\_ No \_\_\_  
 16 The public measure shall be submitted to the state  
 17 electorate as provided in chapter 49A. If a majority  
 18 of the voters of the state voting on the proposition  
 19 vote yes for additional gambling in Iowa, this Act  
 20 shall take effect January 1 following the general  
 21 election. If a majority of the voters vote no, this  
 22 Act is void."

ANDY McKEAN

S-5308

1 Amend House File 2314, as passed by the House as  
 2 follows:  
 3 1. Page 1, line 23, by striking the words  
 4 "injure, defraud, or deceive" and inserting the  
 5 following: "defraud".  
 6 2. Page 1, lines 29 and 30, by striking the words  
 7 "false, incomplete, or misleading" and inserting the  
 8 following: "false".  
 9 3. Page 2, lines 3 and 4, by striking the words  
 10 "false, incomplete, or misleading" and inserting the  
 11 following: "false".  
 12 4. Page 3, line 10, by striking the words "fraud,  
 13 deceit, or intentional misrepresentation" and  
 14 inserting the following: "fraud".

TOM VILSACK

S-5309

1 Amend House File 2352, as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 4, by inserting after line 7 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 809.1, subsection 2, Code 1993,  
 6 is amended by adding the following new paragraph:  
 7 NEW PARAGRAPH. e. A motor vehicle that is  
 8 operated to facilitate the commission of the offense  
 9 of operating a motor vehicle while intoxicated by a  
 10 person who is convicted of being a third or subsequent  
 11 offender under section 321J.2, subsection 2, paragraph  
 12 "c".

13 Sec. \_\_\_\_ . Section 809.1, subsection 4, Code 1993,  
14 is amended to read as follows:

15 4. The definitions contained in subsections 1  
16 through 3 shall not apply to violations of chapter 321  
17 or 321J except as specifically provided by this  
18 section.

19 Sec. \_\_\_\_ . Section 809.2, Code 1993, is amended to  
20 read as follows:

21 809.2 NOTICE OF SEIZURE.

22 The officer taking possession of seized property  
23 shall make a written inventory of the property and  
24 deliver a copy of the inventory to the person from  
25 whom it was seized. The inventory shall include the  
26 name of the person taking custody of the seized  
27 property, the date and time of the seizure, and the  
28 law enforcement agency seizing the property. If the  
29 property seized is a motor vehicle that has been  
30 seized as a result of an arrest of a person for  
31 operating while intoxicated and being a third or  
32 subsequent offender under section 321J.2, subsection  
33 2, paragraph "c", a copy of the inventory listing the  
34 motor vehicle shall also be sent to any registered  
35 owner of the vehicle if the registered owner is not  
36 the person from whom the vehicle was seized."

37 2. By numbering and renumbering as necessary.

ANDY McKEAN

S-5310

1 Amend House File 2352, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "Sec. \_\_\_\_ . Section 902.7, Code 1993, is amended to  
6 read as follows:

7 902.7 MINIMUM SENTENCE - USE OF A FIREARM.

8 At the trial of a person charged with participating  
9 in a forcible felony, if the trier of fact finds  
10 beyond a reasonable doubt that the person is guilty of  
11 a forcible felony and that the person represented that  
12 the person was in the immediate possession and control  
13 of a firearm, displayed a firearm in a threatening  
14 manner, or was armed with a firearm while  
15 participating in the forcible felony the convicted  
16 person shall serve a minimum of five years of the  
17 sentence imposed by law. A person sentenced pursuant  
18 to this section shall not be eligible for parole until  
19 the person has served the minimum sentence of  
20 confinement imposed by this section. This section



21 shall not apply if the person is an habitual violent  
22 offender under section 902.8A.

23 Sec. \_\_\_\_ . Section 902.8, Code 1993, is amended to  
24 read as follows:

25 902.8 MINIMUM SENTENCE – HABITUAL OFFENDER.

26 An habitual offender is any person convicted of a  
27 class “C” or a class “D” felony, who has twice before  
28 been convicted of any felony in a court of this or any  
29 other state, or of the United States. An offense is a  
30 felony if, by the law under which the person is  
31 convicted, it is so classified at the time of the  
32 person’s conviction. A person sentenced as an  
33 habitual offender shall not be eligible for parole  
34 until the person has served the minimum sentence of  
35 confinement of three years. This section shall not  
36 apply if the felony convictions meet the criteria  
37 specified in section 902.8A.

38 Sec. \_\_\_\_ . NEW SECTION. 902.8A LIFE IMPRISONMENT  
39 – HABITUAL VIOLENT OFFENDER.

40 1. An habitual violent offender is any person  
41 convicted of a dangerous offense, who has, before the  
42 commission of the dangerous offense, twice been  
43 convicted of any dangerous offense in a court of this  
44 or any other state, or of the United States. An  
45 offense committed in another jurisdiction is a  
46 dangerous offense for purposes of this section if, by  
47 the law under which the person is convicted, the court  
48 finds that the elements of the offense, at the time of  
49 the person’s conviction, are the same as or are  
50 substantially similar to the elements of any offense

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1 that constitutes a dangerous offense if committed in  
2 this state. A person sentenced as an habitual violent  
3 offender shall be imprisoned for the rest of the  
4 person’s life and shall not be eligible for parole.  
5 Nothing in the Iowa corrections code pertaining to  
6 deferred judgment, deferred sentence, suspended  
7 sentence, or reconsideration of sentence applies to a  
8 sentence as an habitual violent offender.

9 2. For purposes of this section, a “dangerous  
10 offense” means any of the following offenses:

11 a. An offense which is a class “A” felony.

12 b. An offense which is a forcible felony as  
13 defined under section 702.11.

14 c. Any other felony offense which includes the  
15 causing of, or the intent to cause, death or serious  
16 injury as an element of the offense.

17 Sec. \_\_\_\_ . Section 902.9, Code Supplement 1993, is

18 amended to read as follows:

19 902.9 MAXIMUM SENTENCE FOR FELONS.

20 The maximum sentence for any person convicted of a

21 felony shall be that prescribed by statute or, if not

22 prescribed by statute, if other than a class "A"

23 felony shall be determined as follows:

24 1. An habitual violent offender shall be confined

25 for the rest of the person's life.

26 2. A class "B" felon, not an habitual violent

27 offender, shall be confined for no more than twenty-

28 five years.

29 3. An habitual offender shall be confined for no

30 more than fifteen years.

31 4. A class "C" felon, not an habitual offender

32 or an habitual violent offender, shall be confined for

33 no more than ten years, and in addition may be

34 sentenced to a fine of at least five hundred dollars

35 but not more than ten thousand dollars.

36 5. A class "D" felon, not an habitual offender

37 or an habitual violent offender, shall be confined for

38 no more than five years, and in addition may be

39 sentenced to a fine of at least five hundred dollars

40 but not more than seven thousand five hundred dollars.

41 A class "D" felon, such felony being for a violation

42 of section 321J.2, may be sentenced to imprisonment

43 for up to one year in the county jail.

44 The criminal penalty surcharge required by section

45 911.2 shall be added to a fine imposed on a class "C"

46 or class "D" felon, as provided by that section, and

47 is not a part of or subject to the maximums set in

48 this section."

49 2. By numbering, renumbering, and changing

50 internal references as necessary.

ANDY McKEAN

DONALD B. REDFERN

S-5311

1 Amend House File 2409, as amended, passed, and

2 reprinted by the House, as follows:

3 1. By striking everything after the enacting

4 clause and inserting the following:

5 "Section 1. NEW SECTION. 728.5A PUBLIC INDECENT

6 EXPOSURE -- MINORS.

7 A city or county may enact an ordinance to prevent

8 minors from entering any place of business required to

9 obtain a sales tax permit pursuant to chapter 422

10 where the business permits any act described by

11 section 728.5, subsections 1 through 4, and 7.

12 However, the provisions of this section shall not  
 13 apply to a theater, concert hall, art center, museum,  
 14 or similar establishment which is primarily devoted to  
 15 the arts or theatrical performances and any of the  
 16 circumstances contained in section 728.5, were  
 17 permitted or allowed as part of such art exhibits or  
 18 performances."

19 2. Title page, by striking lines 2 through 5 and  
 20 inserting the following: "minors access to public  
 21 indecent exposure in certain establishments."

RANDAL J. GIANNETTO

S-5312

1 Amend House File 2169, as passed by the House, as  
 2 follows:

3 1. Page 1, line 10, by striking the words "thirty  
 4 feet" and inserting the following: "two rods".

MERLIN E. BARTZ  
 BERL E. PRIEBE

S-5313

1 Amend House File 2169, as passed by the House, as  
 2 follows:

3 1. Page 1, by striking lines 11 through 14 and  
 4 inserting the following: "wire shall be at least  
 5 forty inches in height."

BERL E. PRIEBE

S-5314

1 Amend the amendment, S-5303, to House File 542, as  
 2 amended, passed, and reprinted by the House as  
 3 follows:

4 1. By striking page 1, line 5 through page 4,  
 5 line 3, and inserting the following:

6 ""Section 1. NEW SECTION. 146A.1 NOTIFICATION OF  
 7 PARENT PRIOR TO PERFORMANCE OF ABORTION ON A MINOR -  
 8 REQUIREMENTS - EXCEPTIONS - CRIMINAL PENALTY.

9 1. A person shall not perform an abortion on a  
 10 pregnant minor until at least forty-eight hours' prior  
 11 notification is provided to a parent of the minor.

12 2. The person who will perform the abortion shall  
 13 provide notification in person or by mailing the  
 14 notification by restricted certified mail to the  
 15 parent of the minor at the usual place of abode of the

16 parent. For the purposes of delivery by restricted  
17 certified mail, the time of delivery is deemed to  
18 occur at twelve o'clock noon on the next day on which  
19 regular mail delivery takes place, subsequent to the  
20 mailing.

21 3. For the purposes of this section, unless the  
22 context otherwise requires:

23 a. "Abortion" means an abortion as defined in  
24 chapter 146.

25 b. "Court" means the juvenile court.

26 c. "Medical emergency" means a condition that,  
27 based on a physician's clinical judgment, so  
28 complicates the medical condition of a pregnant minor  
29 as to necessitate the immediate abortion of the  
30 minor's pregnancy to avert the minor's death, or for  
31 which a delay will create risk of substantial and  
32 irreversible impairment of a major bodily function.

33 d. "Minor" means minor as defined in chapter 599.

34 e. "Parent" means one parent of the pregnant minor  
35 or the pregnant minor's guardian or custodian.

36 4. Notification shall not be required under this  
37 section if any of the following conditions apply:

38 a. The attending physician certifies that a  
39 medical emergency existed. The attending physician  
40 shall certify in writing the basis for the medical  
41 judgment that a medical emergency existed and shall  
42 make written certification available to a parent of  
43 the minor prior to the abortion, if possible. If it  
44 is not possible to provide a parent of the minor with  
45 written certification prior to the abortion, the  
46 physician shall provide the written certification to a  
47 parent of the minor within twelve hours following the  
48 performance of the abortion unless paragraph "b", "c",  
49 or "d" is applicable.

50 b. The abortion is authorized in writing by a

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1 parent entitled to notification.

2 c. The pregnant minor declares that the pregnant  
3 minor is a victim of child abuse pursuant to section  
4 232.68, the person responsible for the care of the  
5 child is a parent of the child, and the abuse has been  
6 reported pursuant to the procedures prescribed in  
7 chapter 232, division III, part 2, or a parent of the  
8 child is named in a report of founded child abuse.  
9 The department of human services shall maintain  
10 confidentiality under chapter 232 regarding the  
11 minor's pregnancy and abortion, if an abortion is  
12 obtained.

13 d. The pregnant minor elects not to allow  
14 notification of the pregnant minor's parent and a  
15 court authorizes waiver of the notification  
16 requirement following completion of the proceedings  
17 prescribed under subsection 5.

18 5. If a pregnant minor objects to the notification  
19 of a parent prior to the performance of an abortion on  
20 the pregnant minor, the pregnant minor may petition  
21 the court to authorize waiver of the notification  
22 requirement pursuant to this section in accordance  
23 with the following procedures:

24 a. The court shall ensure that the minor is  
25 provided with assistance in preparing and filing the  
26 petition for waiver of notification and shall ensure  
27 that the minor's identity remains confidential.

28 b. The minor may participate in the court  
29 proceedings on the minor's own behalf and the court  
30 may appoint a guardian ad litem for the minor. The  
31 court shall advise the minor of the minor's right to  
32 court-appointed legal counsel, and shall, upon the  
33 minor's request, provide the minor with court-  
34 appointed legal counsel, at no cost to the minor.

35 c. The court proceedings shall be conducted in a  
36 manner which protects the anonymity of the minor and  
37 all court documents pertaining to the proceedings  
38 shall remain confidential. Only the minor, the  
39 minor's guardian ad litem, the minor's legal counsel,  
40 and persons whose presence is specifically requested  
41 by the minor, by the minor's guardian ad litem, or by  
42 the minor's legal counsel may attend the hearing on  
43 the petition.

44 d. The court proceedings under this section shall  
45 be given precedence over other pending matters to  
46 ensure that the court reaches a decision  
47 expeditiously.

48 e. Upon petition and following an appropriate  
49 hearing, the court shall waive the notification  
50 requirements if the court determines either of the

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1 following:

2 (1) That the minor is mature and capable of  
3 providing informed consent for the performance of an  
4 abortion.

5 (2) That the minor is not mature, or does not  
6 claim to be mature, but that notification is not in  
7 the best interest of the minor.

8 f. The court shall issue specific factual findings  
9 and legal conclusions, in writing, to support the

10 decision.

11 g. Upon conclusion of the hearing, the court shall  
12 immediately issue a written order which shall be  
13 provided immediately to the minor, the minor's  
14 guardian ad litem, the minor's legal counsel, or any  
15 other person designated by the minor to receive the  
16 order.

17 h. An expedited, anonymous, confidential appeal  
18 shall be available to a minor for whom the court  
19 denies a petition for waiver of notification. An  
20 order granting the minor's application for waiver of  
21 notification is not subject to appeal. Access to the  
22 appellate courts for the purpose of an appeal under  
23 this section shall be provided to a minor twenty-four  
24 hours a day, seven days a week.

25 i. The supreme court shall prescribe rules to  
26 ensure that the proceedings under this section are  
27 performed in an expeditious, anonymous, and  
28 confidential manner.

29 j. A minor who chooses to utilize the waiver of  
30 notification procedures under this subsection shall  
31 not be required to pay a fee at any level of the  
32 proceedings.

33 k. A person performing an abortion on a minor  
34 under this chapter may inform the parent of the minor  
35 of any necessary treatment resulting from  
36 complications of the abortion procedure if, in the  
37 judgment of the person, failure to inform the parent  
38 would seriously jeopardize the health of the minor.

39 6. A person who performs an abortion in violation  
40 of this section is guilty of a serious misdemeanor.

41 7. A person who harasses or interferes with a  
42 minor seeking an abortion is guilty of a serious  
43 misdemeanor.

44 8. Venue for proceedings under this section is in  
45 any court in the state.

46 Sec. 2. NEW SECTION. 232.5 ABORTION PERFORMED ON  
47 A MINOR -- PROCEEDINGS.

48 The court shall have exclusive jurisdiction over  
49 the authorization of an abortion on a minor pursuant  
50 to section 146A.1."

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1 \_\_\_\_ . Title page, line 2, by striking the words "  
2 including programs and".

3 \_\_\_\_ . Title page, by striking lines 3 through 7,

4 and inserting the following: "providing criminal".

5 2. By renumbering as necessary.

MERLIN E. BARTZ

S-5315

1 Amend House File 181, as amended, passed, and re-  
2 printed by the House, as follows:

3 1. Page 1, by inserting after line 22 the  
4 following:

5 "Sec. \_\_\_\_ . CONTINGENT EFFECTIVE DATE. The  
6 provisions of this Act which amend section 321.189,  
7 take effect July 1, 1996, or at such time as the  
8 department of education provides adequate training  
9 vehicles, instructors, curriculum materials, training  
10 sites, and program funding for training for all  
11 persons who are required to complete the motorcycle  
12 education course or for any person who would like to  
13 complete the motorcycle education course, whichever is  
14 earlier. The department of education shall notify the  
15 state department of transportation when the department  
16 of education has the resources available to  
17 effectively offer the motorcycle education course."

18 2. By renumbering as necessary.

JOE WELSH  
JIM KERSTEN

S-5316

1 Amend House File 2384, 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 322D.6, Code 1993, is amended  
6 to read as follows:

7 322D.6 SECURITY INTERESTS NOT AFFECTED.

8 The provisions of this chapter shall not be  
9 construed to affect, in any way, the existence or  
10 enforcement of any security interest which a supplier,  
11 any financial institution or any other person may have  
12 in the inventory of the retailer; and any repurchase  
13 of inventory which is made hereunder shall not be  
14 subject to the bulk sales provisions of chapter 554,  
15 article 6, of the uniform commercial code.

16 Sec. \_\_\_\_ . Section 322F.4, Code 1993, is amended to  
17 read as follows:

18 322F.4 SECURITY INTERESTS NOT AFFECTED.

19 This chapter shall not be construed to affect the

20 existence or enforcement of a security interest which  
21 any person, including a supplier or financial  
22 institution, may have in the inventory of the dealer.  
23 ~~The repurchase of inventory which is made under this~~  
24 ~~chapter shall not be subject to the bulk sales~~  
25 ~~provision of chapter 554, article 6 of the uniform~~  
26 ~~commercial code.~~

27 Sec. \_\_\_\_ . Section 554.1105, subsection 2, Code  
28 1993, is amended to read as follows:

29 2. Where one of the following provisions of this  
30 chapter specifies the applicable law, that provision  
31 governs and a contrary agreement is effective only to  
32 the extent permitted by the law (including the  
33 conflict of laws rules) so specified:

34 Rights of creditors against sold goods. Section  
35 554.2402.

36 Applicability of the Article on Bank Deposits and  
37 Collections. Section 554.4102.

38 ~~Bulk transfers subject to the Article on Bulk~~  
39 ~~Transfers. Section 554.6102.~~

40 Applicability of the Article on Investment  
41 Securities. Section 554.8106.

42 Perfection provisions of the Article on Secured  
43 Transactions. Section 554.9103.

44 Governing law in the Article on Funds Transfers.  
45 Section 554.12507.

46 Sec. \_\_\_\_ . Section 554.2403, subsection 4, Code  
47 1993, is amended to read as follows:

48 4. The rights of other purchasers of goods and of  
49 lien creditors are governed by the Articles on Secured  
50 Transactions (Article 9), ~~Bulk Transfers (Article 6)~~

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1 and Documents of Title (Article 7)."

2 2. Page 3, by striking lines 13 through 16.

3 3. Page 10, by inserting after line 18 the  
4 following:

5 "Sec. \_\_\_\_ . REPEALS. Sections 554.6101 through  
6 554.6111, and 554.9111, Code 1993, are repealed.

7 Sec. \_\_\_\_ . EFFECTIVE DATE AND APPLICATION. This  
8 Act takes effect on January 1, 1995, and applies to  
9 all causes of action accruing on or after that date."

10 4. Title page, line 1, by inserting after the  
11 word "Act" the following: "relating to commercial  
12 transactions, by".

13 5. Title page, line 1, by inserting after the  
14 words "transfer Act" the following: ", and providing  
15 for the repeal of certain Code sections, and providing



16 an effective and applicability date”.

17 6. By renumbering as necessary.

RANDAL J. GIANNETTO

HOUSE AMENDMENT TO  
SENATE FILE 2218

S-5317

1 Amend Senate File 2218, as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 21 the  
4 following:

5 “Notwithstanding section 8.33, all moneys  
6 appropriated pursuant to this section which remain  
7 unencumbered and unobligated on June 30, 1995, shall  
8 not revert to the general fund of the state and may be  
9 expended to upgrade, replace, or improve computer  
10 equipment used in the auditor's offices. The office  
11 of the auditor of state shall report to the  
12 legislative fiscal committee not later than December  
13 1, 1995, the items and cost of the computer equipment  
14 which is upgraded, replaced, or improved as provided  
15 in this paragraph.”

16 2. Page 2, line 30, by inserting after the word  
17 “businesses.” the following: “The division of labor  
18 services shall consider the possibility of conducting  
19 educational sessions on the Iowa communications  
20 network for representatives of cities, counties,  
21 schools, businesses, secondary school students  
22 enrolled in vocational technical classes, and other  
23 affected persons, concerning Occupational Safety and  
24 Health Act requirements.”

25 3. Page 3, line 19, by inserting after the word  
26 “coordinator” the following: “and council”.

27 4. Page 9, line 10, by striking the word “four”  
28 and inserting the following: “three”.

29 5. Page 9, by striking line 11 and inserting the  
30 following: “are operating during”.

31 6. Page 9, line 15, by striking the word “four”  
32 and inserting the following: “three”.

33 7. Page 9, line 16, by striking the word  
34 “commissioner” and inserting the following:  
35 “commission”.

36 8. Page 9, line 17, by striking the words  
37 “associated with the additional riverboats.”.

38 9. Page 16, by inserting after line 20 the  
39 following:

40 “Sec. \_\_\_\_ . Section 10A.104, subsection 10, Code

41 Supplement 1993, is amended to read as follows:  
 42 10. Enter into and implement agreements or  
 43 compacts between the state of Iowa and Indian tribes  
 44 located in the state which are entered into under the  
 45 authority of the federal Indian Gaming Regulatory Act,  
 46 (25 U.S.C. § 2701 et seq.). The agreements or  
 47 compacts shall contain provisions intended to  
 48 implement the policies and objectives of the federal  
 49 Indian Gaming Regulatory Act. Prior to the  
 50 implementation of an agreement or compact to be

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1 entered into pursuant to this subsection, the  
 2 agreement or compact shall be submitted to the senate  
 3 for approval, pursuant to rules adopted by the senate.  
 4 The senate shall approve an agreement or compact by a  
 5 constitutional majority and an agreement or compact  
 6 shall not be effective or implemented until the  
 7 approval of the senate is given."  
 8 10. By renumbering, relettering, or redesignating  
 9 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 2229

S-5318

1 Amend Senate File 2229, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by inserting after line 26 the  
 4 following:  
 5 "Savings achieved in providing telephone services  
 6 shall be used by the department of general services to  
 7 increase efficiencies in the provision of those  
 8 services. The department of general services shall  
 9 report not later than August 31, 1995, on the projects  
 10 undertaken to the chairpersons and the ranking members  
 11 of the joint appropriations subcommittee on  
 12 administration and to the legislative fiscal bureau.  
 13 The report shall include a listing of the projects and  
 14 efficiencies undertaken during the fiscal year, the  
 15 cost of each project, and the benefits, including the  
 16 projected savings on an annual basis and for the life  
 17 of the efficiency improvement."  
 18 2. Page 14, by inserting after line 10 the fol-  
 19 lowing:  
 20 "\_\_\_ . The director of revenue and finance shall  
 21 prepare and issue a state appraisal manual and the  
 22 revisions to the state appraisal manual as provided in

23 section 421.17, subsection 18, without cost to a city  
24 or county.”

25 3. Page 14, by inserting after line 10 the  
26 following:

27 “\_\_\_ . The director of revenue and finance shall  
28 report not later than August 31, 1995, to the  
29 legislative fiscal committee, the legislative fiscal  
30 bureau, and the chairpersons and ranking members of  
31 the joint appropriations subcommittees on  
32 administration concerning technological enhancements  
33 made by the department during the preceding fiscal  
34 year.”

35 4. Page 16, by inserting after line 20 the  
36 following:

37 “Sec. \_\_\_ . DEPARTMENT OF VETERANS AFFAIRS. There  
38 is appropriated from the general fund of the state to  
39 the department of veterans affairs for the fiscal year  
40 beginning July 1, 1994, and ending June 30, 1995, the  
41 following amount, or so much thereof as is necessary,  
42 to be used for the purposes designated:

43 For salaries, support, maintenance, miscellaneous  
44 purposes, and for not more than the following full-  
45 time equivalent positions:

46 .....	\$ 50,000
47 .....	FTEs 1.0

48 The moneys appropriated in this section shall be  
49 used to employ a person in an executive 1 position to  
50 serve as the chief administrative officer to the

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1 director of the department of veterans affairs.”

2 5. Page 18, by inserting after line 19 the  
3 following:

4 “Sec. \_\_\_ . STATE COMMUNICATIONS NETWORK –  
5 REDUCTION OF TRAVEL AND RELATED EXPENSES.

6 The offices of the governor and lieutenant  
7 governor, the office of secretary of state, the office  
8 of treasurer of state, the office of drug enforcement  
9 and abuse coordinator, the department of general  
10 services, the department of management, the department  
11 of revenue and finance, the department of personnel  
12 shall use the services of the state communications  
13 network as much as possible for interagency  
14 communication, meetings, and conferences to reduce  
15 travel and related expenses for the respective offices  
16 or departments.”

17 6. Page 22, by inserting after line 8 the  
18 following:

19 “d. The following number of state officers or

20 employees request the deduction for the same  
 21 professional or trade organization:  
 22 (1) One hundred or more state officers or  
 23 employees employed outside the jurisdiction of the  
 24 state board of regents, or employed at Iowa state  
 25 university of science and technology or the state  
 26 university of Iowa.  
 27 (2) Fifty or more state officers or employees  
 28 employed at the university of northern Iowa.  
 29 (3) Twenty-five or more state officers or  
 30 employees employed at the Iowa school for the deaf or  
 31 at the Iowa braille and sight saving school.”  
 32 7. By renumbering, relettering, or redesignating  
 33 and correcting internal references as necessary.

S-5319

1 Amend the amendment, S-5286, to House File 2146, as  
 2 amended, passed, and reprinted by House, as follows:  
 3 1. Page 1, by striking line 5 and inserting the  
 4 following:  
 5 “Section 1. Section 123.47, Code 1993, is amended  
 6 to read as follows:  
 7 123.47 PERSONS UNDER THE AGE OF EIGHTEEN.  
 8 A person shall not sell, give, or otherwise supply  
 9 alcoholic liquor, wine, or beer to any person knowing  
 10 or having reasonable cause to believe that person to  
 11 be under the age of eighteen, and a person or persons  
 12 under the age of eighteen shall not individually or  
 13 jointly have alcoholic liquor, wine, or beer in their  
 14 possession or control; except in the case of liquor,  
 15 wine, or beer given or dispensed to a person under the  
 16 age of eighteen within a private home and with the  
 17 knowledge, presence, and consent of the parent or  
 18 guardian for beverage or medicinal purposes or as  
 19 administered to the person by either a physician or  
 20 dentist for medicinal purposes and except to the  
 21 extent that a person under the age of eighteen may  
 22 handle alcoholic beverages, wine, and beer during the  
 23 regular course of the person's employment by a liquor  
 24 control licensee, or wine or beer permittee under this  
 25 chapter.  
 26 Sec. \_\_\_\_ . Section 123.47A, subsection 1, Code  
 27 1993, is amended to read as follows:  
 28 1. A person shall not sell, give, or otherwise  
 29 supply alcoholic liquor, wine, or beer to any person  
 30 knowing or having reasonable cause to believe that the  
 31 person is age eighteen, nineteen, or twenty. A person  
 32 age eighteen, nineteen, or twenty shall not purchase  
 33 or possess alcoholic liquor, wine, or beer. However,

34 a person age eighteen, nineteen, or twenty may possess  
 35 alcoholic liquor, wine, or beer given to the person  
 36 within a private home with the knowledge, presence,  
 37 and consent of the person's parent or guardian, and a  
 38 person age eighteen, nineteen, or twenty may handle  
 39 alcoholic liquor, wine, and beer during the course of  
 40 the person's employment by a liquor control licensee,  
 41 or wine or beer permittee. A person, other than a  
 42 licensee or permittee, who commits a first offense  
 43 under this section commits a scheduled violation of  
 44 section 805.8, subsection 10. A person, other than a  
 45 licensee or permittee, who commits a second or  
 46 subsequent violation of this section, commits a simple  
 47 misdemeanor. A licensee or permittee who violates  
 48 this section with respect to a person who is age  
 49 nineteen or twenty is guilty of a simple misdemeanor  
 50 punishable by a fine of not more than fifty dollars.

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1 The penalty provided under this section against a  
 2 licensee or permittee who violates this section with  
 3 respect to a person who is age nineteen or twenty is  
 4 the only penalty which shall be imposed against a  
 5 licensee or permittee who violates this section. A  
 6 licensee or permittee who violates this section with  
 7 respect to a person who is age eighteen commits a  
 8 simple misdemeanor, and is subject to the criminal and  
 9 civil penalties provided pursuant to sections 123.49  
 10 and 123.50 with respect to selling, giving, or  
 11 otherwise supplying alcoholic beverages, liquor, wine,  
 12 or beer to persons under legal age.

13 Sec. —. NEW SECTION. 123.47C SEIZURE OF".

14 2. Page 1, by striking line 38 and inserting the  
 15 following: "taken pursuant to subsections 1 and 2.  
 16 This section shall not be construed to relieve a  
 17 licensee, permittee, or employee of the licensee or  
 18 permittee from civil liability for damages resulting  
 19 from the use of unreasonable force in obtaining the  
 20 altered or falsified motor vehicle license or  
 21 identification card or the motor vehicle license or  
 22 identification card believed to belong to another  
 23 person."

JOE WELSH

S-5320

1 Amend House File 2318, as amended, passed, and  
 2 reprinted by the House, as follows:

- 3 1. Page 1, by striking line 4, and inserting the  
4 following: "family farm corporation, or family farm  
5 limited liability company, as defined in section 9H.1.  
6 with a low or".
- 7 2. Page 1, line 9, by inserting before the word  
8 "corporation," the following: "family farm".
- 9 3. Page 1, line 11, by inserting before the word  
10 "corporation" the following: "family farm".
- 11 4. Page 1, line 16, by inserting before the word  
12 "limited" the following: "family farm".
- 13 5. Page 1, line 18, by inserting before the word  
14 "limited" the following: "family farm".
- 15 6. Page 2, line 1, by inserting before the word  
16 "corporation" the following: "family farm".
- 17 7. Page 2, line 2, by inserting before the word  
18 "limited" the following: "family farm".
- 19 8. Page 2, by striking lines 4 and 5 and  
20 inserting the following:  
21 "Sec. \_\_\_\_ . Section 175.12, subsection 3, paragraph  
22 c, Code 1993, is amended to read as follows:  
23 c. The beginning farmer has sufficient education,  
24 training, or experience in the type of farming for  
25 which the beginning farmer requests the mortgage or  
26 secured loan. If the beginning farmer is a  
27 partnership, all partners shall have sufficient  
28 education, training, or experience in the type of  
29 farming for which the beginning farmer requests the  
30 mortgage or secured loan. If the beginning farmer is  
31 a family farm corporation, all shareholders who are  
32 not minors shall have sufficient education, training,  
33 or experience in the type of farming for which the  
34 beginning farmer requests the mortgage or secured  
35 loan. If the beginning farmer is a family farm  
36 limited liability company, all members who are not  
37 minors shall have sufficient education, training, or  
38 experience in the type of farming for which the  
39 beginning farmer requests the mortgage or secured  
40 loan."
- 41 9. Page 2, line 10, by inserting before the word  
42 "corporation," the following: "family farm".
- 43 10. Page 2, line 10, by inserting before the word  
44 "limited" the following: "family farm".
- 45 11. Page 2, line 19, by inserting before the word  
46 "corporation," the following: "family farm".
- 47 12. Page 2, line 19, by inserting before the word  
48 "limited" the following: "family farm".
- 49 13. Title page, by striking line 3 and inserting  
50 the following: "family farm limited corporations and

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- 1 family farm limited liability companies are eligible
- 2 to".
- 3 14. By renumbering as necessary.

JAMES R. RIORDAN

S-5321

- 1 Amend House File 2149, 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. 146A.1 NOTIFICATION OF
- 6 PARENT PRIOR TO PERFORMANCE OF ABORTION ON A MINOR -
- 7 REQUIREMENTS -- EXCEPTIONS -- CRIMINAL PENALTY.
- 8 1. A person shall not perform an abortion on a
- 9 pregnant minor until at least forty-eight hours' prior
- 10 notification is provided to a parent of the minor.
- 11 2. The person who will perform the abortion shall
- 12 provide notification in person or by mailing the
- 13 notification by restricted certified mail to the
- 14 parent of the minor at the usual place of abode of the
- 15 parent. For the purposes of delivery by restricted
- 16 certified mail, the time of delivery is deemed to
- 17 occur at twelve o'clock noon on the next day on which
- 18 regular mail delivery takes place, subsequent to the
- 19 mailing.
- 20 3. For the purposes of this section, unless the
- 21 context otherwise requires:
- 22 a. "Abortion" means an abortion as defined in
- 23 chapter 146.
- 24 b. "Court" means the juvenile court.
- 25 c. "Medical emergency" means a condition that,
- 26 based on a physician's clinical judgment, so
- 27 complicates the medical condition of a pregnant minor
- 28 as to necessitate the immediate abortion of the
- 29 minor's pregnancy to avert the minor's death, or for
- 30 which a delay will create risk of substantial and
- 31 irreversible impairment of a major bodily function.
- 32 d. "Minor" means minor as defined in chapter 599.
- 33 e. "Parent" means one parent of the pregnant minor
- 34 or the pregnant minor's guardian or custodian.
- 35 4. Notification shall not be required under this
- 36 section if any of the following conditions apply:
- 37 a. The attending physician certifies that a
- 38 medical emergency existed. The attending physician
- 39 shall certify in writing the basis for the medical

40 judgment that a medical emergency existed and shall  
41 make written certification available to a parent of  
42 the minor prior to the abortion, if possible. If it  
43 is not possible to provide a parent of the minor with  
44 written certification prior to the abortion, the  
45 physician shall provide the written certification to a  
46 parent of the minor within twelve hours following the  
47 performance of the abortion unless paragraph "b", "c",  
48 or "d" is applicable.  
49 b. The abortion is authorized in writing by a  
50 parent entitled to notification.

Page 2

1 c. The pregnant minor declares that the pregnant  
2 minor is a victim of child abuse pursuant to section  
3 232.68, the person responsible for the care of the  
4 child is a parent of the child, and the abuse has been  
5 reported pursuant to the procedures prescribed in  
6 chapter 232, division III, part 2, or a parent of the  
7 child is named in a report of founded child abuse.  
8 The department of human services shall maintain  
9 confidentiality under chapter 232 regarding the  
10 minor's pregnancy and abortion, if an abortion is  
11 obtained.

12 d. The pregnant minor elects not to allow  
13 notification of the pregnant minor's parent and a  
14 court authorizes waiver of the notification  
15 requirement following completion of the proceedings  
16 prescribed under subsection 5.

17 5. If a pregnant minor objects to the notification  
18 of a parent prior to the performance of an abortion on  
19 the pregnant minor, the pregnant minor may petition  
20 the court to authorize waiver of the notification  
21 requirement pursuant to this section in accordance  
22 with the following procedures:

23 a. The court shall ensure that the minor is  
24 provided with assistance in preparing and filing the  
25 petition for waiver of notification and shall ensure  
26 that the minor's identity remains confidential.

27 b. The minor may participate in the court  
28 proceedings on the minor's own behalf and the court  
29 may appoint a guardian ad litem for the minor. The  
30 court shall advise the minor of the minor's right to  
31 court-appointed legal counsel, and shall, upon the  
32 minor's request, provide the minor with court-  
33 appointed legal counsel, at no cost to the minor.

34 c. The court proceedings shall be conducted in a  
35 manner which protects the anonymity of the minor and  
36 all court documents pertaining to the proceedings



37 shall remain confidential. Only the minor, the  
38 minor's guardian ad litem, the minor's legal counsel,  
39 and persons whose presence is specifically requested  
40 by the minor, by the minor's guardian ad litem, or by  
41 the minor's legal counsel may attend the hearing on  
42 the petition.

43 d. The court proceedings under this section shall  
44 be given precedence over other pending matters to  
45 ensure that the court reaches a decision  
46 expeditiously.

47 e. Upon petition and following an appropriate  
48 hearing, the court shall waive the notification  
49 requirements if the court determines either of the  
50 following:

Page 3

1 (1) That the minor is mature and capable of  
2 providing informed consent for the performance of an  
3 abortion.

4 (2) That the minor is not mature, or does not  
5 claim to be mature, but that notification is not in  
6 the best interest of the minor.

7 f. The court shall issue specific factual findings  
8 and legal conclusions, in writing, to support the  
9 decision.

10 g. Upon conclusion of the hearing, the court shall  
11 immediately issue a written order which shall be  
12 provided immediately to the minor, the minor's  
13 guardian ad litem, the minor's legal counsel, or any  
14 other person designated by the minor to receive the  
15 order.

16 h. An expedited, anonymous, confidential appeal  
17 shall be available to a minor for whom the court  
18 denies a petition for waiver of notification. An  
19 order granting the minor's application for waiver of  
20 notification is not subject to appeal. Access to the  
21 appellate courts for the purpose of an appeal under  
22 this section shall be provided to a minor twenty-four  
23 hours a day, seven days a week.

24 i. The supreme court shall prescribe rules to  
25 ensure that the proceedings under this section are  
26 performed in an expeditious, anonymous, and  
27 confidential manner.

28 j. A minor who chooses to utilize the waiver of  
29 notification procedures under this subsection shall  
30 not be required to pay a fee at any level of the  
31 proceedings.

32 k. A person performing an abortion on a minor  
33 under this chapter may inform the parent of the minor

34 of any necessary treatment resulting from  
 35 complications of the abortion procedure if, in the  
 36 judgment of the person, failure to inform the parent  
 37 would seriously jeopardize the health of the minor.  
 38 6. A person who performs an abortion in violation  
 39 of this section is guilty of a serious misdemeanor.  
 40 7. A person who harasses or interferes with a  
 41 minor seeking an abortion is guilty of a serious  
 42 misdemeanor.  
 43 8. Venue for proceedings under this section is in  
 44 any court in the state.  
 45 Sec. 2. **NEW SECTION. 232.5 ABORTION PERFORMED ON**  
 46 **A MINOR -- PROCEEDINGS.**  
 47 The court shall have exclusive jurisdiction over  
 48 the authorization of an abortion on a minor pursuant  
 49 to section 146A.1.  
 50 Sec. 3. Section 709.4, subsection 2, paragraph c,

**Page 4**

1 Code 1993, is amended to read as follows:  
 2 c. The other participant is fourteen ~~or fifteen~~  
 3 through seventeen years of age and any of the  
 4 following ~~are~~ is true:  
 5 (1) The person is a member of the same household  
 6 as the other participant.  
 7 (2) The person is related to the other participant  
 8 by blood or affinity to the fourth degree.  
 9 (3) The person is in a position of authority over  
 10 the other participant and uses that authority to  
 11 coerce the other participant to submit.  
 12 ~~(4) The person is six or more years older than the~~  
 13 ~~other participant."~~  
 14 2. Title page, line 1, by inserting after the  
 15 word "to" the following: "certain criminal activity  
 16 including crimes related to the performance or seeking  
 17 of an abortion, sexual abuse, and relating to".

TONY BISIGNANO  
 WILLIAM W. DIELEMAN

S-5322

1 Amend House File 2099, as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 1, line 11, by inserting after the word  
 4 "resources" the following: "which design shall  
 5 include on the plate the name of the county where the  
 6 vehicle is registered".

ANDY McKEAN  
BRAD BANKS  
H. KAY HEDGE  
RICHARD F. DRAKE  
EMIL J. HUSAK  
BILL FINK

S-5323

1 Amend House File 2372 as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 9, by inserting after line 34 the  
4 following:

5 "DIVISION VII

6 Sec. \_\_\_\_ . NEW SECTION. 135C.49 REIMBURSEMENT  
7 RATES -- INTERMEDIATE CARE FACILITIES FOR THE MENTALLY  
8 RETARDED.

9 Intermediate care facilities for the mentally  
10 retarded which are reimbursed by the department of  
11 human services shall be reimbursed at a maximum  
12 medical assistance reimbursement rate which is the  
13 eightieth percentile of the total per diem  
14 reimbursement of all participating facilities with  
15 established base rates as adjusted on July 1,  
16 annually, based upon cost reports submitted and on  
17 file with the department of human services on December  
18 31 of the previous year. However, for the year  
19 beginning July 1, 1994, for facilities with costs  
20 above the eightieth percentile, the reimbursement rate  
21 shall be adjusted upward to cover fifty percent of the  
22 difference between the eightieth percentile maximum  
23 rate and the actual costs incurred by the facility.  
24 Beginning July 1, 1995, the maximum reimbursement rate  
25 for all participating facilities is the eightieth  
26 percentile as computed under this section.

27 Sec. \_\_\_\_ . STUDY - PERSONS WITH MENTAL RETARDATION  
28 AND DEVELOPMENTAL DISABILITIES. The department of  
29 human services shall conduct a study of the needs of  
30 persons with mental retardation and developmental  
31 disabilities who require an intermediate level of  
32 care. The study shall include but is not limited to  
33 an analysis of the effect of a maximum medical  
34 assistance reimbursement rate which is the eightieth  
35 percentile as calculated pursuant to section 135C.49  
36 and recommendations concerning the intermediate care  
37 facility program for these populations and services  
38 provided through the home and community-based services  
39 waiver. Participants in the study shall include but  
40 are not limited to representatives from the department  
41 of human services, the department of inspections and

42 appeals, the association for retarded citizens of  
 43 Iowa, the governor's planning council for  
 44 developmental disabilities, and the Iowa association  
 45 of rehabilitation and residential facilities."

46 2. Title page, line 4, by inserting after the  
 47 word "fundings," the following: ", reimbursement  
 48 rates for intermediate care facilities for the  
 49 mentally retarded,".

50 3. By renumbering as necessary:

JOHN P. KIBBIE  
 WILMER RENSINK

S-5324

1 Amend House File 2407, as amended, passed and  
 2 reprinted by the House, as follows:

3 1. By striking page 8, line 30 through page 10,  
 4 line 8.

SHELDON RITTMER  
 RANDAL J. GIANNETTO

S-5325

1 Amend House File 2407, as amended, passed, and  
 2 reprinted by the House as follows:

3 1. Page 9, by striking lines 2 through 35 and  
 4 inserting the following:

5 "**NEW PARAGRAPH.** c. Order the contemnor to  
 6 surrender to the court any license held by the  
 7 contemnor and enjoin the contemnor from engaging in  
 8 the exercise of any activity governed by a surrendered  
 9 license.

10 (1) If the court determines that an extreme  
 11 hardship will result from surrender of a licensee's  
 12 license, the court may allow the contemnor to engage  
 13 in the exercise of activity governed by a surrendered  
 14 license, subject to terms established by the court.

15 (2) The court order under this paragraph shall be  
 16 vacated upon verification that the contemnor has  
 17 satisfied all obligations for payment of child support  
 18 or medical support including payment in full of the  
 19 arrearages.

20 (3) The court order under this paragraph shall not  
 21 be vacated or modified without verification that the  
 22 contemnor has satisfied all obligations owing or, in  
 23 the event that the contemnor is unable to satisfy all  
 24 obligations owing, that the contemnor has entered into  
 25 an agreement to satisfy all obligations owing over a

26 period of time which is satisfactory to the court and  
27 that the person entitled to the child support payments  
28 or medical support, or the child support recovery unit  
29 has been provided an opportunity to object. If the  
30 court order is modified to allow exercise of activity  
31 governed by a license pending payment over time, and  
32 if the contemnor does not comply with the modified  
33 order, the modified order shall be deemed vacated and  
34 the original order shall be reinstated, pending a  
35 hearing within ten days, at which time the contemnor  
36 shall be provided an opportunity to demonstrate why  
37 the original order should not be reinstated."

38 2. Page 10, by striking lines 6 through 8 and  
39 inserting the following: "vehicle."

ELAINE SZYMONIAK

S-5326

1 Amend House File 2149, 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 80.9, subsection 2, paragraph  
6 d, Code 1993, is amended to read as follows:

7 d. To collect and classify, and keep at all times  
8 available, complete information useful for the  
9 detection of crime, and the identification and  
10 apprehension of criminals. Such information shall be  
11 available for all peace officers within the state,  
12 under such regulations as the commissioner may  
13 prescribe. The provisions of chapter 141 do not  
14 apply to the entry of human immunodeficiency virus-  
15 related information by criminal justice agencies into  
16 the Iowa criminal justice information system or the  
17 national crime information center system. The  
18 provisions of chapter 141 also do not apply to the  
19 transmission of the same information from either or  
20 both information systems to criminal justice agencies.  
21 The provisions of chapter 141 also do not apply to the  
22 transmission of the same information from either or  
23 both information systems to employees of state  
24 correctional institutions subject to the jurisdiction  
25 of the department of corrections, employees of secure  
26 facilities for juveniles subject to the jurisdiction  
27 of the department of human services, and employees of  
28 city and county jails, if those employees have direct  
29 physical supervision over inmates of those facilities  
30 or institutions. An employee receiving human  
31 immunodeficiency virus-related information who uses or

32 communicates the information outside of the employee's  
33 agency is guilty of a class "D" felony. Rules  
34 prescribed by the commissioner regarding availability  
35 of information shall include, but are not limited to,  
36 a requirement that persons receiving information from  
37 the Iowa criminal justice information system or the  
38 national crime information center system receive  
39 training regarding confidentiality standards  
40 applicable to information received from the system.  
41 The commissioner shall develop and establish, in  
42 cooperation with the department of corrections,  
43 training programs and program criteria for persons  
44 receiving confidential information through the Iowa  
45 criminal justice information system or the national  
46 crime information center system.  
47 Sec. 2. Section 141.6, Code 1993, is amended by  
48 adding the following new subsection:  
49 NEW SUBSECTION. 7. In addition to the provisions  
50 for partner notification provided under this section

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1 and notwithstanding any provision to the contrary, a  
2 medical examiner conducting official duties pursuant  
3 to sections 331.801 through 331.805, who determines  
4 through an investigation that a deceased person was  
5 infected with the human immunodeficiency virus may  
6 notify the immediate family of the deceased of the  
7 finding in order to determine the identity of any  
8 partners of the deceased and may notify any identified  
9 partners of the deceased.

10 Sec. 3. Section 141.23, subsection 1, Code  
11 Supplement 1993, is amended by adding the following  
12 new paragraph:

13 NEW PARAGRAPH. j. Employees of state correctional  
14 institutions subject to the jurisdiction of the  
15 department of corrections, employees of secure  
16 facilities for juveniles subject to the department of  
17 human services, and employees of city and county  
18 jails, if the employees have direct supervision over  
19 inmates of those facilities or institutions."

20 2. By renumbering as necessary.

JOE WELSH

S-5327

1 Amend the amendment, S-5310, to House File 2352, as  
2 amended, passed, and reprinted by the House as  
3 follows:

- 4 1. Page 2, by inserting after line 48 the  
5 following:  
6 "\_\_\_ . Title page, line 8, by inserting after the  
7 word "corrections," the following: "and providing for  
8 the imposition of a life sentence for habitual violent  
9 offenders,""  
10 2. By numbering and renumbering as necessary.

ANDY McKEAN

S-5328

- 1 Amend the amendment, S-5309, to House File 2352, as  
2 amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 1, by inserting after line 36 the  
5 following:  
6 "\_\_\_ . Title page, line 8, by inserting after the  
7 word "corrections," the following: "providing for  
8 forfeiture of automobiles used to commit the offense  
9 of operating while intoxicated and being a third  
10 offender,""  
11 2. By numbering and renumbering as necessary.

ANDY McKEAN

S-5329

- 1 Amend House File 2372, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 7, by striking line 8 and inserting the  
4 following: "estate by a surviving spouse, or by a  
5 surviving child who was".

MERLIN E. BARTZ

S-5330

- 1 Amend House File 2179, as amended, passed, and re-  
2 printed by the House, as follows:  
3 1. Page 8, line 16, by inserting after the word  
4 "chapter," the following: "the commission shall  
5 authorize the operation of gambling games as provided  
6 in this chapter and shall issue licenses for the  
7 operation of gambling games at licensed pari-mutuel  
8 racetracks unless within thirty days after the  
9 effective date of this Act, a valid petition meeting  
10 the requirements of section 331.306 is received by the  
11 board of supervisors requesting an election on the  
12 changes in the operations of gambling games. Upon

- 13 receipt of a valid petition within the thirty days.  
 14 2. By striking page 8, line 33, through page 9,  
 15 line 5.

BERL E. PRIEBE

S-5331

- 1 Amend House File 2179, as amended, passed, and re-  
 2 printed by the House, as follows:  
 3 1. Page 10, line 27, by striking the word "Five"  
 4 and inserting the following: "One".  
 5 2. Page 10, by inserting after line 29 the  
 6 following:  
 7 "Sec. \_\_\_\_ . Section 99F.11, Code 1993, is amended  
 8 by adding the following new subsections after  
 9 subsection 3 and renumbering:  
 10 NEW SUBSECTION. 4. Two percent of the adjusted  
 11 gross receipts shall be deposited in the Iowa state  
 12 fair foundation fund established pursuant to section  
 13 173.22.  
 14 NEW SUBSECTION. 5. Two percent of the adjusted  
 15 gross receipts shall be deposited into a county fair  
 16 foundation fund established in the office of the state  
 17 treasurer to be used for additional state aid to those  
 18 county fairs receiving state aid pursuant to chapter  
 19 174. The state fair board shall establish the method  
 20 and amounts for which county fairs may apply and  
 21 receive these funds."

BERL E. PRIEBE

S-5332

- 1 Amend the House amendment, S-5144, to Senate File  
 2 2089, as passed by the Senate, as follows:  
 3 1. By striking page 1, line 5, through page 13,  
 4 line 47, and inserting the following:  
 5 ""Section 1. Section 2.32, Code 1993, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 9. If an appointment subject to  
 8 senate confirmation is required by statute to be made  
 9 by an appointing authority other than the governor,  
 10 the duties assigned under this section to the governor  
 11 shall be performed by the appointing authority.  
 12 Sec. 2. Section 18.3, subsection 5, Code 1993, is  
 13 amended by striking the subsection.  
 14 Sec. 3. Section 18.133, subsections 1, 2, 3, and  
 15 4, Code Supplement 1993, are amended to read as  
 16 follows:



17 1. "Commission" means the Iowa telecommunications  
 18 and technology commission established in section  
 19 18.133A.

20 1A. "Director" means the executive director of  
 21 the department of general services or the director's  
 22 designee appointed pursuant to section 18.133B.

23 2. "Private agency" means an accredited nonpublic  
 24 schools and school, or a nonprofit institutions  
 25 institution of higher education eligible for tuition  
 26 grants.

27 3. "Public agency" means a state agency, an  
 28 institution under the control of the board of regents,  
 29 the judicial department, a school corporation, a city  
 30 library, a regional library as provided in chapter  
 31 256, and or a county library as provided in chapter  
 32 336.

33 4. "State communications" refers to the  
 34 transmission of voice, data, video, the written word  
 35 or other visual signals by electronic means to serve  
 36 the needs of state agencies but does not include  
 37 communications activities of the state board of  
 38 regents, radio and television facilities and other  
 39 educational telecommunications systems and services  
 40 including narrowcast and broadcast systems under the  
 41 division of public broadcasting division of the  
 42 department of education, department of transportation  
 43 distributed data processing and mobile radio network,  
 44 or law enforcement communications systems.

45 Sec. 4. Section 18.133, Code Supplement 1993, is  
 46 amended by adding the following new subsection:  
 47 NEW SUBSECTION. 1B. "Network" means the Iowa or  
 48 state communications network.

49 Sec. 5. NEW SECTION. 18.133A IOWA  
 50 TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION -

Page 2

1 MEMBERS -- DUTIES.

2 1. COMMISSION ESTABLISHED. A telecommunications  
 3 and technology commission is established with the sole  
 4 authority to supervise the management, development,  
 5 and operation of the network and ensure that all  
 6 components of the network are technically compatible.  
 7 The commission shall ensure that the network operates  
 8 in an efficient and responsible manner consistent with  
 9 the provisions of this chapter for the purpose of  
 10 providing the best economic service attainable to the  
 11 network users consistent with the state's financial  
 12 capacity. The commission shall ensure that  
 13 educational users and educational applications be

14 given the highest priority concerning use of the  
15 network. The commission shall provide for the  
16 centralized, coordinated use and control of the  
17 network.

18 2. MEMBERS. The commission is composed of five  
19 members appointed by the governor and subject to  
20 confirmation by the senate. Members of the commission  
21 shall not serve in any manner or be employed by an  
22 authorized user of the network. The governor shall  
23 appoint a member as the chairperson of the commission  
24 from the five members appointed by the governor,  
25 subject to confirmation by the senate. Members of the  
26 commission shall serve six-year staggered terms as  
27 designated by the governor and appointments to the  
28 commission are subject to the requirements of sections  
29 69.16, 69.16A, and 69.19. Vacancies shall be filled  
30 by the governor for the duration of the unexpired  
31 term. The salary of the members of the commission  
32 shall be twenty thousand dollars per year, except that  
33 the salary of the chairperson shall be twenty-five  
34 thousand dollars per year. Members of the commission  
35 shall also be reimbursed for all actual and necessary  
36 expenses incurred in the performance of duties as  
37 members. Meetings of the commission shall be held at  
38 the call of the chairperson of the commission. In  
39 addition to the members appointed by the governor, the  
40 auditor of state or the auditor's designee shall serve  
41 as a nonvoting, ex officio member of the commission.  
42 The benefits and salary paid to the members of the  
43 commission shall be adjusted annually equal to the  
44 average of the annual pay adjustments, expense  
45 reimbursements, and related benefits provided under  
46 collective bargaining agreements negotiated pursuant  
47 to chapter 20.  
48 3. DUTIES. The commission shall do all of the  
49 following:  
50 a. Enter into agreements pursuant to chapter 28E

### Page 3

1 as necessary and appropriate for the purposes of the  
2 commission.  
3 b. Adopt rules pursuant to chapter 17A as deemed  
4 appropriate and necessary, and directly related to the  
5 implementation and administration of the duties of the  
6 commission. The commission, in consultation with the  
7 department of general services, shall also adopt and  
8 provide for standard communications procedures and  
9 policies relating to the use of the network by state  
10 agencies which recognize, at a minimum, the need for

11 reliable communications services.

12 c. Establish an appeal process for review by the  
13 commission of a scheduling conflict decision,  
14 including a scheduling conflict involving an  
15 educational user, or the establishment of a fee  
16 associated with the network upon the request of a  
17 person affected by such decision or fee. A  
18 determination made by the commission pursuant to this  
19 subsection shall be final.

20 d. Review and approve for adoption, rules as  
21 proposed and submitted by an authorized user necessary  
22 for the authorized user's access and use of the  
23 network. The commission may refuse to approve and  
24 adopt a proposed rule, and upon such refusal, shall  
25 return the proposed rule to the respective authorized  
26 user proposing the rule with a statement indicating  
27 the commission's reason for refusing to approve and  
28 adopt the rule.

29 e. (1) Develop and issue for response all  
30 requests for proposals for any construction,  
31 installation, repair, maintenance, or equipment and  
32 parts necessary for the network. In preparing the  
33 request for proposals the commission shall do all of  
34 the following:

35 (a) Review existing requests for proposals related  
36 to the network.

37 (b) Consider and evaluate all competing  
38 technologies which could be used in any construction,  
39 installation, repair, or maintenance project.

40 (c) Allow flexibility for proposals to be  
41 submitted in response to a request for proposals  
42 issued by the commission by permitting proposals to be  
43 submitted for designated geographic areas, including  
44 areas defined by site-to-site or by one or more merged  
45 areas, and by permitting proposals to be submitted for  
46 use of competing or alternative technologies in each  
47 defined area.

48 (d) Ensure that rural communities have access to  
49 comparable services to the services provided in urban  
50 areas resulting from any plans to construct, install,

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1 repair, or maintain any part of the network.

2 (2) In determining which proposal to accept,  
3 consider what is in the long-term best interests of  
4 the citizens of the state and the network, and  
5 utilize, if possible, the provision of services with  
6 existing service providers consistent with those best  
7 interests. In determining what is in the long-term

8 best interests of the citizens of the state and the  
9 network, the commission, at a minimum, shall consider  
10 the cost to taxpayers of the state.

11 f. Annually prepare a written five-year financial  
12 plan for the network which shall be provided to the  
13 general assembly and the governor no later than  
14 January 15 of each year. The plan shall include  
15 estimates for income and expenses for the network for  
16 the five-year period and the actual income and  
17 expenses for the preceding fiscal year. The plan  
18 shall include the amount of general fund  
19 appropriations to be requested for the payment of  
20 operating expenses and debt service. The plan shall  
21 also include any recommendations of the commission  
22 related to changes in the system and other items as  
23 deemed appropriate by the commission.

24 g. Review existing maintenance contracts and past  
25 contracts to determine vendor capability to perform  
26 the obligations under such contracts. The commission  
27 shall report to the general assembly prior to January  
28 1 of each year as to the performance of all vendors  
29 under each contract and shall make recommendations  
30 concerning continued funding for the contracts.

31 h. Pursue available opportunities to cooperate and  
32 coordinate with the federal government for the use and  
33 potential expansion of the network and for the  
34 financing of any such expansion.

35 i. Evaluate existing and projected rates for use  
36 of the system and ensure that rates are sufficient to  
37 pay for the operation of the system except to the  
38 extent such use is subsidized by general fund  
39 appropriations as authorized by the general assembly.

40 j. Make recommendations to the general assembly,  
41 as deemed appropriate by the commission, concerning  
42 the operation of the network.

43 Sec. 6. NEW SECTION. 18.133B EXECUTIVE DIRECTOR  
44 APPOINTED.

45 The commission shall appoint an executive director  
46 of the commission, subject to confirmation by the  
47 senate. Such individual shall not serve as a member  
48 of the commission. The executive director shall serve  
49 at the pleasure of the commission. The executive  
50 director shall be selected primarily for

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1 administrative ability and knowledge in the field,  
2 without regard to political affiliation. The governor  
3 shall establish the salary of the executive director  
4 within range nine as established by the general

5 assembly. The salary and support of the executive  
6 director shall be paid from funds deposited in the  
7 Iowa communications network fund.

8 Sec. 7. **NEW SECTION. 18.133C EDUCATION**  
9 **TELECOMMUNICATIONS COUNCIL ESTABLISHED -- REGIONAL**  
10 **COUNCILS ESTABLISHED -- ADVISORY COMMITTEES.**

11 1. An education telecommunications council is  
12 established. The council consists of seventeen  
13 members and shall include the following: two persons  
14 appointed by the state board of regents; two persons  
15 appointed by the Iowa association of community college  
16 trustees; two persons appointed by the area education  
17 agency boards; two persons appointed by the Iowa  
18 association of school boards; two persons appointed by  
19 the school administrators of Iowa; two persons  
20 appointed by the Iowa association of independent  
21 colleges and universities; two persons appointed by  
22 the Iowa state education association; two persons  
23 appointed by the director of the department of  
24 education including one person representing libraries;  
25 and one person appointed by the administrator of the  
26 public broadcasting division of the department of  
27 education. The council shall establish scheduling and  
28 site usage policies for educational users of the  
29 network, coordinate the activities of the regional  
30 telecommunications council, and develop proposed rules  
31 and changes to rules for recommendation to the  
32 commission. The council shall also recommend long-  
33 range plans for enhancements needed for educational  
34 applications. Administrative support and staffing for  
35 the council shall be provided by the public  
36 broadcasting division of the department of education.

37 2. A regional telecommunications council is  
38 established in each of the merged areas established  
39 pursuant to chapter 260C consisting of nine members,  
40 including one member each to be appointed by each of  
41 the appointing authorities under subsection 1.  
42 Additional ex officio, nonvoting members may also be  
43 appointed to the regional telecommunications councils.  
44 The regional telecommunications councils shall advise  
45 the educational telecommunications council on the  
46 assessment of local educational needs, and the  
47 coordination of program activities including  
48 scheduling.

49 3. The commission shall establish an advisory  
50 group to examine the use of the network for

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1 telemedicine applications. The advisory group shall  
2 consist of representatives of hospitals and other  
3 health care facilities as determined by the  
4 commission.

5 4. The commission may establish other advisory  
6 committees as necessary representing authorized users  
7 of the network.

8 Sec. 8. NEW SECTION. 18.133D TELECOMMUNICATIONS  
9 ADVISORY COMMITTEE.

10 A telecommunications advisory committee is  
11 established to advise the commission on  
12 telecommunications matters. The commission shall  
13 appoint five members to the advisory committee who  
14 shall represent specific telecommunications industries  
15 or persons with technical expertise related to the  
16 network.

17 Sec. 9. NEW SECTION. 18.133E SCHEDULING FOR  
18 AUTHORIZED USERS.

19 Except as provided in section 18.133C, an  
20 authorized user is responsible for all scheduling of  
21 the use of the authorized user's facility. A person  
22 who disputes a scheduling decision of such user may  
23 petition the commission for a review of such decision  
24 pursuant to section 18.133A.

25 Sec. 10. NEW SECTION. 18.133F CERTIFICATION OF  
26 USE -- NETWORK USE BY CERTAIN AUTHORIZED USERS.

27 1. A private or public agency, other than a state  
28 agency, local school district or nonpublic school,  
29 city library, regional library, or county library,  
30 authorized to be offered access pursuant to this  
31 chapter as of the effective date of this Act, shall  
32 certify to the commission no later than July 1, 1994,  
33 that the agency is a part of or intends to become a  
34 part of the network. Upon receiving such  
35 certification from an agency not a part of the network  
36 on the effective date of this Act, the commission  
37 shall provide for the connection of such agency as  
38 soon as practical. An agency which does not certify  
39 to the commission that the agency is a part of or  
40 intends to become a part of the network as required by  
41 this subsection shall be prohibited from using the  
42 network.

43 2. a. A private or public agency which certifies  
44 to the commission that the agency is a part of or  
45 intends to become a part of the network shall use the  
46 network for all video, data, and voice requirements of  
47 the agency unless the private or public agency  
48 petitions the commission for a waiver and one of the

49 following applies:

50 (1) The cost to the authorized user for services

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1 provided on the network are not competitive with the  
2 same services provided by another provider.

3 (2) The authorized user is under contract with  
4 another provider for such services, provided the  
5 contract was entered into prior to April 1, 1994. The  
6 agency shall use the network for video, data, and  
7 voice requirements which are not provided pursuant to  
8 such contract.

9 (3) The authorized user has entered into an  
10 agreement with the commission to become part of the  
11 network prior to June 1, 1994, which does not provide  
12 for use of the network for all video, data, and voice  
13 requirements of the agency. The commission may enter  
14 into an agreement described in this subparagraph upon  
15 a determination that the use of the network for all  
16 video, data, and voice requirements of the agency  
17 would not be in the best interests of the agency.

18 b. A private or public agency shall petition the  
19 commission for a waiver of the requirement to use the  
20 network as provided in paragraph "a", if the agency  
21 determines that paragraph "a", subparagraph (1) or (2)  
22 applies. The commission shall establish by rule a  
23 review process for determining, upon application of an  
24 authorized user, whether paragraph "a", subparagraph  
25 (1) or (2), applies. An authorized user found by the  
26 commission to be under contract for such services as  
27 provided in paragraph "a", subparagraph (2), shall not  
28 enter into another contract upon the expiration of  
29 such contract, but shall utilize the network for such  
30 services as provided in this section unless paragraph  
31 "a", subparagraph (1), applies.

32 Sec. 11. NEW SECTION. 18.133G REPORT OF SAVINGS  
33 BY STATE AGENCIES.

34 A state agency which is a part of the network shall  
35 annually provide a written report to the general  
36 assembly certifying the identified savings associated  
37 with the state agency's use of the network. The  
38 report shall be delivered on or before January 15 for  
39 the previous fiscal year of the state agency.

40 Sec. 12. Section 18.134, subsection 1, Code  
41 Supplement 1993, is amended to read as follows:

42 1. The ~~department of general services commission~~  
43 may purchase, lease-purchase, lease, and improve  
44 property, equipment, and services for  
45 telecommunications for public and private agencies;

46 including the broadcast and narrowcast systems, and  
47 may dispose of property and equipment when not  
48 necessary for its purposes. However, the department  
49 of general services commission shall not provide or  
50 resell communications services to entities other than

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1 public and private agencies. The public or private  
2 agency shall not provide communication services of the  
3 network to another entity at a cost greater than that  
4 charged to the agency pursuant to section 18.136,  
5 subsections 11 and 12. The department commission may  
6 arrange for joint use of available services and  
7 facilities, and may enter into leases and agreements  
8 with private and public agencies with respect to a  
9 state the Iowa communications system network, and  
10 public agencies are authorized to enter into leases  
11 and agreements with respect to the system network for  
12 their use and operation. Rentals and other amounts  
13 due under the agreements or leases entered into  
14 pursuant to this section by a state agency are payable  
15 from funds annually appropriated by the general  
16 assembly or from other funds legally available. Other  
17 public agencies may pay the rental costs and other  
18 amounts due under an agreement or lease from their  
19 annual budgeted funds or other funds legally available  
20 or to become available. This section comprises a  
21 complete and independent authorization and procedure  
22 for a public agency, with the approval of the  
23 department commission, to enter into a lease or  
24 agreement and related security enhancement  
25 arrangements and this section is not a qualification  
26 of any other powers which a public agency may possess  
27 and the authorizations and powers granted under this  
28 section are not subject to the terms, requirements, or  
29 limitations of any other provisions of law. All  
30 moneys received by the department commission from  
31 agreements and leases entered into pursuant to this  
32 section with private and public agencies shall be  
33 deposited in the state Iowa communications network  
34 fund.

35 It is the intent of the general assembly that  
36 rental and other costs due under agreements and leases  
37 entered into pursuant to this section by state  
38 agencies be replaced by supplemental appropriations to  
39 the state agencies.

40 Sec. 13. Section 18.136, subsections 1, 2, 3, 4,  
41 6, 7, 8, 9, 10, 12, and 14, Code Supplement 1993, are  
42 amended to read as follows:



43 1. Moneys in the state Iowa communications network  
44 fund are appropriated to the Iowa public broadcasting  
45 board Iowa telecommunications and technology  
46 commission for purposes of providing financing for the  
47 procurement, operation, and maintenance of a state the  
48 Iowa communications network with sufficient capacity  
49 to serve the video, data, and voice requirements of  
50 state agencies and the educational telecommunications

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1 system consisting of Part I, Part II, and Part III,  
2 and other public and private agencies. The state  
3 communications network consists of Part I, Part II,  
4 and Part III of the system.

5 2. For purposes of this section, unless the  
6 context otherwise requires:

7 a. "Part I of the system" means the communications  
8 connections between central switching and institutions  
9 under the control of the board of regents, nonprofit  
10 institutions of higher education eligible for tuition  
11 grants, and the regional switching centers for the  
12 remainder of the network.

13 b. "Part II of the system" means the  
14 communications connections between the regional  
15 switching centers and the secondary switching centers.

16 c. "Part III of the system" means the  
17 communications connection between the secondary  
18 switching centers and the agencies defined in section  
19 18.133, subsections 3 2 and 4 3, excluding state  
20 agencies, institutions under the control of the board  
21 of regents, nonprofit institutions of higher education  
22 eligible for tuition grants, and the judicial  
23 department.

24 3. The financing for the procurement costs for the  
25 entirety of Part I of the system, and the video, data,  
26 and voice capacity for state agencies and for Part II  
27 and Part III of the system, shall be provided by the  
28 state. The financing for the procurement costs for  
29 Part II of the system shall be provided from the  
30 state. The financing for the procurement and  
31 maintenance costs for Part III of the system shall be  
32 provided eighty percent from the state and twenty  
33 percent from the local school boards of the areas  
34 which receive transmissions from the system network.  
35 A local school board may elect to provide one hundred  
36 percent of the financing for the procurement and  
37 maintenance costs for Part III to become part of the  
38 system. The local school boards may meet all or part  
39 of the match requirements of Part III of the system

40 through a cooperative arrangement with community  
41 colleges. The basis for the state match is eighty  
42 percent of a single interactive audio and one-way  
43 video for Part III of the system, and such data and  
44 voice capacity as is necessary. The local school  
45 boards and community colleges may meet the match  
46 requirements for Part III of the system from funds  
47 they have already spent for their systems, from funds  
48 available in the school budget, or from funds received  
49 from other nonstate sources. In the case of existing  
50 systems, in order to upgrade facilities to the

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1 specifications of the state Iowa communications  
2 network, the local school boards and community  
3 colleges, in lieu of a cash match, may meet the match  
4 requirements from funds they have already spent for  
5 their systems provided that the state match does not  
6 exceed the lesser of eighty percent of the total cost  
7 of the upgraded system or eighty percent of the  
8 replacement cost of the system. The communications  
9 equipment funds used as a match by a community college  
10 shall be calculated based on verified expenditures for  
11 capital, equipment, hardware, and software for long-  
12 distance learning technologies, including both audio  
13 and visual transmission. The communications equipment  
14 used as a match shall not subsequently be used as a  
15 match by another educational entity or for another  
16 part of the system. A local school board may request  
17 the school budget review committee to adjust the  
18 allowable growth for the school district so that the  
19 resulting increase in budget could be used for the  
20 match. A local school board may also elect not to  
21 become part of the system network. Such election  
22 shall be made on an annual basis. State matching  
23 funds shall not be provided for Part III of the system  
24 until Part I and Part II of the system have been  
25 completed. Construction of Part III of the system may  
26 proceed before Part I and Part II of the system have  
27 been completed.

28 4. The department of general services commission  
29 shall develop the requests for proposals that are  
30 needed for a state the Iowa communications network  
31 with sufficient capacity to serve the video, data, and  
32 voice requirements of state agencies and the for  
33 educational telecommunications applications required  
34 by the Iowa public broadcasting board. The department  
35 commission shall develop a request for proposals for  
36 each of the systems that will make up the network.

37 The department commission may develop a request for  
38 proposals for each definitive component of Part I,  
39 Part II, and Part III of the system or the department  
40 commission may provide in the request for proposals  
41 for each such system that separate contracts may be  
42 entered into for each definitive component covered by  
43 the request for proposals. The requests for proposals  
44 may be for the purchase, lease-purchase, or lease of  
45 the component parts of the system network, may require  
46 maintenance costs to be identified, and the resulting  
47 contract may provide for maintenance for parts of the  
48 system network. The master contract may provide for  
49 electronic classrooms, satellite equipment, receiving  
50 equipment, studio and production equipment, and other

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1 associated equipment as required.  
2 6. Prior to the awarding of a contract under this  
3 section, the department commission shall notify the  
4 legislative council and the department of management  
5 of the department's commission's intent to award a  
6 contract and of the cost to the state. The department  
7 of management and the legislative council shall  
8 determine if the anticipated financial resources of  
9 the state are adequate to fund the expenditure during  
10 the fiscal years covered by the contract, and if so,  
11 the department of management shall certify the  
12 determination to the department commission. Upon  
13 certification, the department commission may enter  
14 into the contract.  
15 7. The department of general services commission  
16 shall be responsible for the network system design and  
17 shall be responsible for the implementation of each  
18 component of the network as it is incorporated into  
19 the network system. The final design selected shall  
20 optimize the routing for all users in order to assure  
21 maximum utilization by all agencies of the state.  
22 Efficiencies achieved in the implementation of the  
23 network shall be used to fund further implementation  
24 and enhancement of the network, and shall be  
25 considered part of the operational cost of the  
26 network. The department commission shall be  
27 responsible for all management, operations, control  
28 switching, diagnostics, and maintenance functions of  
29 Part I and Part II of the system operations, except as  
30 designated in subsection 8. The performance of these  
31 duties is intended to provide optimal utilization of  
32 the facilities, and the assurance that future growth  
33 requirements will be provided for, and that sufficient

34 network capacity will be available to meet the needs  
35 of all users. The telecommunications information  
36 management council, created by executive order of the  
37 governor, shall provide general oversight for these  
38 functions.

39 8. The Iowa public broadcasting board retains sole  
40 authority over the educational telecommunications  
41 applications of Part I of the system, and its  
42 authority shall include management and operational  
43 control, programming, budget, personnel, scheduling,  
44 and program switching of educational material carried  
45 by Part I of the system. The Iowa public broadcasting  
46 board, through its narrowcast system advisory  
47 committee, retains coordination authority over the  
48 educational telecommunications applications of Part II  
49 and Part III of the system. Community colleges are  
50 responsible for scheduling and switching of

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1 educational materials carried by Part II and Part III  
2 of the system within their respective areas. Such  
3 responsibility may be accomplished by a chapter 28E  
4 agreement with the department of general services.

5 The narrowcast system advisory committee education  
6 telecommunications council shall review all requests  
7 for grants for educational telecommunications  
8 applications, if they are a part of the state  
9 communications network, to ensure that the educational  
10 telecommunications application is consistent with the  
11 telecommunications plan. If the narrowcast system  
12 advisory committee finds that a grant request is  
13 inconsistent with the telecommunications plan, the  
14 grant request shall not be allowed. All other grant  
15 requests shall be reviewed as determined by the  
16 commission.

17 9. The procurement and maintenance of electronic  
18 equipment including, but not limited to, master  
19 receiver antenna systems, studio and production  
20 equipment, and broadcast system components shall be  
21 provided for under department of general services' the  
22 commission's contracts. The Iowa public broadcasting  
23 board and other educational entities within the state  
24 have the option to use their existing or replacement  
25 resources and agreements in the operation and  
26 maintenance of these systems.

27 10. In addition to the other evaluation criteria  
28 specified in the request for proposals issued pursuant  
29 to this section, the department of general services  
30 commission, in evaluating proposals, shall base up to

31 two percent of the total possible points on the public  
32 benefit that can be derived from a given proposal due  
33 to the increased private telecommunications capacity  
34 available to Iowa citizens located in rural Iowa. For  
35 purposes of this subsection, an area of the state is  
36 considered rural if it is not part of a federally  
37 designated standard metropolitan statistical area.  
38 12. ~~The Iowa public broadcasting board, in~~  
39 ~~consultation with its narrowcast system advisory~~  
40 ~~committee, shall determine the fee to be charged per~~  
41 ~~course or credit hour by the originating institution,~~  
42 ~~and the fees shall be substantially the same for~~  
43 ~~comparable courses. The commission, on its own or as~~  
44 ~~recommended by an advisory committee of the commission~~  
45 ~~and approved by the commission, may permit a fee to be~~  
46 ~~charged by a receiving site to the originating site.~~  
47 ~~The fee charged shall be for the purpose of recovering~~  
48 ~~the operating costs of a receiving site. The fee~~  
49 ~~charged shall be reduced by an amount received by the~~  
50 ~~receiving site pursuant to a state appropriation for~~

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1 such costs, or federal assistance received for such  
2 costs. Fees established under this subsection shall  
3 be paid by the originating site directly to the  
4 receiving site. For purposes of this section,  
5 "operating costs" include the costs associated with  
6 the management or coordination, operations, utilities,  
7 classroom, equipment, maintenance, and other costs  
8 directly related to providing the receiving site.  
9 "Operating costs" do not include the cost of providing  
10 staff or personnel at the receiving site.

11 14. Notwithstanding chapter 476, the provisions of  
12 chapter 476 shall not apply to a public utility in  
13 furnishing a telecommunications service or facility to  
14 the department of general services commission for the  
15 state Iowa communications network.

16 Sec. 14. Section 18.137, Code 1993, is amended to  
17 read as follows:

18 18.137 STATE IOWA COMMUNICATIONS NETWORK FUND.

19 There is created in the office of the treasurer of  
20 state a temporary fund to be known as the state Iowa  
21 communications network fund under the control of the  
22 Iowa telecommunications and technology commission.

23 There is appropriated to the state communications  
24 network fund for the fiscal year beginning July 1,  
25 1989, and ending June 30, 1990, the sum of two million  
26 one hundred forty-two thousand six hundred twenty-one  
27 dollars from the general fund of the state. There is

28 appropriated from the general fund of the state to the  
29 state Iowa communications network fund for each fiscal  
30 year of the fiscal period beginning July 1, 1991, and  
31 ending June 30, 1996, the sum of five million dollars.  
32 ~~Notwithstanding section 8.33, unobligated and~~  
33 ~~unencumbered moneys from the appropriation for a~~  
34 ~~fiscal year remaining on June 30 of that fiscal year~~  
35 ~~shall not revert to the general fund of the state but~~  
36 ~~shall remain available for expenditure during the next~~  
37 ~~following fiscal year.~~ There shall also be deposited  
38 into the state Iowa communications network fund  
39 proceeds from bonds issued for purposes of projects  
40 authorized pursuant to section 18.136, matching funds  
41 received from the community colleges and the local  
42 school boards, funds received from leases pursuant to  
43 section 18.134, and other moneys by law credited to or  
44 designated by a person for deposit into the fund.  
45 ~~Notwithstanding the requirements of section 18.136,~~  
46 ~~subsection 1, for the fiscal year beginning July 1,~~  
47 ~~1990, and ending June 30, 1991, thirty-one thousand~~  
48 ~~dollars of moneys in the state communications network~~  
49 ~~fund may be expended for the state's share of the cost~~  
50 ~~for the design of a disaster recovery facility to be~~

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1 built in conjunction with the Iowa communications  
2 network facility and emergency operation center. The  
3 department of general services may increase its fees  
4 for data processing in order to collect an additional  
5 amount not exceeding two hundred thousand dollars  
6 during the fiscal year beginning July 1, 1991, to pay  
7 for the state's share of the cost of construction of  
8 the disaster recovery facility.

9 The Iowa public broadcasting board shall use the  
10 net increase in the federal match awarded to the Iowa  
11 public broadcasting board as a result of this  
12 appropriation in order to meet the needs of the  
13 educational telecommunications system. These funds  
14 shall be deposited in a separate account within the  
15 state communications network fund, and shall be  
16 administered by the Iowa public broadcasting board for  
17 purposes of the fund.

18 Sec. 15. Section 256.82, subsection 3, Code  
19 Supplement 1993, is amended by striking the subsection  
20 and inserting in lieu thereof the following:

21 3. The board shall appoint an advisory committee  
22 on journalistic and editorial integrity which has no  
23 more than a simple majority of members of the same  
24 gender. The division shall be governed by the

25 national principles of editorial integrity developed  
26 by the editorial integrity project.

27 Duties of the advisory committee, and of additional  
28 advisory committees the board may from time to time  
29 appoint, shall be specified in rules of internal  
30 management adopted by the board.

31 Members of advisory committees shall receive actual  
32 expenses incurred in performing their official duties.

33 Sec. 16. Notwithstanding any other provision to  
34 the contrary, the Iowa telecommunications and  
35 technology commission shall develop a written proposal  
36 to be submitted to the governor for the governor's  
37 approval relating to the structure and organization of  
38 the commission. The commission shall identify  
39 existing positions which exist in state departments or  
40 agencies directly related to the duties and mission of  
41 the commission and shall request in the proposal that  
42 those positions be transferred to, and be under the  
43 control of, the commission. The request shall be  
44 submitted to the governor no later than January 1,  
45 1995, with a copy to be submitted to the house of  
46 representatives and the senate at the same time.

47 Upon approval by the governor, the department of  
48 management shall provide for the transfer of funds  
49 appropriated for those positions to the commission  
50 from the department or agency in which the position

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1 was located prior to the transfer. If persons are  
2 transferred from employment with a department or  
3 agency to employment with the commission, the persons  
4 shall not be required to forfeit any accrued seniority  
5 or other benefits.

6 Sec. 17. TEMPORARY AUTHORITY OF CHIEF EXECUTIVE  
7 OFFICER. All duties and responsibilities of the Iowa  
8 telecommunications and technology commission shall be  
9 performed by the ICN chief executive officer appointed  
10 by the governor pursuant to executive order number 46  
11 signed on January 5, 1993, until such time as the  
12 initial appointments to the commission have been made  
13 and the commission has organized itself.

14 Sec. 18. INITIAL IOWA TELECOMMUNICATIONS AND  
15 TECHNOLOGY COMMISSION APPOINTMENTS. The initial  
16 members of the Iowa telecommunications and technology  
17 commission shall be appointed on or before July 1,  
18 1994, to the following terms:

19 1. One member shall be appointed for a term of six  
20 years.

21 2. Two members shall be appointed for a term of

22 four years.

23 3. Two members shall be appointed for a term of  
24 two years.

25 Sec. 19. CODE EDITOR TRANSFERS. The Code editor  
26 shall transfer sections 18.132 through 18.137 to be a  
27 new chapter 8D. The Code editor shall correct all  
28 internal citations and references consistent with the  
29 transfer of Code sections as provided in this section.

30 Sec. 20. CONTINUATION OF APPLICABILITY OF EXISTING  
31 RULES. Rules applicable to the Iowa communications  
32 network in effect on the effective date of this Act  
33 shall remain effective until the Iowa  
34 telecommunications and technology commission modifies  
35 or repeals such rules.

36 Sec. 21. REPEAL. Section 18.135, Code 1993, is  
37 repealed.

38 Sec. 22. EFFECTIVE DATE. This Act, being deemed  
39 of immediate importance, is effective upon  
40 enactment.””

JOE WELSH

S-5333

1 Amend House File 2179, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 10, line 15, by striking the word  
4 “twenty” and inserting the following: “twenty forty”.

5 2. Page 10, by striking lines 16 through 21 and  
6 inserting the following: “receipts over three million  
7 dollars. The taxes imposed by this section shall”.

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

10 “Sec. \_\_\_\_ . Section 99F.11, subsection 4, Code  
11 1993, is amended to read as follows:

12 4. The remaining amount of the adjusted gross  
13 receipts tax shall be credited to the general fund of  
14 the state. There is appropriated from the general  
15 fund of the state the amount deposited into such fund  
16 under this subsection to be used for services and  
17 other assistance provided to persons with mental  
18 illness or developmental disabilities which would  
19 otherwise be paid by counties in accordance with the  
20 laws of this state. Moneys appropriated in this  
21 subsection shall be provided in a manner which does  
22 not permit supplanting of county funds which can then  
23 be used for a different purpose.”

BERL E. PRIEBE



S-5334

1 Amend the amendment, S-5332, to the House  
 2 amendment, S-5144, to Senate File 2089, as passed by  
 3 the Senate, as follows:  
 4 1. Page 5, line 24, by inserting after the word  
 5 "libraries" the following: "and one person  
 6 representing the Iowa association of nonpublic school  
 7 administrators".

WILLIAM W. DIELEMAN  
 LARRY MURPHY

S-5335

1 Amend House File 2149, 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. 232.5 ABORTION  
 6 PERFORMED ON A MINOR - PROCEEDINGS.

7 The court shall have exclusive jurisdiction over  
 8 the authorization of an abortion on a minor pursuant  
 9 to section 709.17.

10 Sec. 2. Section 709.4, subsection 2, paragraph c,  
 11 Code 1993, is amended to read as follows:

12 c. The other participant is fourteen ~~or fifteen~~  
 13 through seventeen years of age and any of the  
 14 following ~~are~~ is true:

15 (1) The person is a member of the same household  
 16 as the other participant.

17 (2) The person is related to the other participant  
 18 by blood or affinity to the fourth degree.

19 (3) The person is in a position of authority over  
 20 the other participant and uses that authority to  
 21 coerce the other participant to submit.

22 (4) ~~The person is six or more years older than the~~  
 23 ~~other participant.~~

24 Sec. 3. NEW SECTION. 709.17 NOTIFICATION OF  
 25 PARENT PRIOR TO PERFORMANCE OF ABORTION ON A MINOR -  
 26 REQUIREMENTS -- EXCEPTIONS -- CRIMINAL PENALTY.

27 1. A person shall not perform an abortion on a  
 28 pregnant minor until at least forty-eight hours' prior  
 29 notification is provided to a parent of the minor.

30 2. The person who will perform the abortion shall  
 31 provide notification in person or by mailing the  
 32 notification by restricted certified mail to the  
 33 parent of the minor at the usual place of abode of the  
 34 parent. For the purposes of delivery by restricted  
 35 certified mail, the time of delivery is deemed to

36 occur at twelve o'clock noon on the next day on which  
37 regular mail delivery takes place, subsequent to the  
38 mailing.

39 3. For the purposes of this section, unless the  
40 context otherwise requires:

41 a. "Abortion" means an abortion as defined in  
42 chapter 146.

43 b. "Court" means the juvenile court.

44 c. "Medical emergency" means a condition that,  
45 based on a physician's clinical judgment, so  
46 complicates the medical condition of a pregnant minor  
47 as to necessitate the immediate abortion of the  
48 minor's pregnancy to avert the minor's death, or for  
49 which a delay will create risk of substantial and  
50 irreversible impairment of a major bodily function.

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1 d. "Minor" means minor as defined in chapter 599.

2 e. "Parent" means one parent of the pregnant minor  
3 or the pregnant minor's guardian or custodian.

4 4. Notification shall not be required under this  
5 section if any of the following conditions apply:

6 a. The attending physician certifies that a  
7 medical emergency existed. The attending physician  
8 shall certify in writing the basis for the medical  
9 judgment that a medical emergency existed and shall  
10 make written certification available to a parent of  
11 the minor prior to the abortion, if possible. If it  
12 is not possible to provide a parent of the minor with  
13 written certification prior to the abortion, the  
14 physician shall provide the written certification to a  
15 parent of the minor within twelve hours following the  
16 performance of the abortion unless paragraph "b", "c",  
17 or "d" is applicable.

18 -b. The abortion is authorized in writing by a  
19 parent entitled to notification.

20 c. The pregnant minor declares that the pregnant  
21 minor is a victim of child abuse pursuant to section  
22 232.68, the person responsible for the care of the  
23 child is a parent of the child, and the abuse has been  
24 reported pursuant to the procedures prescribed in  
25 chapter 232, division III, part 2, or a parent of the  
26 child is named in a report of founded child abuse.  
27 The department of human services shall maintain  
28 confidentiality under chapter 232 regarding the  
29 minor's pregnancy and abortion, if an abortion is  
30 obtained.

31 d. The pregnant minor elects not to allow  
32 notification of the pregnant minor's parent and a

33 court authorizes waiver of the notification  
34 requirement following completion of the proceedings  
35 prescribed under subsection 5.

36 5. If a pregnant minor objects to the notification  
37 of a parent prior to the performance of an abortion on  
38 the pregnant minor, the pregnant minor may petition  
39 the court to authorize waiver of the notification  
40 requirement pursuant to this section in accordance  
41 with the following procedures:

42 a. The court shall ensure that the minor is  
43 provided with assistance in preparing and filing the  
44 petition for waiver of notification and shall ensure  
45 that the minor's identity remains confidential.

46 b. The minor may participate in the court  
47 proceedings on the minor's own behalf and the court  
48 may appoint a guardian ad litem for the minor. The  
49 court shall advise the minor of the minor's right to  
50 court-appointed legal counsel, and shall, upon the

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1 minor's request, provide the minor with court-  
2 appointed legal counsel, at no cost to the minor.  
3 c. The court proceedings shall be conducted in a  
4 manner which protects the anonymity of the minor and  
5 all court documents pertaining to the proceedings  
6 shall remain confidential. Only the minor, the  
7 minor's guardian ad litem, the minor's legal counsel,  
8 and persons whose presence is specifically requested  
9 by the minor, by the minor's guardian ad litem, or by  
10 the minor's legal counsel may attend the hearing on  
11 the petition.

12 d. The court proceedings under this section shall  
13 be given precedence over other pending matters to  
14 ensure that the court reaches a decision  
15 expeditiously.

16 e. Upon petition and following an appropriate  
17 hearing, the court shall waive the notification  
18 requirements if the court determines either of the  
19 following:

20 (1) That the minor is mature and capable of  
21 providing informed consent for the performance of an  
22 abortion.

23 (2) That the minor is not mature, or does not  
24 claim to be mature, but that notification is not in  
25 the best interest of the minor.

26 f. The court shall issue specific factual findings  
27 and legal conclusions, in writing, to support the  
28 decision.

29 g. Upon conclusion of the hearing, the court shall

30 immediately issue a written order which shall be  
31 provided immediately to the minor, the minor's  
32 guardian ad litem, the minor's legal counsel, or any  
33 other person designated by the minor to receive the  
34 order.

35 h. An expedited, anonymous, confidential appeal  
36 shall be available to a minor for whom the court  
37 denies a petition for waiver of notification. An  
38 order granting the minor's application for waiver of  
39 notification is not subject to appeal. Access to the  
40 appellate courts for the purpose of an appeal under  
41 this section shall be provided to a minor twenty-four  
42 hours a day, seven days a week.

43 i. The supreme court shall prescribe rules to  
44 ensure that the proceedings under this section are  
45 performed in an expeditious, anonymous, and  
46 confidential manner.

47 j. A minor who chooses to utilize the waiver of  
48 notification procedures under this subsection shall  
49 not be required to pay a fee at any level of the  
50 proceedings.

#### Page 4

1 k. A person performing an abortion on a minor  
2 under this chapter may inform the parent of the minor  
3 of any necessary treatment resulting from  
4 complications of the abortion procedure if, in the  
5 judgment of the person, failure to inform the parent  
6 would seriously jeopardize the health of the minor.

7 6. A person who performs an abortion in violation  
8 of this section is guilty of a serious misdemeanor.

9 7. A person who harasses or interferes with a  
10 minor seeking an abortion is guilty of a serious  
11 misdemeanor.

12 8. Venue for proceedings under this section is in  
13 any court in the state."

14 2. Title page, line 1, by inserting after the  
15 word "to" the following: "certain criminal activity  
16 including crimes related to the performance or seeking  
17 of an abortion, sexual abuse, and relating to".

TONY BISIGNANO  
WILLIAM W. DIELEMAN

S-5336

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as amended,  
3 passed, and reprinted by the Senate, as follows:

- 4 1. Page 12, line 45, by striking the word "may"
- 5 and inserting the following: "shall".
- 6 2. Page 13, by striking lines 9 and 10.

JOE J. WELSH  
JAMES R. RIORDAN

S-5337

- 1 Amend the amendment, S-5332, to the House
- 2 amendment, S-5144, to Senate File 2089, as passed by
- 3 the Senate, as follows:
- 4 1. Page 5, line 12, by striking the word
- 5 "seventeen" and inserting the following: "eighteen".
- 6 2. Page 5, line 24, by inserting after the word
- 7 "libraries" the following: "and one person
- 8 representing the Iowa association of nonpublic school
- 9 administrators".

WILLIAM W. DIELEMAN  
LARRY MURPHY

S-5338

- 1 Amend the amendment, S-5332, to the House
- 2 amendment, S-5144, to Senate File 2089, as passed by
- 3 the Senate, as follows:
- 4 1. Page 5, line 48, by inserting after the word
- 5 "scheduling." the following: "The community college
- 6 located in the merged area of a regional
- 7 telecommunications council shall staff and facilitate
- 8 the activities of the council. The community college
- 9 and the council may enter into a chapter 28E agreement
- 10 for such arrangement."

JOE J. WELSH

S-5339

- 1 Amend the amendment, S-5332, to the House
- 2 amendment, S-5144, to Senate File 2089, as passed by
- 3 the Senate, as follows:
- 4 1. Page 5, line 12, by striking the word
- 5 "seventeen" and inserting the following: "eighteen".
- 6 2. Page 5, line 22, by striking the word "two"
- 7 and inserting the following: "three".
- 8 3. Page 5, line 24, by inserting after the word
- 9 "libraries" the following: "and one person
- 10 representing the Iowa association of nonpublic school
- 11 administrators".

WILLIAM W. DIELEMAN  
LARRY MURPHY

S-5340

1 Amend House File 307, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 1, line 5, by striking the words  
4 "mortgage or" and inserting the following: "mortgage,  
5 or".  
6 2. Page 1, line 5, by inserting after the word  
7 "trust" the following: "or real estate contract".  
8 3. Page 1, line 21, by inserting after the word  
9 "thereof." the following: "As used in this section,  
10 "mortgagor" means a mortgagor or a borrower executing  
11 a deed of trust as provided in chapter 654 or a vendee  
12 of a real estate contract."  
13 4. Page 1, line 26, by striking the words  
14 "mortgage or" and inserting the following: "mortgage,  
15 or".  
16 5. Page 1, line 34, by striking the word  
17 "counterclaim." and inserting the following: "As used  
18 in this section, "mortgagor" means a mortgagor of a  
19 mortgage or a borrower executing a deed of trust as  
20 provided in chapter 654 or the vendee of a real estate  
21 contract."

TOM VILSACK

S-5341

1 Amend House File 2179, as amended, passed and  
2 reprinted by the House, as follows:  
3 1. Page 5, by inserting after line 27 the  
4 following:  
5 " . . . The commission shall limit the total number  
6 of gambling game machines authorized for each  
7 racetrack enclosure to five hundred."

RAY TAYLOR

S-5342

1 Amend House File 2407 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 8, line 29, by inserting after the word  
4 "account." the following: "Additionally, for the  
5 purposes of reimbursement to the account for any fees  
6 or costs, each certificate of deposit is considered a  
7 separate account."

- 8 2. By striking page 9, line 2 through page 10,  
9 line 8, and inserting the following:  
10 "NEW PARAGRAPH. c. Enjoin the contemnor from  
11 engaging in the exercise of any activity governed by a  
12 license.  
13 (1) If the court determines that an extreme  
14 hardship will result from the injunction, the court  
15 order may allow the contemnor to engage in the  
16 exercise of the activity governed by the license,  
17 subject to terms established by the court, which shall  
18 include, at a minimum, that the contemnor enter into  
19 an agreement to satisfy all obligations owing over a  
20 period of time satisfactory to the court.  
21 (2) If the court order allows for the exercise of  
22 the activity governed by a license pending  
23 satisfaction of an obligation over time, and the  
24 contemnor fails to comply with the agreement, the  
25 contemnor shall be provided an opportunity for  
26 hearing, within ten days, to demonstrate why an order  
27 enjoining the contemnor from engaging in the exercise  
28 of any activity governed by a license should not be  
29 issued.  
30 (3) The court order under this paragraph shall be  
31 vacated only after verification is provided to the  
32 court that the contemnor has satisfied all accrued  
33 obligations owing and that the contemnor has satisfied  
34 all terms established by the court and when the person  
35 entitled to receive support payments, or the child  
36 support recovery unit when the unit is providing  
37 enforcement services pursuant to chapter 252B, has  
38 been provided ten days' notice and an opportunity to  
39 object.  
40 (4) As used in this paragraph, "license" means any  
41 license or renewal of a license, certification, or  
42 registration issued by an agency to a person to  
43 conduct a trade or business, including but not limited  
44 to a license to practice a profession or occupation or  
45 to operate a commercial motor vehicle."

ELAINE SZYMONIAK

S-5343

- 1 Amend House File 2179, 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 99B.6, subsection 1, paragraph  
6 k, Code 1993, is amended to read as follows:  
7 k. No A person under the age of eighteen twenty-

8 ~~one~~ years ~~may~~ shall not participate in the gambling  
9 except pursuant to sections 99B.3, 99B.4, 99B.5, and  
10 99B.7. Any licensee knowingly allowing a person under  
11 the age of ~~eighteen~~ twenty-one to participate in the  
12 gambling prohibited by this paragraph or any person  
13 knowingly participating in ~~such~~ gambling with a person  
14 under the age of ~~eighteen~~ twenty-one, ~~shall be~~ is  
15 guilty of a simple misdemeanor.

16 Sec. 2. Section 99D.11, subsection 6, paragraph b,  
17 Code 1993, is amended to read as follows:

18 b. The commission may authorize the licensee to  
19 simultaneously telecast within the racetrack  
20 enclosure, for the purpose of pari-mutuel wagering, a  
21 horse or dog race licensed by the racing authority of  
22 another state. It is the responsibility of each  
23 licensee to obtain the consent of appropriate racing  
24 officials in other states as required by the federal  
25 Interstate Horseracing Act of 1978, 15 U.S.C. § 3001-  
26 3007, to televise races for the purpose of conducting  
27 pari-mutuel wagering. A licensee may also obtain the  
28 permission of a person licensed by the commission to  
29 conduct horse or dog races in this state to televise  
30 races conducted by that person for the purpose of  
31 conducting pari-mutuel racing. However, arrangements  
32 made by a licensee to televise any race for the  
33 purpose of conducting pari-mutuel wagering are subject  
34 to the approval of the commission, and the commission  
35 shall select the races to be televised. The races  
36 selected by the commission shall be the same for all  
37 licensees approved by the commission to televise races  
38 for the purpose of conducting pari-mutuel wagering.  
39 The commission shall not authorize the simultaneous  
40 telecast or televising of and a licensee shall not  
41 simultaneously telecast or televise any horse or dog  
42 race for the purpose of conducting pari-mutuel  
43 wagering unless the simultaneous telecast or  
44 televising is done at the racetrack of a licensee that  
45 schedules no less than ~~ninety~~ sixty performances of  
46 nine live races each day of the season. For purposes  
47 of the taxes imposed under this chapter, races  
48 televised by a licensee for purposes of pari-mutuel  
49 wagering shall be treated as if the races were held at  
50 the racetrack of the licensee.

Page 2

1 Sec. 3. Section 99D.11, subsection 7, Code 1993,  
2 is amended to read as follows:

3 7. A person under the age of ~~eighteen~~ twenty-one  
4 years shall not make a pari-mutuel wager.



5 Sec. 4. Section 99D.24, subsection 2, Code 1993,  
6 is amended to read as follows:

7 2. A person knowingly permitting a person under  
8 the age of ~~eighteen~~ twenty-one years to make a pari-  
9 mutuel wager is guilty of a simple misdemeanor.

10 Sec. 5. Section 99E.18, subsection 2, Code 1993,  
11 is amended to read as follows:

12 2. A ticket or share shall not be sold to a person  
13 who has not reached the age of ~~eighteen~~ twenty-one.  
14 This does not prohibit the lawful purchase of a ticket  
15 or share for the purpose of making a gift to a person  
16 who has not reached the age of ~~eighteen~~ twenty-one. A  
17 licensee or a licensee's employee who knowingly sells  
18 or offers to sell a lottery ticket or share to a  
19 person who has not reached the age of ~~eighteen~~ twenty-  
20 one is guilty of a simple misdemeanor. In addition  
21 the license of a licensee shall be suspended. A prize  
22 won by a person who has not reached the age of  
23 ~~eighteen~~ twenty-one but who purchases a winning ticket  
24 or share in violation of this subsection shall be  
25 forfeited.

26 Sec. 6. Section 99F.4, subsection 4, Code  
27 Supplement 1993, is amended to read as follows:

28 4. To regulate the wagering structure for gambling  
29 excursions including providing a maximum wager of five  
30 dollars per hand or play and maximum loss of two  
31 hundred dollars per individual player per gambling  
32 excursion license the licensee of a pari-mutuel dog or  
33 horse racetrack enclosure subject to the provisions of  
34 this chapter and rules adopted pursuant to this  
35 chapter relating to gambling except as otherwise  
36 provided in section 99F.4A.

37 Sec. 7. Section 99F.9, subsection 2, Code 1993, is  
38 amended by striking the subsection.

39 Sec. 8. Section 99F.9, subsection 6, Code 1993, is  
40 amended to read as follows:

41 6. A person under the age of ~~eighteen~~ twenty-one  
42 years shall not make a wager on an excursion gambling  
43 boat and shall not be allowed in the area of the  
44 excursion boat where gambling is being conducted.  
45 However, a person eighteen years of age or older may  
46 be employed to work in a gambling area.

47 Sec. 9. Section 99F.15, subsection 2, Code 1993,  
48 is amended to read as follows:

49 2. A person knowingly permitting a person under  
50 the age of ~~eighteen~~ twenty-one years to make a wager

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1 is guilty of a simple misdemeanor.

2 Sec. 10. EFFECTIVE DATE. This Act, being deemed  
3 of immediate importance, takes effect upon enactment."

4 2. Title page, by striking lines 1 through 6 and  
5 inserting the following: "An Act increasing the  
6 minimum age for gambling to twenty-one years, reducing  
7 from ninety performances to sixty performances as the  
8 minimum number of performances for a racetrack to  
9 qualify for simultaneous telecast, and eliminating the  
10 five dollar and two hundred dollar limits that pertain  
11 to excursion boat gambling, and providing an effective  
12 date."

COMMITTEE ON WAYS AND MEANS  
WILLIAM W. DIELEMAN, Chairperson

S-5344

1 Amend House File 2179, 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. IOWA PARI-MUTUEL WAGERING AND  
6 EXCURSION BOAT GAMBLING DISCONTINUED -- DISPOSITION OF  
7 PROPERTY -- EMPLOYEES TRANSFERRED OR LAID OFF.

8 1. The state racing and gaming commission shall  
9 rescind all licenses issued pursuant to chapters 99D  
10 and 99F effective July 1, 1994. The commission shall  
11 provide for the termination of all contracts relating  
12 to pari-mutuel wagering and excursion boat gambling  
13 games extending beyond July 1, 1994, and provide for  
14 the disposition of all property leased or owned by the  
15 commission.

16 2. Any employee of the state racing and gaming  
17 commission employed pursuant to chapter 19A and whose  
18 duty assignment is terminated by this Act, may be  
19 transferred to other duties within the department of  
20 inspections and appeals, reassigned to other duties in  
21 another state department or agency, or terminated.  
22 The personnel commission shall adopt rules to carry  
23 out the transfer of employees under this Act and to  
24 carry out subsequent reclassification, reassignments,  
25 or terminations made necessary by this Act. The  
26 personnel commission shall arbitrate and decide a  
27 written appeal made by an employee concerning a  
28 transfer, reassignment, reclassification, or  
29 termination made necessary by this Act. An employee  
30 shall not lose benefits accrued, including but not

31 limited to salary, retirement, vacation, or sick leave  
32 because of a transfer or reassignment.  
33 3. The members of the state racing and gaming  
34 commission, the director, and any additional employees  
35 deemed necessary by the commission may continue  
36 employment on or after July 1, 1994, to provide for  
37 the orderly discontinuation of pari-mutuel wagering  
38 and excursion boat gambling games. However, not later  
39 than September 30, 1994, the terms of office of the  
40 commission members and the employment of the director  
41 and any other employees remaining on or after July 1,  
42 1994, shall terminate. Any matters regarding the  
43 termination of the pari-mutuel wagering or excursion  
44 boat gambling games established under chapter 99D or  
45 99F which remain on October 1, 1994, are the  
46 responsibility of the director of revenue and finance.  
47 The director of revenue and finance shall complete the  
48 discontinuation of pari-mutuel wagering and excursion  
49 boat gambling games as expeditiously as possible.  
50 Sec. 2. Section 12.10, Code 1993, is amended to

Page 2

1 read as follows:

2 12.10 DEPOSITS BY STATE OFFICERS.

3 Except as otherwise provided, all elective and  
4 appointive state officers, boards, commissions, and  
5 departments shall, within ten days succeeding the  
6 collection, deposit with the treasurer of state, or to  
7 the credit of the treasurer of state in any depository  
8 designated by the treasurer of state, ninety percent  
9 of all fees, commissions, and moneys collected or  
10 received. The balance actually collected in cash,  
11 remaining in the hands of any officer, board, or  
12 department shall not exceed the sum of five thousand  
13 dollars and money collected shall not be held more  
14 than thirty days. This section does not apply to the  
15 state fair board, the state board of regents, the  
16 utilities board of the department of commerce, the  
17 director of the department of human services, or the  
18 Iowa finance authority or to the funds received by the  
19 state racing and gaming commission under sections  
20 99D.7 and 99D.14.

21 Sec. 3. Section 21.2, subsection 1, paragraphs f  
22 and g, Code Supplement 1993, are amended by striking  
23 the paragraphs.

24 Sec. 4. Section 22.1, subsections 1 and 3, Code  
25 1993, are amended to read as follows:

26 1. The term "government body" means this state, or  
27 any county, city, township, school corporation,

28 political subdivision, tax-supported district,  
29 nonprofit corporation ~~other than a county or district~~  
30 ~~fair or agricultural society, whose facilities or~~  
31 ~~indebtedness are supported in whole or in part with~~  
32 ~~property tax revenue and which is licensed to conduct~~  
33 ~~pari-mutuel wagering pursuant to chapter 99D, or other~~  
34 entity of this state, or any branch, department,  
35 board, bureau, commission, council, committee,  
36 official or officer, of any of the foregoing or any  
37 employee delegated the responsibility for implementing  
38 the requirements of this chapter.

39 3. As used in this chapter, "public records"  
40 includes all records, documents, tape, or other  
41 information, stored or preserved in any medium, of or  
42 belonging to this state or any county, city, township,  
43 school corporation, political subdivision, nonprofit  
44 corporation ~~other than a county or district fair or~~  
45 ~~agricultural society, whose facilities or indebtedness~~  
46 ~~are supported in whole or in part with property tax~~  
47 ~~revenue and which is licensed to conduct pari-mutuel~~  
48 ~~wagering pursuant to chapter 99D, or tax-supported~~  
49 district in this state, or any branch, department,  
50 board, bureau, commission, council, or committee of

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1 any of the foregoing.

2 "Public records" also includes all records relating  
3 to the investment of public funds including but not  
4 limited to investment policies, instructions, trading  
5 orders, or contracts, whether in the custody of the  
6 public body responsible for the public funds or a  
7 fiduciary or other third party.

8 Sec. 5. Section 99B.6, subsections 8 and 9, Code  
9 1993, are amended by striking the subsections.

10 Sec. 6. Section 99B.15, Code 1993, is amended to  
11 read as follows:

12 99B.15 APPLICABILITY OF CHAPTER.

13 It is the intent and purpose of this chapter to  
14 authorize gambling in this state only to the extent  
15 specifically permitted by a section of this chapter or  
16 chapter 99D, 99E, or 99F. Except as otherwise  
17 provided in this chapter, the knowing failure of any  
18 person to comply with the limitations imposed by this  
19 chapter constitutes unlawful gambling, a serious  
20 misdemeanor.

21 Sec. 7. Section 99E.10, subsection 1, paragraph a,  
22 unnumbered paragraph 2, Code Supplement 1993, is  
23 amended by striking the unnumbered paragraph.

24 Sec. 8. Section 123.30, subsection 3, paragraph d,

25 subparagraph (1), Code Supplement 1993, is amended to  
26 read as follows:

27 (1) A class "D" liquor control license may be  
28 issued to a railway corporation, to an air common  
29 carrier, and to passenger-carrying boats or ships for  
30 hire with a capacity of twenty-five persons or more  
31 operating in inland or boundary waters, and shall  
32 authorize the holder to sell or furnish alcoholic  
33 beverages, wine, and beer to passengers for  
34 consumption only on trains, watercraft as described in  
35 this section, or aircraft, respectively. Each license  
36 is valid throughout the state. Only one license is  
37 required for all trains, watercraft, or aircraft  
38 operated in the state by the licensee. ~~However, if a~~  
39 ~~watercraft is an excursion gambling boat licensed~~  
40 ~~under chapter 99F, the owner shall obtain a separate~~  
41 ~~class "D" liquor control license for each excursion~~  
42 ~~gambling boat operating in the waters of this state.~~

43 Sec. 9. Section 123.49, subsection 2, paragraph a,  
44 Code 1993, is amended to read as follows:

45 a. Knowingly permit any gambling, except in  
46 accordance with chapter 99B, ~~99D, or 99E, or 99F,~~ or  
47 knowingly permit solicitation for immoral purposes, or  
48 immoral or disorderly conduct on the premises covered  
49 by the license or permit.

50 Sec. 10. Section 422.16, subsection 1, unnumbered

Page 4

1 paragraph 4, Code 1993, is amended to read as follows:

2 For the purposes of this subsection, state income  
3 tax shall be withheld on winnings in excess of six  
4 hundred dollars derived from gambling activities  
5 authorized under chapter 99B or 99E. ~~State income tax~~  
6 ~~shall be withheld on winnings in excess of one~~  
7 ~~thousand dollars from gambling activities authorized~~  
8 ~~under chapter 99D. State income tax shall be withheld~~  
9 ~~on winnings in excess of twelve hundred dollars~~  
10 ~~derived from slot machines authorized under chapter~~  
11 ~~99F.~~

12 Sec. 11. Section 537A.4, unnumbered paragraph 2,  
13 Code 1993, is amended to read as follows:

14 This section does not apply to a contract for the  
15 operation of or for the sale or rental of equipment  
16 for games of skill or games of chance, if both the  
17 contract and the games are in compliance with chapter  
18 99B. ~~This section does not apply to wagering under~~  
19 ~~the pari-mutuel method of wagering authorized by~~  
20 ~~chapter 99D. This section does not apply to the sale,~~  
21 purchase or redemption of a ticket or share in the

22 state lottery in compliance with chapter 99E. This  
23 section does not apply to wagering under the excursion  
24 boat gambling method of wagering authorized by chapter  
25 99F. This section does not apply to the sale,  
26 purchase, or redemption of any ticket or similar  
27 gambling device legally purchased in Indian lands  
28 within this state.

29 Sec. 12. Section 692.2, subsection 1, paragraph d,  
30 Code Supplement 1993, is amended by striking the  
31 paragraph.

32 Sec. 13. Section 725.7, subsection 1, unnumbered  
33 paragraph 1, Code 1993, is amended to read as follows:

34 Except as permitted in ~~chapters~~ chapter 99B and  
35 99D, a person shall not do any of the following:

36 Sec. 14. Section 725.13, Code 1993, is amended to  
37 read as follows:

38 725.13 DEFINITION OF BOOKMAKING.

39 "Bookmaking" means advancing gambling activity by  
40 accepting bets upon the outcome of future contingent  
41 events as a business other than as permitted in  
42 ~~chapters~~ chapter 99B, 99D, and 99F. These events  
43 include, but are not limited to, the results of a  
44 trial or contest of skill, speed, power, or endurance  
45 of a person or beast or between persons, beasts, fowl,  
46 motor vehicles, or mechanical apparatus or upon the  
47 result of any chance, casualty, unknown, or contingent  
48 event.

49 Sec. 15. Section 725.15, Code 1993, is amended to  
50 read as follows:

Page 5

1 725.15 EXCEPTIONS FOR LEGAL GAMBLING.

2 Sections 725.5 to 725.10 and 725.12 do not apply to  
3 a game, activity, ticket, or device when lawfully  
4 possessed, used, conducted, or participated in  
5 pursuant to chapter 99B; ~~or~~ 99E; ~~or~~ 99F.

6 Sec. 16. EFFECTIVE DATE. This Act, being deemed  
7 of immediate importance, takes effect upon enactment."

8 2. Title page, by striking lines 1 through 6 and  
9 inserting the following: "An Act relating to the  
10 discontinuation of pari-mutuel wagering and excursion  
11 boat gambling, providing for other properly related  
12 matters, and providing an effective date."

ALBERT SORENSEN

S-5345

1 Amend House File 2179, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 11, by inserting after line 29 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 99F.19 GAMBLING  
6 FACILITIES CLOSURE JOB RETRAINING FUND AND COUNTY  
7 MENTAL HEALTH REIMBURSEMENT FUND CREATED -- GAMBLING  
8 REVENUE -- DISBURSEMENT.

9 1. A gambling facilities closure job retraining  
10 fund is created in the state treasury. The gambling  
11 facilities closure job retraining fund shall be  
12 administered by the department of employment services  
13 to provide job retraining for employees who are  
14 displaced by the closures of gambling facilities  
15 licensed by the state. The department of employment  
16 services shall establish retraining programs by rules  
17 adopted pursuant to chapter 17A.

18 2. A county mental health reimbursement fund is  
19 created in the state treasury. The county mental  
20 health reimbursement fund shall be administered by the  
21 department of revenue and finance. The proceeds of  
22 the fund shall be used to reimburse each county for  
23 costs incurred relating to mental health and, if the  
24 funds available to reimburse the counties are  
25 insufficient to reimburse all of the costs incurred,  
26 the reimbursements shall be apportioned by the  
27 director of revenue and finance among the counties  
28 according to the mental health costs paid by each  
29 county.

30 3. For the fiscal year beginning July 1, 1995, and  
31 each subsequent fiscal year, notwithstanding sections  
32 99D.15 and 99F.11, fifty percent of all tax revenue  
33 received by the state pursuant to chapters 99D and 99F  
34 shall be credited to the gambling facilities closure  
35 job retraining fund and used for the purposes  
36 specified in subsection 1. The maximum balance in the  
37 gambling facilities closure job retraining fund during  
38 a fiscal year shall not exceed ten million dollars.  
39 Any balance in excess of ten million dollars accrued  
40 during a fiscal year shall be transferred to the  
41 county mental health reimbursement fund. The  
42 remaining fifty percent of the tax revenue received by  
43 the state pursuant to chapters 99D and 99F shall be  
44 credited to the county mental health reimbursement  
45 fund and used for the purposes specified in subsection  
46 2. Notwithstanding section 8.33, unencumbered and  
47 unobligated balances remaining in the gambling  
48 facilities closure job retraining fund and the county

49 mental health reimbursement fund at the end of a  
50 fiscal year shall remain in the respective funds and

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1 shall be used during the subsequent fiscal year for  
2 purposes specified in subsections 1 and 2."

BRAD BANKS  
AL STURGEON

S-5346

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:

4 1. By striking page 1, line 5 through page 15,  
5 line 40, and inserting the following:

6 "Section 1. Section 2.32, Code 1993, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 9. If an appointment subject to  
9 senate confirmation is required by statute to be made  
10 by an appointing authority other than the governor,  
11 the duties assigned under this section to the governor  
12 shall be performed by the appointing authority.

13 Sec. 2. Section 18.133, subsection 1, Code  
14 Supplement 1993, is amended to read as follows:

15 1. "Director" means the executive director of the  
16 department of general services or the director's  
17 designee appointed pursuant to section 18.133B.

18 Sec. 3. Section 18.133, Code Supplement 1993, is  
19 amended by adding the following new subsection:

20 NEW SUBSECTION. 1A. "Network" means the Iowa or  
21 state communications network.

22 Sec. 4. NEW SECTION. 18.133A IOWA COMMUNICATIONS  
23 NETWORK BOARD.

24 1. NETWORK BOARD ESTABLISHED.

25 a. An Iowa communications network board is  
26 established, as an agency of the state exercising  
27 public and essential governmental functions, with the  
28 authority to supervise the development, management,  
29 and operation of the Iowa communications network. The  
30 board shall ensure that educational users and  
31 educational applications of the network be given the  
32 highest priority in supervising the management and  
33 operation of the network. The board shall ensure that  
34 the network operates in an efficient and responsible  
35 manner consistent with the provisions of this chapter  
36 for the purpose of providing the best economic service  
37 attainable to network users consistent with the



38 state's financial capacity. The board shall provide  
39 for the centralized, coordinated use and control of  
40 the network.

41 b. The board shall do all of the following:

42 (1) Provide the requests for proposals for all  
43 component parts for Part III for an authorized user on  
44 a site-by-site basis or for a consortium of authorized  
45 users to solicit bids from, and enter into contracts  
46 with, qualified bidders for the purpose of completing  
47 the necessary work to connect the authorized user or  
48 consortium of authorized users to the network,  
49 consistent with the minimum standards established for  
50 Part III connections. A consortium of authorized

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1 users may petition the board to release a request for  
2 proposals for each site which is a part of a  
3 consortium. The board shall permit proposals to be  
4 submitted for the use of competing or alternative  
5 technologies.

6 (2) Establish a comprehensive financing plan for  
7 Part III to be delivered to the general assembly for  
8 review and approval, including projections for future  
9 revenue and operating expenditures, the cost of  
10 completing Part III, and sources of additional revenue  
11 necessary to complete Part III including state general  
12 fund appropriations.

13 (3) Develop a long-term network plan and make  
14 recommendations to the general assembly for the  
15 implementation of Part III, and for authorizing  
16 additional users of the network.

17 (4) Deliver a written report to the general  
18 assembly no later than January 1, 1995, concerning the  
19 necessity for and structure of any additional  
20 committees, councils, or other entities associated  
21 with the management and operation of the network. The  
22 board shall not establish such a structure without  
23 prior authorization by a constitutional majority of  
24 each house of the general assembly and approval by the  
25 governor.

26 (5) Deliver a written report and all proposals  
27 submitted in response to the request for proposals  
28 issued under subparagraph (1) to the general assembly  
29 no later than January 1, 1995. The board shall not  
30 enter into any agreement related to such proposals  
31 without prior authorization by a constitutional  
32 majority of each house of the general assembly and  
33 approval by the governor.

34 c. The board shall adopt rules pursuant to chapter

35 17A as deemed appropriate and directly related to the  
36 operations of the board.

37 d. The recommendations of the board to the general  
38 assembly contained in the long-term network plan shall  
39 include a detailed plan for the connection of all  
40 public schools to the network, including a discussion  
41 and evaluation of all potential financing options, an  
42 estimate of all costs incurred in providing such  
43 connections, and a schedule for completing such  
44 connections, including the anticipated final  
45 completion date for such connections.

46 **2. MEMBERSHIP.**

47 a. The board consists of nine voting members, who  
48 shall be citizens of this state, appointed by the  
49 governor, subject to senate confirmation.  
50 Additionally, four ex officio nonvoting members shall

**Page 3**

1 be appointed who shall be members of the general  
2 assembly, with two members appointed from the senate,  
3 one to be appointed by the majority leader of the  
4 senate and one to be appointed by the minority leader  
5 of the senate, and two members appointed from the  
6 house of representatives, one to be appointed by the  
7 speaker of the house and one to be appointed by the  
8 minority leader of the house. Members of the board  
9 shall not serve in any manner or be employed by an  
10 authorized user of the network. Members of the board  
11 appointed by the governor shall serve four-year  
12 staggered terms as designated by the governor and  
13 appointments to the board are subject to the  
14 requirements of sections 69.16, 69.16A, and 69.19.  
15 Vacancies shall be filled by the governor for the  
16 duration of the unexpired term.

17 b. Members of the board shall be reimbursed for  
18 all actual and necessary expenses incurred in the  
19 performance of duties as members.

20 c. Meetings of the board shall be held at the call  
21 of the chairperson of the board or on written request  
22 of two members.

23 d. Members shall elect a chairperson and vice  
24 chairperson annually and other officers as they  
25 determine. The executive director shall serve as  
26 secretary to the board.

27 **Sec. 5. NEW SECTION. 18.133B EXECUTIVE DIRECTOR**  
28 **APPOINTED.**

29 The board shall appoint an executive director of  
30 the board, subject to confirmation by the senate.

31 Such individual shall not serve as a member of the

32 board. The executive director shall serve at the  
33 pleasure of the board, but shall be subject to  
34 reconfirmation by the senate every four years. The  
35 executive director shall be selected primarily for  
36 administrative ability and knowledge in the field,  
37 without regard to political affiliation. The salary  
38 and support of the executive director shall be paid  
39 from funds deposited in the Iowa communications  
40 network fund.

41 Sec. 6. Section 18.134, subsection 1, Code  
42 Supplement 1993, is amended to read as follows:

43 1. The ~~department of general services~~ board may  
44 purchase, lease-purchase, lease, and improve property,  
45 equipment, and services for telecommunications for  
46 public and private agencies, including the broadcast  
47 and narrowcast systems, and may dispose of property  
48 and equipment when not necessary for its purposes.  
49 However, the ~~department of general services~~ board  
50 shall not provide or resell communications services to

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1 entities other than public and private agencies. The  
2 public or private agency shall not provide  
3 communication services of the network to another  
4 entity at a cost greater than that charged to the  
5 agency pursuant to section 18.136, subsections 11 and  
6 12. The ~~department~~ board may arrange for joint use of  
7 available services and facilities, and may enter into  
8 leases and agreements with private and public agencies  
9 with respect to a ~~state~~ the Iowa communications system  
10 network, and public agencies are authorized to enter  
11 into leases and agreements with respect to the system  
12 network for their use and operation. Rentals and  
13 other amounts due under the agreements or leases  
14 entered into pursuant to this section by a state  
15 agency are payable from funds annually appropriated by  
16 the general assembly or from other funds legally  
17 available. Other public agencies may pay the rental  
18 costs and other amounts due under an agreement or  
19 lease from their annual budgeted funds or other funds  
20 legally available or to become available. This  
21 section comprises a complete and independent  
22 authorization and procedure for a public agency, with  
23 the approval of the ~~department~~ board, to enter into a  
24 lease or agreement and related security enhancement  
25 arrangements and this section is not a qualification  
26 of any other powers which a public agency may possess  
27 and the authorizations and powers granted under this  
28 section are not subject to the terms, requirements, or

29 limitations of any other provisions of law. All  
30 moneys received by the department board from  
31 agreements and leases entered into pursuant to this  
32 section with private and public agencies shall be  
33 deposited in the state Iowa communications network  
34 fund.

35 It is the intent of the general assembly that  
36 rental and other costs due under agreements and leases  
37 entered into pursuant to this section by state  
38 agencies be replaced by supplemental appropriations to  
39 the state agencies.

40 Sec. 7. **NEW SECTION. 18.134A DISPOSITION OF**  
41 **NETWORK -- APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.**

42 Notwithstanding any provision to the contrary, the  
43 Iowa communications network board or the department of  
44 general services shall not sell, lease, or otherwise  
45 dispose of Part I, II, or III without prior  
46 authorization by a constitutional majority of each  
47 house of the general assembly and approval by the  
48 governor. The board shall develop the request or  
49 requests for proposals which are necessary for the  
50 sale of Parts I, II, and III which are owned by the

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1 state. Such request or requests shall be delivered to  
2 the general assembly no later than January 1, 1995,  
3 for review and approval. The request or requests for  
4 proposals developed for the sale of Parts I, II, and  
5 III which are owned by the state shall provide, at a  
6 minimum, the following:

7 1. Guaranteed access and use to all current  
8 authorized users whether such users are currently  
9 connected to or utilizing the network. The access  
10 guaranteed under this subsection shall assure such  
11 capacity for video, data, and voice requirements as  
12 provided in the request for proposals developed by the  
13 department of general services for the installation  
14 and maintenance of Part III connections of the Iowa  
15 communications network, and dated November 3, 1993.

16 2. Guaranteed access and use for operations  
17 related to an agency of the federal government whose  
18 activities are directly related to the activities at  
19 facilities under the control of the armory board  
20 appointed pursuant to section 29A.57.

21 Sec. 8. Section 18.136, subsections 1, 2, 3, 4, 6,  
22 7, 8, 9, 10, and 14, Code Supplement 1993, are amended  
23 to read as follows:

24 1. Moneys in the state Iowa communications network  
25 fund are appropriated to the Iowa public broadcasting

26 board for purposes of providing financing for the  
27 procurement, operation, and maintenance of a state the  
28 Iowa communications network with sufficient capacity  
29 to serve the video, data, and voice requirements of  
30 state agencies and the educational telecommunications  
31 system. The state Iowa communications network  
32 consists of Part I, Part II, and Part III of the  
33 system.

34 2. For purposes of this section, unless the  
35 context otherwise requires:

36 a. "Part I of the system" means the communications  
37 connections between central switching and the regional  
38 switching centers for the remainder of the network.

39 b. "Part II of the system" means the  
40 communications connections between the regional  
41 switching centers and the secondary switching centers.

42 c. "Part III of the system" means the  
43 communications connection between the secondary  
44 switching centers and the agencies defined in section  
45 18.133, subsections 3 2 and 4 3.

46 3. The financing for the procurement costs for the  
47 entirety of Part I of the system, and the video, data,  
48 and voice capacity for state agencies for Part II and  
49 Part III of the system, shall be provided by the  
50 state. The financing for the procurement costs for

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1 Part II of the system shall also be provided from by  
2 the state. The financing for the procurement and  
3 maintenance lease costs for Part III of the system for  
4 connecting school districts and area education  
5 agencies shall be provided eighty percent from by the  
6 state and twenty percent from the local school boards  
7 of the areas which receive transmissions from the  
8 system. A local school board or area education agency  
9 board may elect to provide one hundred percent of the  
10 financing for the procurement and maintenance costs  
11 for Part III to become part of the system. The local  
12 school boards may meet all or part of the match  
13 requirements of Part III of the system through a  
14 cooperative arrangement with community colleges. The  
15 basis for the amount of state match financing is  
16 eighty one hundred percent of a single interactive  
17 audio and one-way interactive video connection for  
18 Part III of the system, and such data and voice  
19 capacity as is necessary. The local school boards and  
20 community colleges may meet the match requirements for  
21 Part III of the system from funds they have already  
22 spent for their systems; from funds available in the

23 school budget, or from funds received from other  
 24 nonstate sources. In the case of existing systems, in  
 25 order to upgrade facilities to the specifications of  
 26 the state communications network, the local school  
 27 boards and community colleges, in lieu of a cash  
 28 match, may meet the match requirements from funds they  
 29 have already spent for their systems provided that the  
 30 state match does not exceed the lesser of eighty  
 31 percent of the total cost of the upgraded system or  
 32 eighty percent of the replacement cost of the system.  
 33 The communications equipment funds used as a match by  
 34 a community college shall be calculated based on  
 35 verified expenditures for capital, equipment,  
 36 hardware, and software for long-distance learning  
 37 technologies, including both audio and visual  
 38 transmission. The communications equipment used as a  
 39 match shall not subsequently be used as a match by  
 40 another educational entity or for another part of the  
 41 system. A local school board may request the school  
 42 budget review committee to adjust the allowable growth  
 43 for the school district so that the resulting increase  
 44 in budget could be used for the match. If a school  
 45 board or area education agency board elects to provide  
 46 one hundred percent of the financing for the leasing  
 47 costs for Part III, the school district or area  
 48 education agency may become part of the network as  
 49 soon as the network can reasonably connect the  
 50 district or agency. A local school board or area

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1 education agency board may also elect that the school  
 2 district or agency not to become part of the system  
 3 network. Such election shall be made on an annual  
 4 basis. State matching funds shall not be provided for  
 5 Part III of the system until Part I and Part II of the  
 6 system have been completed. Construction of Part III  
 7 of the system may proceed before Part I and Part II of  
 8 the system have been completed.  
 9 Until otherwise provided by the general assembly, a  
 10 public or private agency authorized to use the  
 11 network, other than a school district or area  
 12 education agency, shall pay one hundred percent of the  
 13 costs related to the Part III connection.  
 14 4. The department of general services board shall  
 15 develop the requests for proposals that are needed for  
 16 a state the Iowa communications network with  
 17 sufficient capacity to serve the video, data, and  
 18 voice requirements of state agencies and the for  
 19 educational telecommunications applications required

20 by the Iowa public broadcasting board. The department  
21 board shall develop a request for proposals for each  
22 of the systems that will make up the network. The  
23 department board may develop a request for proposals  
24 for each definitive component of Part I, Part II, and  
25 Part III of the system or the department board may  
26 provide in the request for proposals for each such  
27 system that separate contracts may be entered into for  
28 each definitive component covered by the request for  
29 proposals. The requests for proposals for components  
30 of Parts I and II may be for the purchase, lease-  
31 purchase, or lease of the component parts of the  
32 system network, may require maintenance costs to be  
33 identified, and the resulting contract may provide for  
34 maintenance for parts of the system network. The  
35 master contract may provide for electronic classrooms,  
36 satellite equipment, receiving equipment, studio and  
37 production equipment, and other associated equipment  
38 as required.

39 6. Prior to the awarding of a contract under this  
40 section, the department board shall notify the  
41 legislative council and the department of management  
42 of the department's board's intent to award a contract  
43 and of the cost to the state. The department of  
44 management and the legislative council shall determine  
45 if the anticipated financial resources of the state  
46 are adequate to fund the expenditure during the fiscal  
47 years covered by the contract, and if so, the  
48 department of management legislative council shall  
49 certify the determination to the department board.  
50 Upon certification, the department board may enter

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1 into the contract.

2 7. The department of general services board shall  
3 be responsible for the network system design and shall  
4 be responsible for the implementation of each  
5 component of the network as it is incorporated into  
6 the network system. The final design selected shall  
7 optimize the routing for all users in order to assure  
8 maximum utilization by all agencies of the state.  
9 Efficiencies achieved in the implementation of the  
10 network shall be used to fund further implementation  
11 and enhancement of the network, and shall be  
12 considered part of the operational cost of the  
13 network. The department board shall be responsible  
14 for all management, operations, control switching,  
15 diagnostics, and maintenance functions of Part I and  
16 Part II of the system operations, except as designated

17 in subsection 8. The performance of these duties is  
 18 intended to provide optimal utilization of the  
 19 facilities, and the assurance that future growth  
 20 requirements will be provided for, and that sufficient  
 21 network capacity will be available to meet the needs  
 22 of all users. ~~The telecommunications information  
 23 management council, created by executive order of the  
 24 governor, shall provide general oversight for these  
 25 functions.~~

26 8. The Iowa public broadcasting board retains sole  
 27 authority over the educational telecommunications  
 28 applications of Part I of the system, Part II, and  
 29 Part III, and its authority shall include management  
 30 and operational control, programming, budget,  
 31 personnel, scheduling, and program switching of  
 32 educational material carried by Part I of the system.  
 33 The Iowa public broadcasting board, through its  
 34 narrowcast system advisory committee, retains  
 35 coordination authority over the educational  
 36 telecommunications applications of Part II and Part  
 37 III of the system. Community colleges are responsible  
 38 for scheduling and switching of educational materials  
 39 carried by Part II and Part III of the system within  
 40 their respective areas. Such responsibility may be  
 41 accomplished by a chapter 28E agreement with the  
 42 department of general services network board.

43 The narrowcast system advisory committee shall  
 44 review all requests for grants for educational  
 45 telecommunications applications, if they are a part of  
 46 the state Iowa communications network, to ensure that  
 47 the educational telecommunications application is  
 48 consistent with the telecommunications plan. If the  
 49 narrowcast system advisory committee finds that a  
 50 grant request is inconsistent with the

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1 telecommunications plan, the grant request shall not  
 2 be allowed.

3 9. The procurement and maintenance of electronic  
 4 equipment including, but not limited to, master  
 5 receiver antenna systems, studio and production  
 6 equipment, and broadcast system components shall be  
 7 provided for under department of general services' the  
 8 network board's contracts. The Iowa public  
 9 broadcasting board and other educational entities  
 10 within the state have the option to use their existing  
 11 or replacement resources and agreements in the  
 12 operation and maintenance of these systems.

13 10. In addition to the other evaluation criteria



14 specified in the request for proposals issued pursuant  
15 to this section, the department of general services  
16 network board, in evaluating proposals, shall base up  
17 to two percent of the total possible points on the  
18 public benefit that can be derived from a given  
19 proposal due to the increased private  
20 telecommunications capacity available to Iowa citizens  
21 located in rural Iowa. For purposes of this  
22 subsection, an area of the state is considered rural  
23 if it is not part of a federally designated standard  
24 metropolitan statistical area.

25 14. Notwithstanding chapter 476, the provisions of  
26 chapter 476 shall not apply to a public utility in  
27 furnishing a telecommunications service or facility to  
28 the department of general services network board for  
29 the state Iowa communications network.

30 Sec. 9. Section 18.136, Code Supplement 1993, is  
31 amended by adding the following new subsections:

32 NEW SUBSECTION. 4A. The state shall lease all  
33 component parts for Part III connections from  
34 qualified providers and the state shall not own a  
35 component part of Part III, except for those component  
36 parts owned by the state as of January 1, 1994, or  
37 those component parts related to a facility under the  
38 control of the armory board appointed pursuant to  
39 section 29A.57.

40 NEW SUBSECTION. 13A. 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 Sec. 10. NEW SECTION. 18.136A FINANCING PROPOSAL  
45 SUBMITTED EACH YEAR.

46 The board shall annually prepare and submit to the  
47 general assembly for approval or rejection a proposed  
48 financing program for the network. Such proposal  
49 shall include an estimate of the maximum amount of  
50 financing expected to be necessary for the coming

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1 fiscal year. The proposal and estimate shall be  
2 submitted no later than seven days after the convening  
3 of each regular session of the general assembly. The  
4 program shall contain a list of all facilities or  
5 activities to be funded and the method of financing.  
6 The board shall not provide for the financing proposed  
7 or enter into any contracts related to the facilities  
8 or activities listed in the program until the program  
9 is approved by a constitutional majority of each house  
10 and approved by the governor.

11 Sec. 11. Section 18.137, Code 1993, is amended to  
12 read as follows:  
13 18.137 STATE IOWA COMMUNICATIONS NETWORK FUND.  
14 There is created in the office of the treasurer of  
15 state a ~~temporary~~ fund to be known as the state Iowa  
16 communications network fund under the control of the  
17 Iowa communications network board. There is  
18 ~~appropriated to the state communications network fund~~  
19 ~~for the fiscal year beginning July 1, 1989, and ending~~  
20 ~~June 30, 1990, the sum of two million one hundred~~  
21 ~~forty-two thousand six hundred twenty-one dollars from~~  
22 ~~the general fund of the state. There is appropriated~~  
23 ~~from the general fund of the state to the state Iowa~~  
24 ~~communications network fund for each fiscal year of~~  
25 ~~the fiscal period beginning July 1, 1991, and ending~~  
26 ~~June 30, 1996, the sum of five million dollars.~~  
27 ~~Notwithstanding section 8.32, unobligated and~~  
28 ~~unencumbered moneys from the appropriation for a~~  
29 ~~fiscal year remaining on June 30 of that fiscal year~~  
30 ~~shall not revert to the general fund of the state but~~  
31 ~~shall remain available for expenditure during the next~~  
32 ~~following fiscal year. There shall also be deposited~~  
33 ~~into the state Iowa communications network fund~~  
34 ~~proceeds from bonds issued for purposes of projects~~  
35 ~~authorized pursuant to section 18.136, matching funds~~  
36 ~~received from the community colleges and the local~~  
37 ~~school boards, funds received from leases pursuant to~~  
38 ~~section 18.134, and other moneys by law credited to or~~  
39 ~~designated by a person for deposit into the fund.~~  
40 ~~Notwithstanding the requirements of section 18.136,~~  
41 ~~subsection 1, for the fiscal year beginning July 1,~~  
42 ~~1990, and ending June 30, 1991, thirty-one thousand~~  
43 ~~dollars of moneys in the state communications network~~  
44 ~~fund may be expended for the state's share of the cost~~  
45 ~~for the design of a disaster recovery facility to be~~  
46 ~~built in conjunction with the Iowa communications~~  
47 ~~network facility and emergency operation center. The~~  
48 ~~department of general services may increase its fees~~  
49 ~~for data processing in order to collect an additional~~  
50 ~~amount not exceeding two hundred thousand dollars~~

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1 during the fiscal year beginning July 1, 1991, to pay  
2 for the state's share of the cost of construction of  
3 the disaster recovery facility.

4 The Iowa public broadcasting board shall use the  
5 net increase in the federal match awarded to the Iowa  
6 public broadcasting board as a result of this  
7 appropriation in order to meet the needs of the

8 educational telecommunications system. These funds  
9 shall be deposited in a separate account within the  
10 state Iowa communications network fund, and shall be  
11 administered by the Iowa public broadcasting board for  
12 purposes of the fund.

13 Sec. 12. INITIAL BOARD APPOINTMENTS.

14 Notwithstanding the provisions of section 2.32  
15 relating to the time within which an appointment must  
16 be made, the initial members of the Iowa  
17 communications network board shall be appointed no  
18 later than fifteen days after the effective date of  
19 this Act. The senate shall confirm such appointments  
20 during the 1994 regular session if the senate has not  
21 adjourned. If the senate has adjourned the 1994  
22 regular session, the appointments shall be confirmed  
23 during the 1995 regular session.

24 Sec. 13. TEMPORARY AUTHORITY OF CHIEF EXECUTIVE

25 OFFICER. All duties and responsibilities of the Iowa  
26 communications network board shall be performed by the  
27 ICN chief executive officer appointed by the governor  
28 pursuant to executive order number 46 signed on  
29 January 5, 1993, until June 1, 1994, or until such  
30 time as the initial appointments to the board have  
31 been made and the board has organized itself whichever  
32 occurs first.

33 Sec. 14. CODE EDITOR TRANSFERS. The Code editor

34 shall transfer sections 18.132 through 18.137 to be a  
35 new chapter 8D. The Code editor shall correct all  
36 internal citations and references consistent with the  
37 transfer of Code sections as provided in this section.

38 Sec. 15. CONTINUATION OF APPLICABILITY OF EXISTING

39 RULES. Rules applicable to the Iowa communications  
40 network in effect on the effective date of this Act  
41 shall remain effective until the Iowa communications  
42 network board modifies or repeals such rules.

43 Sec. 16. REPEAL. Section 18.135, Code 1993, is  
44 repealed.

45 Sec. 17. EFFECTIVE DATE. This Act, being deemed  
46 of immediate importance, is effective upon  
47 enactment.””

DERRYL McLAREN

S-5347

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:

4 1. Page 2, line 18, by striking the word "five"  
5 and inserting the following: "three".

- 6 2. Page 2, line 24, by striking the word "five"
- 7 and inserting the following: "three".
- 8 3. Page 15, line 21, by striking the words "Two
- 9 members" and inserting the following: "One member".
- 10 4. Page 15, line 23, by striking the words "Two
- 11 members" and inserting the following: "One member".

JIM RIORDAN

S-5348

- 1 Amend the amendment, S-5332, to the House
- 2 amendment, S-5144, to Senate File 2089, as passed by
- 3 the Senate, as follows:
- 4 1. Page 3, by striking lines 43 through 45 and
- 5 inserting the following: "submitted for designated
- 6 geographic areas defined as site-by-site and
- 7 permitting proposals to be submitted for".

DERRYL McLAREN

HOUSE AMENDMENT TO  
SENATE FILE 2217

S-5349

- 1 Amend Senate File 2217, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 9 the follow-
- 4 ing:
- 5 "The state fire marshal may fill one additional
- 6 full-time equivalent position, in addition to the 30
- 7 FTEs authorized in this subsection, if the state fire
- 8 marshal's office is required to implement the
- 9 underground storage tank installers and inspectors
- 10 licensing program pursuant to House File 2177, if
- 11 enacted.
- 12 2. Page 5, by inserting after line 23 the
- 13 following:
- 14 "c. For replacement of Iowa patrol post number 12
- 15 located in Davenport:
- 16 ..... \$ 1,593,000".
- 17 3. Page 6, by inserting after line 17 the
- 18 following:
- 19 "The appropriation made in this subsection is
- 20 reduced by any amount appropriated by House File 2179,
- 21 if enacted by the Seventy-fifth General assembly, for
- 22 the purposes described by this subsection."
- 23 4. Page 11, by inserting after line 18 the
- 24 following:

25 "Sec. \_\_\_\_ . There is appropriated from the park and  
 26 institutional road fund to the department of general  
 27 services for the fiscal year beginning July 1, 1994,  
 28 and ending June 30, 1995, the following amount, or so  
 29 much thereof as is necessary, to be used for the  
 30 purpose designated:

31 For surfacing lot 5, the gravel lot located  
 32 southeast of the capitol on the southwest corner of  
 33 Walnut street and East Twelfth street:  
 34 ..... \$ 71,000".

35 5. Page 12, by inserting after line 35 the  
 36 following:

37 "Sec. \_\_\_\_ . SALE OF REAL PROPERTY -- PREFERENCES.

38 The state department of transportation shall include  
 39 veterans organizations chartered by the congress of  
 40 the United States in any preference granted to a state  
 41 agency, city, county, school district, or other public  
 42 authority, for the sale of real property by the state  
 43 department of transportation prior to July 1, 1995."

44 6. Page 12, by inserting after line 35 the  
 45 following:

46 "Sec. \_\_\_\_ . Section 35C.1, subsection 2, Code 1993,  
 47 is amended by adding the following new unnumbered  
 48 paragraph:

49 NEW UNNUMBERED PARAGRAPH. The department of  
 50 personnel shall inform the agency to which the person

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1 is seeking employment of the person's military service  
 2 as specified in subsection 1."

3 7. Page 13, lines 7 and 8, by striking the words  
 4 "or state mandated continuing education courses".

5 8. Page 13, by inserting after line 10 the  
 6 following:

7 "Sec. 100. Section 321.18, subsection 7, Code  
 8 1993, is amended to read as follows:

9 7. Any school bus in this state used exclusively  
 10 for the transportation of pupils to and from school or  
 11 a school function or for the purposes provided in  
 12 section 285.1, subsection 1, and section 285.10,  
 13 subsection 9. Upon application the department shall,  
 14 without charge, issue a registration certificate and  
 15 shall also issue special registration plates with a  
 16 processed emblem in conformity with the requirements  
 17 of section 321.166 which shall have imprinted thereon  
 18 contain the words "Private School Bus" and a  
 19 distinguishing number assigned to the applicant. Such  
 20 plates shall be attached to the front and rear of each  
 21 bus exempt from registration under this subsection.

22 Sec. 200. Section 321.19, subsection 1, unnumbered  
23 paragraph 2, Code 1993, is amended to read as follows:

24 The department shall furnish, on application, free  
25 of charge, ~~distinguishing special registration~~ plates  
26 with a distinguishing processed emblem for vehicles  
27 thus exempted, which plates shall, consistent with  
28 this subsection, comply with the requirements of  
29 section 321.166 except ~~that the~~ plates on Iowa highway  
30 safety patrol vehicles shall bear the ~~word "official"~~  
31 words "State Patrol" and all other such plates shall  
32 bear the word "Official" instead of a county  
33 designation and the department shall keep a separate  
34 record of the plates. Registration ~~The processed~~  
35 emblem on registration plates issued for Iowa highway  
36 safety patrol vehicles, except unmarked patrol  
37 vehicles, shall ~~bear two red stars on a yellow~~  
38 background; one before and one following be designed  
39 by the chief of the Iowa highway safety patrol in  
40 cooperation with the department and the registration  
41 number on the plate, ~~which registration number shall~~  
42 be the officer's badge number. Registration plates  
43 issued for Iowa highway safety patrol vehicles, except  
44 unmarked patrol vehicles, shall be fully  
45 reflectorized. Registration ~~The processed emblem on~~  
46 registration plates issued for a county sheriff's  
47 patrol vehicles shall ~~display one seven pointed gold~~  
48 star on a green background followed by be designed by  
49 representatives designated by the Iowa state sheriff's  
50 and deputies association in cooperation with the

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1 department and the registration number on the plate  
2 shall contain the letter "S" and the call number of  
3 the vehicle. However, the director of the department  
4 of general services or the director of transportation  
5 may order the issuance of regular registration plates  
6 for any exempted vehicle used by peace officers in the  
7 enforcement of the law, persons enforcing chapter 124  
8 and other laws relating to controlled substances,  
9 persons in the department of justice who are regularly  
10 assigned to conduct investigations which cannot  
11 reasonably be conducted with a vehicle displaying  
12 "official" state registration plates, and persons in  
13 the lottery division of the department of revenue and  
14 finance whose regularly assigned duties relating to  
15 security or the carrying of lottery tickets cannot  
16 reasonably be conducted with a vehicle displaying  
17 "official" registration plates. For purposes of sale  
18 of exempted vehicles, the exempted governmental body,

19 upon the sale of the exempted vehicle, may issue for  
20 in-transit purposes a pasteboard card bearing the  
21 words "Vehicle in Transit", the name of the official  
22 body from which the vehicle was purchased, together  
23 with the date of the purchase plainly marked in at  
24 least one-inch letters, and other information required  
25 by the department. The in-transit card is valid for  
26 use only within forty-eight hours after the purchase  
27 date as indicated on the bill of sale which shall be  
28 carried by the driver.

29 Sec. 300. Section 321.19, subsection 1, Code 1993,  
30 is amended by adding the following new unnumbered  
31 paragraph:

32 NEW UNNUMBERED PARAGRAPH. However, if the chief of  
33 the Iowa highway safety patrol determines that the  
34 registration plate with the processed emblem issued  
35 for Iowa highway safety patrol vehicles creates a  
36 problem in adequately identifying the vehicles, the  
37 chief shall inform the department in writing. The  
38 department shall then issue special registration  
39 plates, designed by the chief of the Iowa highway  
40 safety patrol, of a design and color that adequately  
41 distinguishes the plates from plates issued in  
42 conformity with the requirements of section 321.166.

43 Sec. 400. Section 321.19, subsection 2, unnumbered  
44 paragraph 2, Code 1993, is amended to read as follows:

45 The department, in accordance with subsection 1,  
46 shall furnish special registration plates with a  
47 distinguishing ~~plates processed emblem~~ for vehicles  
48 used by urban transit companies operated by a  
49 municipality. No other provision of law providing for  
50 the payment of taxes, registration, or license fees

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1 for vehicles shall be applicable to any bus, car, or  
2 vehicle for the transportation of passengers owned and  
3 operated by any urban transit company.

4 Sec. 500. Section 321.21, subsection 1, Code 1993,  
5 is amended to read as follows:

6 1. A person owning any special mobile equipment  
7 may make application to the department, upon the  
8 appropriate form furnished by the department, for a  
9 certificate containing a general distinguishing number  
10 and for one or more special registration plates with a  
11 processed emblem that identifies the vehicle as  
12 special mobile equipment ~~plates~~. The applicant shall  
13 also submit proof of the status of the vehicle as  
14 special mobile equipment as may reasonably be required  
15 by the department.

16 Sec. 600. Section 321.21, subsection 3, Code 1993,  
17 is amended to read as follows:

18 3. The department shall also issue special mobile  
19 equipment plates as applied for, which shall have  
20 displayed the general distinguishing number assigned  
21 to the applicant. Each plate or pair of plates issued  
22 shall ~~have displayed on the face of the plate the~~  
23 ~~words: Special Mobile Equipment contain a processed~~  
24 ~~emblem which identifies the vehicle as special mobile~~  
25 ~~equipment.~~ The fee for each plate or pair of special  
26 plates is fifteen dollars.

27 Sec. 700. Section 321.22, subsection 1, Code 1993,  
28 is amended to read as follows:

29 1. An urban transit company or system having a  
30 franchise to operate in any city and any regional  
31 transit system may make application to the department,  
32 upon forms furnished by the department, for a  
33 certificate containing a distinguishing number and for  
34 one or more pairs of special registration plates with  
35 a processed emblem, that identifies the vehicle as a  
36 transit bus, plates to be attached to the front and  
37 rear of buses owned or operated by the transit company  
38 or system.

39 Sec. 800. Section 321.22, subsection 3, Code 1993,  
40 is amended to read as follows:

41 3. The department shall issue transit bus  
42 registration plates with a distinguishing processed  
43 emblem as applied for, which emblem shall be imprinted  
44 with contain the words "Transit Bus" and the special  
45 plate shall contain a distinguishing number assigned  
46 to the applicant. The department shall issue the  
47 certificates and special plates without fee.

48 Sec. 900. Section 321.23, subsection 4, Code 1993,  
49 is amended to read as follows:

50 4. A vehicle which does not meet the equipment

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1 requirements of this chapter due to the particular use  
2 for which it is designed or intended, may be  
3 registered by the department upon payment of  
4 appropriate fees and after inspection and  
5 certification by the department that the vehicle is  
6 not in an unsafe condition. A person is not required  
7 to have a certificate of title to register a vehicle  
8 under this subsection. If the owner elects to have a  
9 certificate of title issued for the vehicle, a fee of  
10 ten dollars shall be paid by the person making the  
11 application upon issuance of a certificate of title.  
12 If the department's inspection reveals that the



13 vehicle may be safely operated only under certain  
 14 conditions or on certain types of roadways, the  
 15 department may restrict the registration to limit  
 16 operation of the vehicle to the appropriate conditions  
 17 or roadways. This subsection does not apply to  
 18 snowmobiles as defined in section 321G.1. Section  
 19 321.382 does not apply to a vehicle registered under  
 20 this subsection which is operated exclusively by a  
 21 handicapped person who has obtained a handicapped  
 22 identification device as provided in section 321L.2,  
 23 if the handicapped identification device is carried in  
 24 the vehicle and shown to a peace officer on request.  
 25 A vehicle registration plate issued to a vehicle  
 26 described by this subsection shall contain a processed  
 27 emblem identifying the vehicle as a restricted  
 28 vehicle.

29 Sec. 1000. Section 321.34, subsection 3, Code  
 30 Supplement 1993, is amended by adding the following  
 31 new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. Registration plates  
 33 issued pursuant to this subsection shall, consistent  
 34 with the requirements of this subsection, comply with  
 35 the requirements of section 321.166.

36 Sec. 1100. Section 321.34, subsection 5, Code  
 37 Supplement 1993, is amended by adding the following  
 38 new paragraph:

39 NEW PARAGRAPH. d. Registration plates issued  
 40 pursuant to this subsection shall, consistent with the  
 41 requirements of this subsection, comply with the  
 42 requirements of section 321.166.

43 Sec. 1200. Section 321.34, Code Supplement 1993,  
 44 is amended by adding the following new subsections:

45 NEW SUBSECTION. 16A. UNITED STATES ARMED FORCES  
 46 RETIRED PLATES. The owner of a motor vehicle subject  
 47 to registration under section 321.109, subsection 1,  
 48 multipurpose vehicle, light delivery truck, panel  
 49 delivery truck, or pickup, who is a retired member of  
 50 the United States armed forces, may upon written

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1 application to the department and upon presentation of  
 2 satisfactory proof of membership, order special  
 3 registration plates. The special registration plates  
 4 shall bear the notation "U.S. Armed Forces Retired" in  
 5 four lines on the left-hand side of the plate. The  
 6 plate shall display the notation of the particular  
 7 branch of the military in which the applicant served.  
 8 The special registration plates shall be red, white,  
 9 and blue in color and shall have an identifying

10 number. The special registration plates shall be  
11 issued to the applicant in exchange for the  
12 registration plates previously issued to that person.  
13 The fee for ordering the United States armed forces  
14 retired plates shall be twenty-five dollars. No  
15 additional annual fee shall be required other than the  
16 regular annual registration fee. The county treasurer  
17 shall validate the plates in the same manner as  
18 regular registration plates are validated under this  
19 section. For purposes of this subsection a person is  
20 considered to be retired if they served twenty years  
21 or longer in the United States armed forces.

22 NEW SUBSECTION. 16B. NATURAL RESOURCES PLATES.

23 a. Upon application and payment of the proper  
24 fees, the director may issue natural resources plates  
25 to the owner of a motor vehicle subject to  
26 registration under section 321.109, subsection 1,  
27 light delivery truck, panel delivery truck, pickup,  
28 motor home, multipurpose vehicle, or travel trailer.

29 b. Natural resources plates shall be designed by  
30 the department in cooperation with the department of  
31 natural resources.

32 c. The special natural resources fee for letter  
33 number designated natural resources plates is thirty-  
34 five dollars. The fee for personalized natural  
35 resources plates is forty-five dollars which shall be  
36 paid in addition to the special natural resources fee  
37 of thirty-five dollars. The fees collected by the  
38 director under this subsection shall be paid monthly  
39 to the treasurer of state and credited to the road use  
40 tax fund. Notwithstanding section 423.24, and prior  
41 to the crediting of revenues to the road use tax fund  
42 under section 423.24, subsection 1, paragraph "d", the  
43 treasurer of state shall credit monthly from those  
44 revenues to the Iowa resources enhancement and  
45 protection fund created pursuant to section 455A.18,  
46 the amount of the special natural resources fees  
47 collected in the previous month for the natural  
48 resources plates.

49 d. Upon receipt of the special registration  
50 plates, the applicant shall surrender the current

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1 registration receipt and plates to the county  
2 treasurer. The county treasurer shall validate the  
3 special registration plates in the same manner as  
4 regular registration plates are validated under this  
5 section. The annual special natural resources fee for  
6 letter number designated plates is ten dollars which

7 shall be paid in addition to the regular annual  
 8 registration fee. The annual fee for personalized  
 9 natural resources plates is five dollars which shall  
 10 be paid in addition to the annual special natural  
 11 resources fee and the regular annual registration fee.  
 12 The annual special natural resources fee shall be  
 13 credited as provided under paragraph "c".

14 Sec. 1300. Section 321.34, Code Supplement 1993,  
 15 is amended by adding the following new subsections:

16 **NEW SUBSECTION. 17. SPECIAL REGISTRATION PLATES -**  
 17 **GENERAL PROVISIONS.**

18 a. The owner of a motor vehicle subject to  
 19 registration pursuant to section 321.109, subsection  
 20 1, light delivery truck, panel delivery truck, pickup,  
 21 motor home, multipurpose vehicle, or travel trailer  
 22 may, upon written application to the department, order  
 23 special registration plates with a distinguishing  
 24 processed emblem as authorized by this section or as  
 25 approved by the department. The fee for the issuance  
 26 of special registration plates is twenty-five dollars  
 27 for each vehicle, unless otherwise provided by this  
 28 section, which fee is in addition to the regular  
 29 annual registration fee. The county treasurer shall  
 30 validate special registration plates with a  
 31 distinguishing processed emblem in the same manner as  
 32 regular registration plates, upon payment of five  
 33 dollars in addition to the regular annual registration  
 34 fee.

35 b. Upon receipt of a special registration plate  
 36 with a distinguishing processed emblem as authorized  
 37 by this section or as approved by the department, the  
 38 applicant shall surrender the regular registration  
 39 plates to the county treasurer. An applicant no  
 40 longer eligible for a special registration plate shall  
 41 surrender the special vehicle registration plates to  
 42 the county treasurer for issuance of regular  
 43 registration plates.

44 c. An applicant may, upon payment of the  
 45 additional fee for a personalized plate as provided in  
 46 subsection 5, obtain a personalized special  
 47 registration plate with a processed emblem.  
 48 Personalized plates authorized by this section with  
 49 the processed emblem shall be limited to no more than  
 50 five initials, letters, or combinations of numerals

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1 and letters.

2 **NEW SUBSECTION. 18. NEW SPECIAL REGISTRATION PLATES -**  
 3 **AUTHORIZATION BY DEPARTMENT.**

4 a. Any person may submit a request to the  
5 department to approve a new special registration plate  
6 with a processed emblem. The request shall provide a  
7 proposed design for the processed emblem, the purpose  
8 of the special registration plate with the processed  
9 emblem, any eligibility requirements for purchase or  
10 receipt of the special registration plate with the  
11 processed emblem, and evidence there is sufficient  
12 interest in the special registration plate with the  
13 processed emblem to pay implementation costs. The  
14 department shall deny or approve the request based  
15 upon criteria established by the department which  
16 shall include consideration of the information  
17 included in the request, the number of special  
18 registration plates with processed emblems currently  
19 authorized, and any other relevant factors.

20 b. If a request for a proposed special  
21 registration plate with a processed emblem is approved  
22 by the department, the department shall, in  
23 consultation with the persons seeking the special  
24 registration plate with the processed emblem, approve  
25 a design for the processed emblem, adopt eligibility  
26 requirements for the special registration plate with  
27 the processed emblem, and establish a date for  
28 issuance of the special plate with the processed  
29 emblem.

30 c. The department retains absolute discretion to  
31 deny any request submitted pursuant to this subsection  
32 at any time prior to the date established for issuance  
33 of the special registration plate with the processed  
34 emblem.

35 d. A special registration plate with a processed  
36 emblem approved and issued by the department pursuant  
37 to this subsection may be rejected by the department  
38 after it has been issued, based on criteria  
39 established by the department.

40 **NEW SUBSECTION. 19. HANDICAPPED SPECIAL PLATES.**

41 An owner referred to in subsection 17, who is a  
42 handicapped person, or who is the parent or guardian  
43 of a child who resides with the parent or guardian  
44 owner and who is a handicapped person, as defined in  
45 section 321L.1, may, upon written application to the  
46 department, order special registration plates with a  
47 handicapped processed emblem designed by the  
48 department bearing the international symbol of  
49 accessibility. The special registration plates with a  
50 handicapped processed emblem shall only be issued if

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1 the application is accompanied with a statement from a  
2 physician licensed under chapter 148, 149, 150, or  
3 150A, or a chiropractor licensed under chapter 151,  
4 written on the physician's or chiropractor's  
5 stationery, stating the nature of the applicant's or  
6 the applicant's child's handicap and such additional  
7 information as required by rules adopted by the  
8 department, including proof of residency of a child  
9 who is a handicapped person. If the application is  
10 approved by the department the special registration  
11 plates with a handicapped processed emblem shall be  
12 issued to the applicant. The fee for the special  
13 registration plates with a handicapped processed  
14 emblem is five dollars. The authorization for special  
15 registration plates with a handicapped processed  
16 emblem shall not be renewed without the applicant  
17 furnishing evidence to the department that the owner  
18 of the motor vehicle or the owner's child is still a  
19 handicapped person as defined in section 321L.1,  
20 unless the applicant has previously provided  
21 satisfactory evidence to the department that the owner  
22 of the vehicle or the owner's child is permanently  
23 handicapped in which case the furnishing of additional  
24 evidence shall not be required for renewal. However,  
25 an owner who has a child who is a handicapped person  
26 shall provide satisfactory evidence to the department  
27 that the handicapped child continues to reside with  
28 the owner. The registration plates with a handicapped  
29 processed emblem shall be surrendered in exchange for  
30 regular registration plates as provided in subsection  
31 17 when the owner of the motor vehicle or the owner's  
32 child no longer qualifies as a handicapped person as  
33 defined in section 321L.1 or when the owner's child  
34 who is a handicapped person no longer resides with the  
35 owner.

36 **NEW SUBSECTION. 20. EX-PRISONER OF WAR SPECIAL**  
37 **PLATES.** An owner referred to in subsection 17, who  
38 was a prisoner of war during the second world war at  
39 any time between December 7, 1941, and December 31,  
40 1946, the Korean conflict at any time between June 25,  
41 1950, and January 31, 1955, or the Vietnam conflict at  
42 any time between August 5, 1964, and June 30, 1973,  
43 all dates inclusive, may upon written application to  
44 the department, order special registration plates with  
45 an ex-prisoner of war processed emblem with the emblem  
46 designed by the department in cooperation with the  
47 adjutant general which emblem signifies that the owner  
48 was a prisoner of war as described in this subsection.

49 The application is subject to approval by the  
50 department, in consultation with the adjutant general.

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1 NEW SUBSECTION. 21. NATIONAL GUARD SPECIAL  
2 PLATES. An owner referred to in subsection 17, who is  
3 a member of the national guard, as defined in chapter  
4 29A, may upon written application to the department,  
5 order special registration plates with a national  
6 guard processed emblem with the emblem designed by the  
7 department in cooperation with the adjutant general  
8 which emblem signifies that the applicant is a member  
9 of the national guard. The application shall be  
10 approved by the department in consultation with the  
11 adjutant general. Special registration plates with a  
12 national guard processed emblem shall be surrendered,  
13 as provided in subsection 17, in exchange for regular  
14 registration plates upon termination of the owner's  
15 membership in the active national guard.

16 NEW SUBSECTION. 22. COLLEGIATE SPECIAL PLATES.

17 a. Upon application and payment of the proper  
18 fees, the director may issue to an owner referred to  
19 in subsection 17, special registration plates with a  
20 collegiate processed emblem. The collegiate emblem  
21 shall be designed for each of the three state  
22 universities by the department in consultation with  
23 the respective university.

24 b. In addition to the fee for a special  
25 registration plate with a processed emblem as provided  
26 by subsection 17, a special collegiate plate fee of  
27 twenty-five dollars shall be assessed.

28 Notwithstanding section 423.24 and prior to the  
29 revenues being credited to the road use tax fund under  
30 section 423.24, subsection 1, paragraph "d", the  
31 treasurer of state shall credit monthly from those  
32 revenues respectively, to Iowa state university of  
33 science and technology, the university of northern  
34 Iowa, and the state university of Iowa, the amount of  
35 the special collegiate plate fees collected in the  
36 previous month for special plates with a collegiate  
37 processed emblem designed for the university. The  
38 moneys credited are appropriated to the respective  
39 universities to be used for scholarships for students  
40 attending the universities.

41 NEW SUBSECTION. 23. CONGRESSIONAL MEDAL OF HONOR  
42 SPECIAL PLATES. An owner referred to in subsection  
43 17, who has been awarded the congressional medal of  
44 honor may, upon written application to the department,  
45 order special registration plates with a processed

46 emblem which emblem shall be red, white, and blue in  
47 color and shall bear a representation of the  
48 congressional medal of honor. The application is  
49 subject to approval by the department. The department  
50 shall not issue congressional medal of honor special

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1 plates until service organizations in the state have  
2 furnished the department with either the special dies  
3 necessary to produce the special registration plates  
4 with the processed emblem or the cost for the  
5 manufacture of the special registration plates with  
6 the processed emblem.

7 NEW SUBSECTION. 24. PEARL HARBOR SPECIAL PLATES.

8 An owner referred to in subsection 17, who was at  
9 Pearl Harbor, Hawaii, as a member of the armed  
10 services of the United States on December 7, 1941,  
11 may, upon written application to the department, order  
12 special registration plates with a Pearl Harbor  
13 processed emblem. The emblem shall be designed by the  
14 department in consultation with service organizations.  
15 The application is subject to approval by the  
16 department.

17 NEW SUBSECTION. 25. PURPLE HEART SPECIAL PLATES.

18 An owner referred to in subsection 17, who was awarded  
19 a purple heart medal by the United States government  
20 for wounds received in military or naval combat  
21 against an armed enemy of the United States, may upon  
22 written application to the department and presentation  
23 of satisfactory proof of the award of the purple heart  
24 medal, order special registration plates with a purple  
25 heart processed emblem. The design of the emblem  
26 shall include a representation of a purple heart medal  
27 and ribbon. The application is subject to approval by  
28 the department in consultation with the adjutant  
29 general.

30 NEW SUBSECTION. 26. FIRE FIGHTER SPECIAL PLATES.

31 An owner referred to in subsection 17, who is a  
32 current or former member of a paid or volunteer fire  
33 department, may upon written application to the  
34 department, order special registration plates with a  
35 fire fighter processed emblem, with the emblem  
36 designed by the department in cooperation with  
37 representatives designated by the Iowa fire fighters'  
38 associations, which emblem signifies that the  
39 applicant is a current or former member of a paid or  
40 volunteer fire department. The application shall be  
41 approved by the department, in consultation with  
42 representatives designated by the Iowa fire fighters'

43 associations.

44 **NEW SUBSECTION. 27. UNITED STATES ARMED FORCES**

45 **RETIRED SPECIAL PLATES.** An owner referred to in

46 subsection 17, who is a retired member of the United  
47 States armed forces, may, upon written application to  
48 the department and upon presentation of satisfactory  
49 proof of membership, order special registration plates  
50 with a United States armed forces retired processed

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1 emblem. The emblem shall be designed by the  
2 department in consultation with service organizations.  
3 The application is subject to approval by the  
4 department. For purposes of this subsection, a person  
5 is considered to be retired if the person served  
6 twenty years or longer in the United States armed  
7 forces.

8 **NEW SUBSECTION. 28. NATURAL RESOURCES SPECIAL**  
9 **PLATES.**

10 a. Upon application and payment of the proper  
11 fees, the director may issue to an owner referred to  
12 in subsection 17, special registration plates with a  
13 natural resources processed emblem. The processed  
14 emblem shall be designed by the department in  
15 cooperation with the department of natural resources.  
16 b. The special natural resources fee for the  
17 special natural resources plates is thirty-five  
18 dollars and the annual special natural resources fee  
19 is ten dollars. The fees assessed pursuant to this  
20 paragraph are in addition to the fees for special  
21 registration plates with a processed emblem as  
22 provided by subsection 17. Notwithstanding section  
23 423.24, and prior to the crediting of revenues to the  
24 road use tax fund under section 423.24, subsection 1,  
25 paragraph "d", the treasurer of state shall credit  
26 monthly from those revenues to the Iowa resources  
27 enhancement and protection fund created pursuant to  
28 section 455A.18, the amount of the special natural  
29 resources fees collected in the previous month for the  
30 special registration plates with the natural resources  
31 emblem.

32 Sec. 1400. Section 321.60, unnumbered paragraph 1,  
33 Code 1993, is amended to read as follows:

34 The department shall also issue special  
35 registration plates with a distinguishing processed  
36 emblem as applied for, which plate shall display the  
37 general distinguishing number assigned to the  
38 applicant. Each plate so issued shall also contain on  
39 the processed emblem a number or symbol identifying



40 the special plate and distinguishing it from every  
41 other special plate bearing the same general  
42 distinguishing number. The fee for each special plate  
43 is forty dollars for two years, eighty dollars for  
44 four years, or one hundred twenty dollars for six  
45 years.

46 Sec. 1500. Section 321.166, subsection 2, Code  
47 1993, is amended to read as follows:

48 2. Every registration plate or pair of plates  
49 shall display a registration plate number which shall  
50 consist of alphabetical or numerical characters or a

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1 combination thereof and the name of this state, which  
2 may be abbreviated. Every registration plate issued  
3 by the county treasurer, including any plate issued  
4 pursuant to section 321.34, shall display the name of  
5 the county except plates issued for truck tractors,  
6 motorcycles, motorized bicycles, travel trailers,  
7 semitrailers and trailers. The year of expiration or  
8 the date of expiration shall be displayed on vehicle  
9 registration plates, except plates issued under  
10 section 321.19. Special truck registration plates  
11 shall display the word "special".

12 Sec. 1600. Section 321.166, subsection 5, Code  
13 1993, is amended to read as follows:

14 5. There shall be a marked contrast between the  
15 color of the registration plates and the data which is  
16 required to be displayed on the registration plates.  
17 When a new series of registration plates is issued to  
18 replace a current series, the new registration plates  
19 shall be of a distinctively different color from the  
20 series which is replaced; except for collegiate  
21 registration plates issued under section 321.34,  
22 subsection 10.

23 Sec. 1700. Section 321.166, Code 1993, is amended  
24 by adding the following new subsection:

25 NEW SUBSECTION. 8. Special registration plates  
26 issued beginning January 1, 1997, shall be consistent  
27 with the design and color of regular registration  
28 plates but shall provide a space on a portion of the  
29 plate for the purpose of allowing the placement of a  
30 distinguishing processed emblem. Special registration  
31 plates shall also comply with the requirements for  
32 regular registration plates as provided in this  
33 section to the extent the requirements are consistent  
34 with the section authorizing a particular special  
35 vehicle registration plate.

36 Sec. 1800. Section 321.170, Code 1993, is amended

37 to read as follows:

38 321.170 PLATES FOR EXEMPT VEHICLES.

39 The department shall furnish, on application, free  
40 of charge, registration plates with a distinguishing  
41 plates processed emblem, if applicable, for motor  
42 vehicles exempted from a registration fee and, The  
43 department shall keep a separate record thereof of the  
44 plates.

45 Sec. 1900. Section 321J.4A, subsection 4,  
46 paragraph a, Code 1993, is amended to read as follows:

47 a. A defendant or an owner may apply to the  
48 director for new registration plates, which must bear  
49 a special series of numbers or letters so as to be  
50 readily identified by traffic law enforcement

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1 officers. Application for and acceptance of special  
2 plates constitutes implied consent for law enforcement  
3 officers to stop the vehicle bearing special plates at  
4 any time. The director shall authorize the issuance  
5 of special new registration plates if any of the  
6 following apply:

7 (1) A member of the defendant's household has a  
8 valid driver's license.

9 (2) The defendant or owner has a temporary  
10 restricted license issued pursuant to section 321J.4,  
11 subsection 8.

12 The director may issue the special new registration  
13 plates on payment of a fifty dollar fee for each  
14 vehicle for which special the plates are requested.

15 Sec. 2000. Section 321J.4A, subsection 5, Code  
16 1993, is amended to read as follows:

17 5. A registered owner shall not sell a motor  
18 vehicle during the time its registration plates and  
19 registration certificate have been ordered surrendered  
20 or during the time its registration plates bear a  
21 special series number are authorized to be issued only  
22 pursuant to subsection 4, unless the registered owner  
23 applies to the department for consent to transfer  
24 title to the motor vehicle. If the department is  
25 satisfied that the proposed sale is in good faith and  
26 for valid consideration, that the registered owner  
27 will be deprived of custody and control of the motor  
28 vehicle, and that the sale is not for the purpose of  
29 circumventing the provisions of this section, the  
30 department may certify its consent to the county  
31 treasurer. The county treasurer shall then transfer  
32 the title to the new owner upon proper application and  
33 issue new registration plates. After the registration

34 plates and registration certificate have been ordered  
35 surrendered to the court under this section, if the  
36 title to the motor vehicle is transferred by the  
37 cancellation of a conditional sales contract, a sale  
38 upon execution, or by decree or order of a court of  
39 competent jurisdiction, the department shall order the  
40 title surrendered to the new registered owner. The  
41 county treasurer shall then transfer the title and  
42 issue new registration plates to the new registered  
43 owner.

44 Sec. 2100. Section 321L.2, subsection 1, paragraph  
45 a, Code 1993, is amended to read as follows:

46 a. A handicapped resident of the state desiring a  
47 handicapped identification device shall apply to the  
48 department upon an application form furnished by the  
49 department providing the applicant's name, address,  
50 date of birth, and social security number and shall

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1 also provide a statement from a physician licensed  
2 under chapter 148, 149, 150, or 150A, or a  
3 chiropractor licensed under chapter 151, or a  
4 physician or chiropractor licensed to practice in a  
5 contiguous state, written on the physician's or  
6 chiropractor's stationery, stating the nature of the  
7 applicant's handicap and such additional information  
8 as required by rules adopted by the department under  
9 section 321L.8. Handicapped registration plates must  
10 be ordered pursuant to section 321.34; subsection 7.  
11 A handicapped person may apply for either one  
12 temporary or one permanent handicapped identification  
13 hanging device. Persons who seek a permanent  
14 handicapped identification device shall be required to  
15 furnish evidence upon initial application that they  
16 are permanently handicapped. A person who has  
17 provided satisfactory evidence to the department that  
18 the person is permanently handicapped shall not be  
19 required to furnish evidence of being handicapped at a  
20 later date, unless the department deems it necessary.  
21 Persons who seek only temporary handicapped  
22 identification stickers or hanging devices shall be  
23 required to furnish evidence upon initial application  
24 that they are temporarily handicapped and, in  
25 addition, furnish evidence at three-month intervals  
26 that they remain temporarily handicapped. Temporary  
27 handicapped identification stickers and hanging  
28 devices shall be of a distinctively different color  
29 from permanent handicapped identification stickers and  
30 hanging devices.

31 Sec. 2200. Section 326.14, Code 1993, is amended  
32 to read as follows:

33 326.14 PLATES AND RECEIPTS.

34 The department shall issue registration plates and  
35 receipts pursuant to apportionment agreements or  
36 arrangements authorized under this chapter. Plates  
37 issued pursuant to this section need not conform to  
38 the requirements of section 321.166, subsection 8.

39 Sec. 2300. Section 321.34, subsections 7 through  
40 14 and 16, Code Supplement 1993, and section 321.34,  
41 subsections 16A and 16B, as enacted by this Act, are  
42 amended by striking the subsections effective January  
43 1, 1997. However, all special plates issued pursuant  
44 to section 321.34, subsections 7 through 14, and 16,  
45 Code Supplement 1993, and section 321.34, subsection  
46 16A, as enacted by this Act, shall remain valid  
47 through the month of expiration in 1997.

48 Sec. 2400. MORATORIUM ON SPECIAL REGISTRATION  
49 PLATES. The general assembly shall not authorize any  
50 additional types of special registration plates not in

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1 conformity with section 321.166, subsection 8 for  
2 issuance after January 1, 1995.

3 Sec. 2500. EFFECTIVE DATES.

4 1. Sections 100, 200, 300, 400, 500, 600, 700,  
5 800, 900, 1000, 1100, 1300, 1400, 1500, 1600, 1800,  
6 2100, and 2200 of this Act take effect January 1,  
7 1997.

8 2. Section 1200 of this Act takes effect January  
9 1, 1995."

10 9. Title page, line 6, by inserting after the  
11 word "project" the following: ", Iowa motor vehicle  
12 registration plates, and providing effective dates".  
13 10. By renumbering, relettering, or redesignating  
14 and correcting internal references as necessary.

S-5350

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:

4 1. Page 5, lines 35 and 36, by striking the words  
5 "the public broadcasting division of".

JIM LIND

S-5351

- 1 Amend the amendment, S-5332, to the House  
 2 amendment, S-5144, to Senate File 2089, as passed by  
 3 the Senate, as follows:
- 4 1. Page 3, line 30, by striking the word  
 5 "construction,".
- 6 2. Page 3, line 38, by striking the word  
 7 "construction,".
- 8 3. Page 3, line 50, by striking the word  
 9 "construct,".
- 10 4. By striking page 8, line 50 through page 9,  
 11 line 4, and inserting the following: "state agencies  
 12 and the educational telecommunications system. The  
 13 state Iowa communications network consists of Part I,  
 14 Part II, and Part III of the system."
- 15 5. Page 9, by striking lines 8 through 11 and  
 16 inserting the following: "connections between central  
 17 switching and the regional switching centers for the".
- 18 6. Page 9, by striking lines 19 through 23 and  
 19 inserting the following: "18.133, subsections 3  
 20 subsections 2 and 4 3."
- 21 7. Page 13, by inserting after line 15 the  
 22 following:
- 23 "Sec. \_\_\_\_ . Section 18.136, Code Supplement 1993,  
 24 is amended by adding the following new subsection:  
 25 **NEW SUBSECTION. 4A.** The state shall lease all  
 26 component parts for Part III connections for which  
 27 state funding is provided from qualified providers and  
 28 the state shall not own a component part of Part III,  
 29 except for those component parts owned by the state as  
 30 of January 1, 1994, or those component parts related  
 31 to a facility under the control of the armory board  
 32 appointed pursuant to section 29A.57."
- 33 8. Renumber as necessary.

DERRYL McLAREN

S-5352

- 1 Amend House File 2179, as amended, passed, and  
 2 reprinted by the House, as follows:
- 3 1. Page 11, by inserting after line 29 the  
 4 following:
- 5 "Sec. \_\_\_\_ . **NEW SECTION. 99G.1 DEFINITIONS.**  
 6 As used in this chapter unless the context  
 7 otherwise requires:
- 8 1. "Administrator" means the commissioner  
 9 appointed by the Iowa lottery board.
- 10 2. "Associated equipment" means a proprietary

11 device, machine or part used in the manufacture or  
12 maintenance of a video lottery machine, including but  
13 not limited to, integrated circuit chips, printed  
14 wired assembly, printed wired boards, printing  
15 mechanisms, video display monitors, and metering  
16 devices.

17 3. "Commission" means the Iowa lottery board.

18 4. "Credit" means twenty-five cents.

19 5. "Division" means the lottery division of the  
20 department of revenue and finance.

21 6. "Licensed premises" means licensed premises as  
22 defined in section 123.3, where alcoholic beverages  
23 are sold for consumption on the premises.

24 7. "Major procurement" means a contract with a  
25 vendor directly involved in providing facilities,  
26 equipment, vouchers, and services unique to the video  
27 lottery, but not including materials, supplies,  
28 equipment, and services common to the ordinary  
29 operations of state agencies.

30 8. "Net machine income" means money put into a  
31 video lottery machine minus money paid out in cash.

32 9. "Video lottery" or "state video lottery" means  
33 a lottery operated pursuant to this chapter.

34 10. "Video lottery machine" or "machine" means an  
35 electronic video game machine that, upon insertion of  
36 cash, is available to play or simulate the play of a  
37 video game, including but not limited to video poker,  
38 keno, and blackjack, authorized by the commission, and  
39 utilizes a video display and microprocessors in which  
40 the player may receive free games, credits, or tickets  
41 that can be redeemed for cash. The term does not  
42 include a machine that directly dispenses coins, cash,  
43 or tokens.

44 11. "Video lottery machine distributor" or  
45 "distributor" means a person that distributes or sells  
46 video lottery machines or associated equipment in this  
47 state.

48 12. "Video lottery machine establishment" or  
49 "establishment" means any establishment owned or  
50 managed by an individual, partnership, or corporation

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1 licensed to sell alcoholic beverages for consumption  
2 upon the premises as defined in section 123.3.

3 13. "Video lottery machine manufacturer" or  
4 "manufacturer" means a person that assembles or  
5 produces video lottery machines or associated  
6 equipment for sale or use in this state.

7 14. "Video lottery machine operator" or "operator"

8 means a person that places video lottery machines or  
9 associated equipment for public use in this state.

10 15. "Service employee" means an employee of a  
11 video lottery machine operator certified by the  
12 division to perform service, maintenance, and repair  
13 on video lottery machines.

14 16. "Ticket" means any tangible evidence issued by  
15 the commission to prove participation in a video  
16 lottery game.

17 Sec. \_\_\_\_ . NEW SECTION. 99G.2 SCOPE OF  
18 PROVISIONS.

19 This chapter does not apply to bingo or games of  
20 skill or chance authorized under chapter 99B, to the  
21 pari-mutuel system of wagering used or intended to be  
22 used in connection with the racing of dogs or horses  
23 as authorized under chapter 99D, or to gambling games  
24 authorized for excursion gambling boats under chapter  
25 99F.

26 Sec. \_\_\_\_ . NEW SECTION. 99G.3 VIDEO LOTTERY  
27 AUTHORIZED.

28 The system of wagering through video lottery  
29 machines as provided in this chapter is legal when the  
30 wagering is conducted at authorized locations by a  
31 licensee as provided in this chapter.

32 Sec. \_\_\_\_ . NEW SECTION. 99G.4 POWERS AND DUTIES  
33 OF THE ADMINISTRATOR.

34 Subject to policies established and rules adopted  
35 by the commission, the administrator shall:

36 1. Supervise and administer the operation of the  
37 video lottery in accordance with this chapter.

38 2. Employ all other employees of the video  
39 lottery, subject to chapter 19A.

40 3. Enter into contracts for promotional services,  
41 data processing, and other technical products,  
42 equipment, and services, and facilities as needed to  
43 operate the video lottery including, but not limited  
44 to, tickets and other services involved in major  
45 procurements.

46 4. Contract with and license persons for the  
47 offering of video lottery games to the public.

48 5. Make demographic studies of video lottery  
49 players and studies of reactions of citizens to  
50 existing and potential features of the video lottery.

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1 6. Require video lottery operators and persons  
2 licensed pursuant to this chapter to furnish proof of  
3 financial stability or furnish surety in an amount  
4 based upon the expected volume of net machine income.

- 5 7. Provide for separate, distinct, and secure data  
6 processing facilities to be used for the reliable  
7 operation of the video lottery.
- 8 8. Examine, or cause to be examined by any agent  
9 or representative designated by the administrator, any  
10 books, papers, records, or memoranda of a video  
11 lottery operator or person licensed pursuant to this  
12 chapter for the purpose of ascertaining compliance  
13 with this chapter or any rule adopted pursuant to this  
14 chapter.
- 15 9. Issue subpoenas for the attendance of witnesses  
16 and subpoenas duces tecum to compel access to or for  
17 the production of books, papers, records, or memoranda  
18 in accordance with chapter 17A, or to compel the  
19 appearance of any of the licensee's employees, for the  
20 purpose of ascertaining compliance with this chapter  
21 or any rule adopted pursuant to this chapter.
- 22 10. Administer oaths and take depositions to the  
23 same extent and subject to the same limitations as  
24 would apply if the deposition was in aid of a civil  
25 action in the district court.
- 26 11. Impose civil penalties not to exceed ten  
27 thousand dollars for a first violation and fifteen  
28 thousand dollars for a second or subsequent violation  
29 of this chapter or any rule adopted pursuant to this  
30 chapter. The civil penalties shall be credited to the  
31 general fund of the state.
- 32 12. Make and keep books and records which  
33 accurately and fairly reflect each day's transactions,  
34 including but not limited to, the distribution and  
35 sale of tickets, receipts and expenses, and other  
36 financial transactions of the video lottery necessary  
37 to ensure accountability.
- 38 13. Make quarterly financial reports to the  
39 commission. The reports shall be based upon generally  
40 accepted accounting principles and include a full and  
41 complete statement of the video lottery's financial  
42 position and operations.
- 43 14. Make available for inspection by the  
44 commission, upon request, all books, records, files,  
45 and other information and documents of the video  
46 lottery.
- 47 15. Have an annual audit conducted of all accounts  
48 and transactions of the video lottery pursuant to  
49 chapter 11.
- 50 16. Prepare and submit budgets and proposals for



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1 the operation of the video lottery.

2 17. Operate the video lottery so that after the  
3 initial funding, it is self-sustaining and self-  
4 funded.

5 18. Include in printed promotional materials and  
6 information published the payback value of each credit  
7 for each video lottery game.

8 19. Make provision for the timely and efficient  
9 transfer of funds due from video lottery machine  
10 operators and persons licensed pursuant to this  
11 chapter to the general fund of the state.

12 20. If reasonably practical when the commission  
13 awards a contract or license pursuant to this chapter,  
14 the commission shall give preference to a responsible  
15 vendor, manufacturer, or distributor in this state if  
16 the costs and benefits to the commission are equal to  
17 those available from competing vendors manufacturers  
18 or distributors.

19 Sec. — . NEW SECTION. 99G.5 COMPETITIVE BIDDING  
20 PROCEDURES.

21 When entering into a contract pursuant to this  
22 chapter, the administrator shall use an open and  
23 competitive bid process which reflects the best  
24 interests of the state. The administrator shall  
25 consider all relevant factors including security,  
26 competence, experience, timely performance, and  
27 maximization of net revenues to the state. Contracts  
28 entered into pursuant to this chapter for major  
29 procurements are subject to the approval of the  
30 commission.

31 Sec. — . NEW SECTION. 99G.6 INVESTIGATION OF  
32 VIDEO LOTTERY VENDOR.

33 Subject to the approval of the commission, the  
34 administrator may enter into contracts for the  
35 operation and marketing of the video lottery, except  
36 that the commission may, by rule, designate classes of  
37 contracts other than major procurements which do not  
38 require prior approval by the commission. A major  
39 procurement shall be the result of competitive bidding  
40 with the contract being awarded to the responsible  
41 video lottery vendor submitting the lowest and best  
42 proposal. However, before a contract for a major  
43 procurement is awarded, the division of criminal  
44 investigation and bureau of identification of the  
45 department of public safety shall conduct a thorough  
46 background investigation of the video lottery vendor,  
47 any parent or subsidiary corporation of the video  
48 lottery vendor, all shareholders holding a five

49 percent or greater interest in the video lottery  
50 vendor or in a parent or subsidiary corporation of the

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1 video lottery vendor, and all officers and directors  
2 of the video lottery vendor or a parent or subsidiary  
3 corporation of the video lottery vendor to whom the  
4 contract is to be awarded. The video lottery vendor  
5 shall submit to the division of criminal investigation  
6 and bureau of identification appropriate investigation  
7 authorizations to facilitate this investigation. A  
8 contract for a major procurement awarded or entered  
9 into by the administrator with an individual or  
10 business organization shall require the individual or  
11 business organization to establish a permanent office  
12 in this state.

13 Sec. — . NEW SECTION. 99G.7 LICENSE  
14 INVESTIGATION.

15 1. An applicant shall not be issued a license  
16 under section 99G.18 as a video lottery establishment,  
17 machine operator, distributor, or manufacturer, unless  
18 the person has completed and signed an application on  
19 the form prescribed and published by the commission.  
20 The application shall include the full name,  
21 residence, date of birth, and other personal  
22 identifying information of the applicant that the  
23 commission deems necessary. The application shall  
24 also indicate if the applicant has any of the  
25 following:

26 a. A record of conviction of a felony.  
27 b. An addiction to alcohol or a controlled  
28 substance.  
29 c. A history of mental illness.  
30 d. A conviction of an offense involving gaming.

31 2. An applicant shall submit pictures,  
32 fingerprints, and descriptions of physical  
33 characteristics to the commission in the manner  
34 prescribed on the application form.

35 3. The commission shall charge the applicant a fee  
36 set by the department of public safety, division of  
37 criminal investigation and bureau of identification,  
38 to defray the costs associated with the search and  
39 classification of fingerprints required in subsection  
40 2 and background investigations conducted by agents of  
41 the division of criminal investigation and bureau of  
42 identification. This fee is in addition to any other  
43 license fee charged by the commission.

44 4. Before a license is granted, the division of  
45 criminal investigation and bureau of identification of

46 the department of public safety shall conduct a  
 47 thorough background investigation of an applicant for  
 48 a license as a video lottery establishment, machine  
 49 manufacturer, distributor, or operator. The applicant  
 50 shall provide information on a form as required by the

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1 division of criminal investigation and bureau of  
 2 identification.

3 5. An applicant who knowingly makes a false  
 4 statement on the application is guilty of an  
 5 aggravated misdemeanor.

6 6. For the purposes of this section, "applicant"  
 7 includes each member of a partnership and the board of  
 8 directors of a corporation.

9 7. a. A licensee shall consent to the search,  
 10 without a warrant, by agents of the division of  
 11 criminal investigation and bureau of identification of  
 12 the department of public safety or commission  
 13 employees designated by the commission, of the  
 14 licensee's or holder's person, personal property and  
 15 effects, and premises which are located in a licensed  
 16 establishment or principal place of business or  
 17 adjacent facilities under control of the licensee, in  
 18 order to inspect or investigate for violations of this  
 19 chapter or rules adopted by the commission pursuant to  
 20 this chapter. The department or commission may also  
 21 obtain administrative search warrants under section  
 22 808.14.

23 b. However, this subsection does not permit a  
 24 warrantless inspection of living quarters or sleeping  
 25 rooms if all of the following are true:

26 (1) The licensee has specifically identified those  
 27 areas which are to be used as living quarters or  
 28 sleeping rooms in writing to the commission.

29 (2) Video gaming is not permitted in the living  
 30 quarters or sleeping rooms, and devices, records, or  
 31 other items relating to the licensee's gaming  
 32 operations are not stored, kept, or maintained in the  
 33 living quarters or sleeping rooms.

34 (3) Alcoholic beverages are not stored, kept, or  
 35 maintained in the living quarters or sleeping rooms  
 36 except those legally possessed by the individual  
 37 occupying the quarters or rooms.

38 c. The commission shall adopt rules to enforce  
 39 this subsection.

40 Sec. — . **NEW SECTION. 99G.8 VIDEO LOTTERY**  
 41 **ESTABLISHMENTS -- CONTRACT FEE -- QUALIFICATIONS --**  
 42 **INELIGIBILITY.**

43 1. The administrator shall select as video lottery  
44 establishments persons who are licensed pursuant to  
45 section 123.3. A person lawfully engaged in  
46 nongovernmental business on state property may be  
47 selected as a video lottery establishment.  
48 2. The administrator shall charge an application  
49 fee of twenty-five dollars to a person applying to  
50 become a video lottery establishment. All video

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1 lottery establishment contracts awarded under this  
2 chapter are renewable annually after issuance unless  
3 sooner canceled or terminated. A video lottery  
4 establishment contract awarded under this chapter is  
5 not transferable or assignable.

6 3. Each video lottery establishment shall be  
7 issued a video lottery establishment certificate which  
8 shall be conspicuously displayed at the place where  
9 the lottery establishment is authorized to conduct a  
10 video lottery. Video lottery machines may only be  
11 operated at the location stated on the video lottery  
12 establishment certificate.

13 4. To be selected as a video lottery  
14 establishment, or a video lottery machine distributor,  
15 manufacturer, or operator, a person acting as a sole  
16 proprietor shall meet all of the following  
17 qualifications:

- 18 a. Be at least twenty-one years of age.
- 19 b. Be of good character and reputation in the  
20 community.
- 21 c. Have sufficient financial resources to support  
22 the activities required to dispense or place and  
23 service video lottery machines.
- 24 d. Be current in payment of all taxes, interest,  
25 and penalties owed to the state of Iowa, excluding  
26 items under formal dispute or appeal pursuant to  
27 applicable statutes.

28 5. A person shall not be selected as a video  
29 lottery establishment, or machine distributor,  
30 manufacturer, or operator, if any of the following  
31 apply:

- 32 a. The person has been convicted of a felony in  
33 this or any other jurisdiction, unless at least ten  
34 years have passed since satisfactory completion of the  
35 sentence or probation imposed by the court for each  
36 felony.
- 37 b. The person has been found to have violated this  
38 chapter or a rule adopted pursuant to this chapter.
- 39 c. The person is a member of the immediate family

40 of and resides with an employee of the commission or  
41 of a member of the commission.

42 d. The person has knowingly made a false statement  
43 of material fact to the commission.

44 6. For a partnership to be selected as a video  
45 lottery establishment or a video lottery machine  
46 distributor, manufacturer, or operator, the  
47 partnership must meet the requirements of subsections  
48 4 and 5.

49 7. For a corporation to be selected as a video  
50 lottery establishment or a video lottery machine

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1 distributor, manufacturer, or operator, the  
2 corporation must meet the requirements of subsection  
3 4, and each officer and director and each stockholder  
4 who owns ten percent or more of the stock of the  
5 corporation must meet the requirements of subsections  
6 4 and 5.

7 Sec. \_\_\_\_ . **NEW SECTION. 99G.9 STATE VIDEO LOTTERY**  
8 **POLICY AND OPERATIONAL RULES.**

9 1. The commission shall establish policies for the  
10 operation of the state video lottery and shall consult  
11 with and direct the administrator relating to the  
12 operation of the state video lottery. Major  
13 procurements recommended by the administrator are  
14 subject to the approval of the commission.

15 2. The commission shall adopt rules pursuant to  
16 chapter 17A governing the establishment and operation  
17 of a state video lottery as necessary to carry out the  
18 purposes of this chapter. The commission shall adopt  
19 rules concerning, but not limited to the following:

20 a. The types of video lottery games to be  
21 conducted as authorized pursuant to this chapter.

22 b. The manner of payment of prizes to the holders  
23 of winning tickets.

24 c. Additional qualifications for the selection of  
25 video lottery establishments, and video lottery  
26 machine distributors, manufacturers, or operators and  
27 the amount of application fees to be paid by each.

28 d. Deadlines for claims for winning tickets by  
29 winners of each video lottery game. However, a  
30 deadline shall not be for more than one year.

31 e. The mechanical and electronic specifications  
32 for each video lottery machine. At a minimum, each  
33 video lottery machine shall meet the requirements of  
34 section 99G.16.

35 f. Machine security testing and inspection  
36 procedures.

- 37 g. Liability for machine malfunction.  
38 h. Machine maintenance and repair.  
39 i. Financial responsibility required of persons  
40 licensed under this chapter.  
41 j. Accounting procedures for net machine income.  
42 k. Licensing procedures under this chapter.  
43 l. Determination of the state's percentage of net  
44 machine income based on varying revenue schedules.  
45 m. Other matters necessary or desirable for the  
46 efficient or economical operation of the video lottery  
47 or for the convenience of the public.  
48 3. The commission shall maximize revenues to the  
49 state from net machine income. The commission shall  
50 establish the state's percentage of net machine income

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- 1 at twenty percent. However, beginning January 1,  
2 1997, the rate on the state's percentage of net  
3 machine income is twenty-two percent and shall  
4 increase each succeeding calendar year until the rate  
5 is thirty-six percent. The state's percentage of net  
6 machine income shall be directly deposited in the  
7 general fund of the state.  
8 Sec. — . NEW SECTION. 99G.10 OPERATING AND  
9 PRIZE FUND.  
10 A state video lottery operating fund is created  
11 within the state treasury, into which shall be  
12 deposited the state's share of proceeds from the  
13 operation of the video lottery, the initial start-up  
14 funding authorized by this chapter, interest received  
15 on moneys in the video lottery operating fund, and all  
16 other fees and moneys collected under this chapter.  
17 For the purposes of this section, "net proceeds" are  
18 the state's share from operation of video lottery  
19 machines. All moneys in the fund created by this  
20 section are appropriated for the purposes specified in  
21 this section. All funds received by the state video  
22 lottery shall be set forth in an informational budget  
23 and be annually reviewed by the general assembly. Any  
24 disbursement from the video lottery operating fund  
25 shall be by authorization of the administrator for any  
26 of the following purposes:  
27 1. Expenses of the video lottery, which shall  
28 include the following: all costs incurred in the  
29 operation and administration of the state video  
30 lottery; all costs resulting from contracts entered  
31 into for the purchase or lease of goods and services  
32 needed for operation of the video lottery, including  
33 but not limited to, supplies, materials, vouchers,

34 independent studies and surveys, data transmission,  
35 advertising, printing, promotion, incentives, public  
36 relations, communications, and reimbursement of costs  
37 of facilities and services provided by other state  
38 agencies.

39 2. Repayment of funds and interest advanced for  
40 the start-up of the video lottery.

41 3. Transfers of net revenues to the general fund  
42 of the state.

43 Sec. \_\_\_\_ . NEW SECTION. 99G.11 NET PROCEEDS TO  
44 STATE GENERAL FUND.

45 Net proceeds shall be transferred to the general  
46 fund of the state on an annual basis. The commission  
47 shall maximize the net proceeds to the state from the  
48 video lottery, which shall be transferred to the  
49 general fund of the state each fiscal year commencing  
50 July 1, 1994. Video lottery expenses incurred in a

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1 fiscal year for the video lottery shall not exceed the  
2 amount of net proceeds transferred to the general fund  
3 of the state. For purposes of this section, "net  
4 proceeds" are funds in the state video lottery  
5 operating fund which are not needed for the payment of  
6 video lottery expenses.

7 Sec. \_\_\_\_ . NEW SECTION. 99G.12 CONFLICTS OF  
8 INTEREST.

9 1. A member of the commission, employee of the  
10 state video lottery, or a person residing in the same  
11 household of a member or employee shall not directly  
12 or indirectly, individually, as a member of a  
13 partnership or other association, or as a stockholder,  
14 director, or officer of a corporation, have an  
15 interest in a business which contracts for the  
16 operation or promotion of the state video lottery.

17 2. A person contracting or seeking to contract  
18 with the state to supply materials, tickets, or  
19 consulting services for use in the state video lottery  
20 or from a video lottery establishment, person  
21 licensed, or an applicant for a contract or license  
22 under this chapter shall not offer, pay, give, or make  
23 an economic opportunity, gift, loan, gratuity, special  
24 discount, favor, hospitality, or service having an  
25 aggregate value of one hundred dollars or more in a  
26 year to a member of the commission or employee of the  
27 state video lottery, or to a person residing in the  
28 household of a member or employee.

29 Sec. \_\_\_\_ . NEW SECTION. 99G.13 PROHIBITED ACTS  
30 AND DEVICES.

31 1. A person convicted of violating this section is  
32 guilty of a serious misdemeanor on the first offense  
33 and a class "D" felony on the second or a subsequent  
34 offense.

35 2. A video lottery operator, employee of a video  
36 lottery operator, or any other person who knowingly  
37 permits or offers to permit a person who is under the  
38 age of twenty-one to play a video lottery machine is  
39 guilty of a serious misdemeanor on the first offense  
40 and a class "D" felony on the second or a subsequent  
41 offense. A ticket which is won by playing a video  
42 lottery machine may be given as a gift to a person  
43 under the age of twenty-one. A prize won by a person  
44 under the age of twenty-one from a ticket given as a  
45 gift shall be paid to the person's parent or legal  
46 guardian.

47 3. This section does not prohibit a video lottery  
48 operator or an employee of a video lottery  
49 establishment from purchasing tickets or from being  
50 paid a prize of a winning ticket.

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1 4. A person shall not have in the person's  
2 possession, custody, or control, or permit to be kept  
3 in a place under the person's possession or control, a  
4 device that manipulates credits and contains a  
5 circuit, meter, or switch capable of removing and  
6 recording the removal of credits. A violation of this  
7 subsection is a class "D" felony. All devices  
8 described in this subsection are declared to be public  
9 nuisances. This section does not apply to devices or  
10 electronic video game machines licensed pursuant to  
11 this chapter.

12 5. A person who, with intent to defraud, falsely  
13 makes, alters, forges, passes, or counterfeits a  
14 ticket issued by the state video lottery under this  
15 chapter is guilty of a class "D" felony.

16 6. A person who tampers with a video lottery  
17 machine with intent to interfere with the proper  
18 operation of the machine is guilty of a serious  
19 misdemeanor.

20 7. A person who with intent to manipulate the  
21 outcome, payoff, or operation of a video lottery  
22 machine, manipulates the outcome, payoff, or operation  
23 of a video lottery machine by physical tampering or  
24 any other means is guilty of a class "D" felony.

25 8. A person under the age of twenty-one years  
26 shall not play a video lottery machine licensed  
27 pursuant to this chapter. A video lottery machine



28 licensed pursuant to this chapter shall not be played  
29 except during the legal hours of operation allowed for  
30 the on-sale consumption of alcoholic beverages. A  
31 violation of this section is a serious misdemeanor.  
32 Sec. — . NEW SECTION. 99G.14 VIDEO LOTTERY  
33 MACHINES.  
34 Each video lottery machine licensed under this  
35 chapter shall:  
36 1. Offer only games licensed and authorized by the  
37 commission.  
38 2. Not have any means of manipulation that affect  
39 the random probabilities of winning a video lottery  
40 game.  
41 3. Have one or more mechanisms that accept coins  
42 or cash in the form of bills. The mechanisms shall be  
43 designed to prevent obtaining credits without paying  
44 by stringing, slamming, drilling, or other means. If  
45 attempts involve physical tampering, the machine shall  
46 suspend itself from operation until reset.  
47 4. Have nonresettable meters housed in any readily  
48 accessible locked machine area that keep a permanent  
49 record of all cash inserted into the machine, all cash  
50 awards made by the machine's printer, credits played

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1 for video lottery games, and credits won by video  
2 lottery players.  
3 5. Be capable of dispensing a ticket stating the  
4 value of the prize for the player at the completion of  
5 each video lottery game, the time of day in a twenty-  
6 four hour format showing hours and minutes, the date,  
7 the machine serial number, the sequential number of  
8 the tickets, and an encrypted validation number from  
9 which the validity of the prize may be determined.  
10 6. Have accounting software that keeps an  
11 electronic record which includes, but is not limited  
12 to, total cash inserted into the machine, the value of  
13 cash tickets claimed by players, the total video  
14 lottery credits played and the total video lottery  
15 credits awarded by a video lottery game, and the  
16 payback percentage of credits played and credits won  
17 from each video lottery game.  
18 7. Be linked under a central communications system  
19 to provide auditing program information as approved by  
20 the commission. The communications system shall be  
21 installed and operational before any video lottery  
22 machine is allowed to operate. The commission shall  
23 provide licensed manufacturers applying for licensure  
24 of video lottery machines the protocol documentation

25 necessary to enable their machines to communicate with  
 26 the commission's central computer in providing the  
 27 auditing program information and controls approved by  
 28 the commission. The communications system approved by  
 29 the commission shall not limit participation to only  
 30 one manufacturer of video lottery machines by either  
 31 the cost in implementing the necessary program  
 32 modifications to communicate or the inability to  
 33 communicate with the central communications system.  
 34 However, before any bidding process is initiated, the  
 35 commission shall have approved at least two bidders  
 36 for any procurement to be awarded. This section does  
 37 not require a machine which only offers video lottery  
 38 games to be on-line or in constant communication with  
 39 a central computer. The video lottery machines shall  
 40 be capable of reporting the functions and results of  
 41 their operations as required by rule of the  
 42 commission. Reports shall include, but are not  
 43 limited to, the following data:

- 44 a. Total coins and bills accepted.
- 45 b. Total credits won.
- 46 c. Total credits played.
- 47 d. Total credits redeemed for cash.
- 48 e. Total credits canceled.
- 49 f. Payback percentage.
- 50 g. Machine number.

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- 1 h. Establishment number.
- 2 i. Operator number.
- 3 j. Poll date.
- 4 k. State percentage.
- 5 l. Number of times logic cage accessed.
- 6 m. Number of times cash door accessed.
- 7 8. Keep logic boards and software Eproms in
- 8 separate, locked areas within the machine.
- 9 9. Install a surge protector on the line that
- 10 feeds power to the machine.
- 11 10. Have a battery backup or the equivalent for
- 12 electronic meters that is capable of maintaining
- 13 accuracy of all information required for one hundred
- 14 eighty days after power is discontinued from the
- 15 machine.
- 16 Sec. \_\_\_\_ . NEW SECTION. 99G.15 LIMIT ON WAGER AND
- 17 AWARD -- VIDEO LOTTERY MACHINES.
- 18 A licensed video lottery machine shall not allow
- 19 more than two dollars to be played on a game or award
- 20 free games or credits in excess of the value of one
- 21 hundred twenty-five dollars per credit value of

22 twenty-five cents played. The payback value of one  
23 credit shall be at least eighty percent and not more  
24 than ninety-five percent of the value of the credit.

25 Sec. \_\_\_\_ . **NEW SECTION. 99G.16 VIDEO LOTTERY**  
26 **MACHINE LICENSE - PENALTY.**

27 Each video lottery machine shall be licensed by the  
28 administrator before placement or operation on the  
29 premises of a licensed establishment. Each machine  
30 shall have the license prominently displayed on it.  
31 Any machine which does not display the license  
32 required by this section is contraband and a public  
33 nuisance subject to confiscation by a law enforcement  
34 officer. A violation of this section is a class "D"  
35 felony.

36 Sec. \_\_\_\_ . **NEW SECTION. 99G.17 VIDEO LOTTERY**  
37 **MACHINE EXAMINATION.**

38 The administrator shall examine prototypes of video  
39 lottery machines and associated equipment of  
40 manufacturers seeking a license as required in this  
41 chapter. The administrator shall require the  
42 manufacturer seeking the examination and approval of a  
43 video lottery machine or associated equipment to pay  
44 the anticipated actual costs of the examination in  
45 advance and, after the completion of the examination,  
46 shall refund overpayments or charge and collect  
47 amounts sufficient to reimburse the state video  
48 lottery for underpayments of actual costs. The  
49 administrator may contract for the examination of  
50 video lottery machines and associated equipment as

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1 required by this section.

2 Sec. \_\_\_\_ . **NEW SECTION. 99G.18 VIDEO LOTTERY**  
3 **MACHINE MANUFACTURER, DISTRIBUTOR, OPERATOR, AND**  
4 **ESTABLISHMENT LICENSE.**

5 1. Each video lottery machine manufacturer,  
6 distributor, operator, and establishment shall be  
7 licensed by the administrator before a video lottery  
8 machine or associated equipment is manufactured,  
9 distributed, sold, or placed for public use in this  
10 state. The commission shall adopt, by rule, pursuant  
11 to chapter 17A, an annual fee for each license not to  
12 exceed the following:

13 a. Video lottery machine manufacturer -- five  
14 thousand dollars.

15 b. Video lottery machine distributor -- five  
16 thousand dollars.

17 c. Video lottery machine operator -- the greater  
18 of one thousand five hundred dollars or one hundred

19 dollars per machine licensed.

20 d. Video lottery establishment -- one hundred  
21 dollars.

22 2. In addition to the annual license fees, the  
23 administrator may charge a one-time license  
24 application fee not to exceed fifty dollars. All fees  
25 collected pursuant to this section shall be deposited  
26 directly to the general fund of the state. All  
27 licenses issued by the administrator under this  
28 section are renewable annually unless sooner canceled  
29 or terminated. A license issued under this section is  
30 not transferable or assignable.

31 3. If the administrator is satisfied that this  
32 chapter and the rules adopted under this chapter  
33 applicable to licensees have been or will be complied  
34 with, the administrator shall issue a license for a  
35 period of not more than three years to an applicant.

36 Sec. \_\_\_\_ . NEW SECTION. 99G.19 MULTIPLE TYPES OF  
37 LICENSES PROHIBITED.

38 1. A video lottery machine manufacturer shall not  
39 be licensed as a video lottery machine distributor or  
40 operator, or own, manage, or control a licensed  
41 establishment.

42 2. A video lottery machine distributor shall not  
43 be licensed as a video lottery machine manufacturer or  
44 operator, or own, manage, or control a licensed  
45 establishment.

46 3. A video lottery machine operator shall not be  
47 licensed as a video lottery machine manufacturer or  
48 distributor, or own, manage, or control a licensed  
49 establishment.

50 4. An owner or manager of a licensed establishment

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1 shall not be licensed as a video lottery machine  
2 manufacturer, distributor, or operator.

3 Sec. \_\_\_\_ . NEW SECTION. 99G.20 SERVICE EMPLOYEE  
4 AND REQUIREMENTS.

5 Video lottery machines shall not be placed in  
6 operation in the state until training in the service  
7 and repair of those machines has been provided as  
8 follows:

9 1. A manufacturer or distributor shall provide  
10 training in the service and repair of its machine  
11 model approved by the administrator.

12 2. The manufacturer or distributor shall provide  
13 the training to the operator and its service employees  
14 and shall certify to the administrator that the  
15 required training has been completed.

16 3. Manufacturers or distributors must provide  
17 subsequent training programs to inform operators of  
18 new developments in the service and repair of their  
19 machines.

20 4. The manufacturer or distributor shall inform  
21 the administrator of the names of operators and  
22 service employees who attend and successfully complete  
23 each training program. The administrator shall issue  
24 a certificate to each person successfully completing  
25 the training program signifying that the person is  
26 certified to service and repair video lottery machines  
27 of the particular manufacturer and model.

28 5. The administrator shall provide, and the  
29 service employee shall personally possess while  
30 servicing or repairing video lottery machines,  
31 evidence of certification, and shall present the  
32 evidence to law enforcement officials at their  
33 request.

34 Sec. \_\_\_\_ . NEW SECTION. 99G.21 BACKGROUND  
35 INVESTIGATIONS OF VIDEO LOTTERY LICENSEES --  
36 ELIGIBILITY REQUIREMENTS.

37 Any person licensed as a video lottery machine  
38 manufacturer, distributor, operator, or establishment  
39 shall submit to a background investigation as provided  
40 in section 99G.7. This includes each partner of a  
41 partnership and each director and officer and all  
42 stockholders of ten percent or more in a parent or  
43 subsidiary corporation of a video lottery machine  
44 manufacturer, distributor, operator, or establishment.  
45 A video lottery machine manufacturer or distributor  
46 must meet the same requirements of section 99G.8,  
47 subsections 4 and 5. A video lottery machine operator  
48 must meet the same requirements of section 99G.8,  
49 subsections 4 and 5, in addition to being a resident  
50 of this state and, if a partnership or corporation,

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1 the majority of ownership interest must be held by  
2 residents of the state. A video lottery establishment  
3 must meet the same requirements of section 99G.8,  
4 subsections 4 and 5. The commission may adopt rules  
5 pursuant to chapter 17A to establish additional  
6 requirements to preserve the integrity and security of  
7 the video lottery.

8 Sec. \_\_\_\_ . NEW SECTION. 99G.22 PLACEMENT OF VIDEO  
9 LOTTERY MACHINES.

10 The placement of video lottery machines in licensed  
11 establishments is subject to the rules of the  
12 commission adopted pursuant to chapter 17A. Five

13 video lottery machines is the maximum number which may  
14 be placed in one licensed establishment.

15 Sec. — NEW SECTION. 99G.23 LOCATION PLACEMENT  
16 AGREEMENTS.

17 1. A licensed video lottery machine operator shall  
18 have a location placement agreement with the licensed  
19 establishment providing the following:

20 a. A designation of the location where the video  
21 lottery machine is to be placed for use by the public.

22 b. The share and revenue generated from net  
23 machine income to be apportioned to the operator and  
24 to the licensed establishment.

25 c. A requirement that the video lottery machine be  
26 located in the licensed establishment so that an  
27 employee of the establishment may observe the machine  
28 at all times the establishment is open to the public  
29 to assure that persons under twenty-one years of age  
30 do not play the machine.

31 2. A copy of the location agreement must be  
32 retained by the operator and the licensed  
33 establishment and be available for review and  
34 inspection by the administrator.

35 3. The location agreement may contain other terms  
36 and conditions to which the operator and licensed  
37 establishment lawfully agree.

38 Sec. — NEW SECTION. 99G.24 VIDEO LOTTERY  
39 MACHINE INCOME -- PENALTY.

40 1. A licensed operator shall keep accurate records  
41 of the revenue generated from each video lottery  
42 machine. The director of revenue and finance shall  
43 prepare and mail to the licensed operator a statement  
44 reflecting the revenue due under section 99G.9 before  
45 the date payment is remitted through the electronic  
46 transfer of funds. A licensed operator shall report  
47 to the director of revenue and finance and the  
48 commission any discrepancies between the director's  
49 statement and each of its video lottery machines'  
50 mechanical and electronic meter readings. The

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1 director of revenue and finance and the commission are  
2 not responsible for resolving discrepancies between  
3 actual moneys collected and the amount shown on the  
4 accounting meters or billing statement. If a  
5 discrepancy occurs, the licensed operator shall submit  
6 to the director of revenue and finance and the  
7 commission the information including, but not limited  
8 to, current mechanical meter readings and the audit  
9 ticket that contains electronic meter readings

10 generated by the video lottery machines' software as  
11 necessary to resolve the discrepancy.

12 2. A licensed operator shall remit to the director  
13 of revenue and finance the revenue required to be paid  
14 from income derived from the video lottery machines  
15 under section 99G.9 within seven days after the  
16 fifteenth day of each month and within seven days  
17 after the end of each month. If the fifteenth or last  
18 day of the month falls on a Saturday, remittance is  
19 due the preceding Friday.

20 3. A licensed operator shall remit to the director  
21 of revenue and finance the revenue required to be paid  
22 under section 99G.9 through the electronic transfer of  
23 funds. A licensed operator shall furnish to the  
24 director of revenue and finance all information and  
25 bank authorizations required to facilitate the timely  
26 payment of moneys to the director. A licensed  
27 operator shall provide the director of revenue and  
28 finance thirty days' advance notice of any proposed  
29 account changes to ensure the uninterrupted electronic  
30 transfer of funds.

31 4. A licensed operator shall maintain a balance in  
32 its account in an amount sufficient to cover the  
33 state's share of the revenue required to be paid under  
34 section 99G.9. Failure to maintain a balance in the  
35 account as required by this subsection shall result in  
36 the assessment of an interest penalty of one and one-  
37 half percent per month on the unpaid balance. Failure  
38 to remit full payment, including interest penalties,  
39 prior to the next payment date, may result in device  
40 disablement and preventing further play, license  
41 suspension or revocation, or the imposition of civil  
42 fines, in addition to other penalties as provided by  
43 law for nonpayment of moneys owed to the state.

44 5. A licensed operator shall mail and remit  
45 payment of the state's share of revenue required to be  
46 paid under section 99G.9 if one of the following  
47 events occur:

48 a. The electronic transfer of funds is not  
49 operational.

50 b. The video pull-tab machine is incapable of

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1 communicating with the central computer.

2 c. Program modifications to the accounting  
3 software are necessitated due to recurring accounting  
4 discrepancies in the office of the director of revenue  
5 and finance. The director of revenue and finance  
6 shall notify a licensed operator when remittance by

7 the method specified in this subsection is required.

8 A licensed operator shall report the amount of the  
9 revenue per video machine and remit payment for the  
10 state's share of the revenue generated from the video  
11 lottery machine during the reporting period.

12 6. A video lottery machine operator who falsely  
13 reports or fails to report the amount due as required  
14 by this section is guilty of a class "D" felony.

15 Sec. \_\_\_\_ . NEW SECTION. 99G.25 COUNTY REFERENDUM.

16 1. A license to operate video lottery machines in  
17 a county shall be issued only if the county electorate  
18 approves the operation of the video lottery machines  
19 as provided in this subsection. The board of  
20 supervisors, upon receipt of a valid petition meeting  
21 the requirements of section 331.306, shall direct the  
22 commissioner of elections to submit to the qualified  
23 electors of the county a proposition to approve or  
24 disapprove the operation of video lottery machines in  
25 the county. The proposition shall be submitted at a  
26 general election or at a special election called for  
27 that purpose. To be submitted at a general election,  
28 the petition must be received by the board of  
29 supervisors at least five working days before the last  
30 day for candidates for county offices to file  
31 nomination papers for the general election pursuant to  
32 section 44.4. If a majority of the county voters  
33 voting on the proposition favor the operation of video  
34 lottery machines, the commission may issue one or more  
35 licenses as provided in this chapter. If a majority  
36 of the county voters voting on the proposition do not  
37 favor the operation of video lottery machines, a  
38 license to operate video lottery machines in the  
39 county shall not be issued. After a referendum has  
40 been held, another referendum requested by petition  
41 shall not be held for at least two years.

42 2. If licenses to operate video lottery machines  
43 are in effect pursuant to a referendum as set forth in  
44 this section and are subsequently disapproved by a  
45 referendum of the county electorate, the licenses  
46 issued by the commission shall remain valid and are  
47 subject to renewal for a total of nine years from the  
48 date of original issue unless the commission revokes a  
49 license at an earlier date as provided in this  
50 chapter.

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1 Sec. \_\_\_\_ . Section 22.7, Code Supplement 1993, is  
2 amended by adding the following new subsection:  
3 NEW SUBSECTION. 31. Applications, credit and



4 security checks of video lottery operators, licensees,  
 5 and persons seeking or doing business with the state  
 6 video lottery, and marketing, financial, or sales  
 7 data, the disclosure of which may be harmful to the  
 8 competitive position of the state video lottery, its  
 9 operators, licensees, or persons seeking or doing  
 10 business with the state video lottery.

11 Sec. \_\_\_\_ . Section 99B.6, Code 1993, is amended by  
 12 adding the following new subsection:

13 **NEW SUBSECTION. 10.** Video lottery vouchers may be  
 14 sold and video lottery machines may be operated in an  
 15 establishment that serves or sells alcoholic liquor,  
 16 wine, or beer, for on-premises consumption as defined  
 17 in section 123.3, if the vouchers or machines are sold  
 18 or operated pursuant to chapter 99G and rules adopted  
 19 under chapter 99G.

20 Sec. \_\_\_\_ . Section 725.15, Code 1993, is amended to  
 21 read as follows:

22 **725.15 EXCEPTIONS FOR LEGAL GAMBLING.**

23 Sections 725.5 to 725.10 and 725.12 do not apply to  
 24 a game, activity, ticket, or device when lawfully  
 25 possessed, used, conducted, or participated in  
 26 pursuant to chapter 99B, 99E, or 99F, or 99G."

27 2. Title page, by striking lines 1 and 2 and  
 28 inserting the following: "An Act relating to the  
 29 establishment and regulation of video lottery and  
 30 video lottery machines by the Iowa lottery board, the  
 31 regulation of gambling on excursion gambling boats and  
 32 pari-mutuel racetracks by the state racing and gaming  
 33 commission,".

34 3. By renumbering as necessary.

JIM KERSTEN  
 BERL E. PRIEBE

S-5353

1 Amend House File 2179, as amended, passed, and re-  
 2 printed by the House, as follows:

3 1. Page 3, by inserting after line 8 the  
 4 following:

5 "Sec. \_\_\_\_ . Section 99D.15, subsection 1,  
 6 unnumbered paragraph 1, Code 1993, is amended to read  
 7 as follows:

8 A tax of six percent is imposed on the gross sum  
 9 wagered by the pari-mutuel method at each horse race  
 10 meeting and each simultaneous telecast race. The tax  
 11 imposed by this subsection shall be paid by the  
 12 licensee to the commission within ten days after the  
 13 close of each horse race meeting and shall be

14 distributed as follows:

15 Sec. \_\_\_\_ . Section 99D.15, subsections 2 and 4,

16 Code 1993, are amended to read as follows:

17 2. A tax credit of up to five percent of the gross

18 sum wagered per year shall be granted to licensees

19 licensed for horse races and paid into a special fund

20 to be used for debt retirement ~~or operating expenses~~.

21 However, the tax credit is equal to six percent of the

22 gross sum wagered in a year when the gross sum wagered

23 is less than ninety million dollars. Any portion of

24 the credit not used in a particular year shall be

25 retained by the commission. A tax credit shall first

26 be assessed against any share going to a city, then to

27 the share going to a county, and then to the share

28 going to the state.

29 4. A tax of two percent is imposed on the gross

30 sum wagered by the pari-mutuel method on horse races

31 ~~and dog races~~ which are simultaneously telecast. The

32 tax imposed by this subsection is in lieu of the taxes

33 imposed pursuant to subsection ~~1~~ or 3, but the tax

34 revenue ~~from simulcast horse races shall be~~

35 ~~distributed as provided in subsection 1 and the tax~~

36 ~~revenue~~ from simulcast dog races shall be distributed

37 as provided in subsection 3."

WILLIAM W. DIELEMAN

S-5354

1 Amend House File 2179, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 13 the

4 following:

5 "Sec. \_\_\_\_ . Section 99E.10, subsection 1, paragraph

6 a, Code Supplement 1993, is amended by striking the

7 paragraph and inserting in lieu thereof the following:

8 a. An amount equal to four-tenths of one percent

9 of the gross lottery revenue shall be deposited in a

10 gamblers assistance fund in the office of the

11 treasurer of state. The director of human services

12 shall administer the fund to provide programs which

13 may include, but are not limited to, outpatient and

14 follow-up treatment for persons affected by problem

15 gambling, rehabilitation and residential treatment

16 programs, information and referral services, and

17 education and preventive services."

18 2. Page 10, line 27, by striking the word "Five"

19 and inserting the following: "Four-tenths of one".

WILLIAM W. DIELEMAN

S-5355

- 1 Amend House File 2383, as amended, passed, and re-  
2 printed by the House, as follows:  
3 1. Page 2, by inserting after line 25 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 232.71, subsection 1, Code  
6 Supplement 1993, is amended to read as follows:  
7 1. If a report is determined to constitute a child  
8 abuse allegation, the department of human services  
9 shall promptly commence an appropriate investigation.  
10 The primary purpose of this investigation shall be the  
11 protection of the child named in the report. The  
12 department, within five working days of commencing the  
13 investigation, shall provide written notification of  
14 the investigation to the child's parents. However, if  
15 the department shows the court to the court's  
16 satisfaction that notification is likely to endanger  
17 the child or other persons, the court shall issue an  
18 emergency order restraining the notification. The  
19 department shall not reveal in the written  
20 notification to the parents or otherwise the identity  
21 of the reporter of child abuse to a subject of the  
22 child abuse report included in section 235A.15,  
23 subsection 2, paragraph "a", during the investigation.  
24 If a report is determined to not constitute a child  
25 abuse allegation, but a criminal act harming a child  
26 is alleged, the department shall immediately refer the  
27 matter to the appropriate law enforcement agency."  
28 2. By renumbering as necessary.

BILL FINK

S-5356

- 1 Amend the amendment, S-5343, to House File 2179, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. By striking page 1, line 5 through page 3,  
5 line 12, and inserting the following:  
6 ""Section 1. IOWA PARI-MUTUEL WAGERING AND  
7 EXCURSION BOAT GAMBLING DISCONTINUED -- DISPOSITION OF  
8 PROPERTY -- EMPLOYEES TRANSFERRED OR LAID OFF.  
9 1. The state racing and gaming commission shall  
10 rescind all licenses issued pursuant to chapters 99D  
11 and 99F effective July 1, 1994. The commission shall  
12 provide for the termination of all contracts relating  
13 to pari-mutuel wagering and excursion boat gambling  
14 games extending beyond July 1, 1994, and provide for  
15 the disposition of all property leased or owned by the

16 commission.

17 2. Any employee of the state racing and gaming  
18 commission employed pursuant to chapter 19A and whose  
19 duty assignment is terminated by this Act, may be  
20 transferred to other duties within the department of  
21 inspections and appeals, reassigned to other duties in  
22 another state department or agency, or terminated.  
23 The personnel commission shall adopt rules to carry  
24 out the transfer of employees under this Act and to  
25 carry out subsequent reclassification, reassignments,  
26 or terminations made necessary by this Act. The  
27 personnel commission shall arbitrate and decide a  
28 written appeal made by an employee concerning a  
29 transfer, reassignment, reclassification, or  
30 termination made necessary by this Act. An employee  
31 shall not lose benefits accrued, including but not  
32 limited to salary, retirement, vacation, or sick leave  
33 because of a transfer or reassignment.

34 3. The members of the state racing and gaming  
35 commission, the director, and any additional employees  
36 deemed necessary by the commission may continue  
37 employment on or after July 1, 1994, to provide for  
38 the orderly discontinuation of pari-mutuel wagering  
39 and excursion boat gambling games. However, not later  
40 than September 30, 1994, the terms of office of the  
41 commission members and the employment of the director  
42 and any other employees remaining on or after July 1,  
43 1994, shall terminate. Any matters regarding the  
44 termination of the pari-mutuel wagering or excursion  
45 boat gambling games established under chapter 99D or  
46 99F which remain on October 1, 1994, are the  
47 responsibility of the director of revenue and finance.  
48 The director of revenue and finance shall complete the  
49 discontinuation of pari-mutuel wagering and excursion  
50 boat gambling games as expeditiously as possible.

**Page 2**

1 Sec. 2. Section 12.10, Code 1993, is amended to  
2 read as follows:

3 **12.10 DEPOSITS BY STATE OFFICERS.**

4 Except as otherwise provided, all elective and  
5 appointive state officers, boards, commissions, and  
6 departments shall, within ten days succeeding the  
7 collection, deposit with the treasurer of state, or to  
8 the credit of the treasurer of state in any depository  
9 designated by the treasurer of state, ninety percent  
10 of all fees, commissions, and moneys collected or  
11 received. The balance actually collected in cash,  
12 remaining in the hands of any officer, board, or

13 department shall not exceed the sum of five thousand  
14 dollars and money collected shall not be held more  
15 than thirty days. This section does not apply to the  
16 state fair board, the state board of regents, the  
17 utilities board of the department of commerce, the  
18 director of the department of human services, or the  
19 Iowa finance authority or to the funds received by the  
20 state racing and gaming commission under sections  
21 99D.7 and 99D.14.

22 Sec. 3. Section 21.2, subsection 1, paragraphs f  
23 and g, Code Supplement 1993, are amended by striking  
24 the paragraphs.

25 Sec. 4. Section 22.1, subsections 1 and 3, Code  
26 1993, are amended to read as follows:

27 1. The term "government body" means this state, or  
28 any county, city, township, school corporation,  
29 political subdivision, tax-supported district,  
30 nonprofit corporation other than a county or district  
31 fair or agricultural society, whose facilities or  
32 indebtedness are supported in whole or in part with  
33 property tax revenue and which is licensed to conduct  
34 pari-mutuel wagering pursuant to chapter 99D, or other  
35 entity of this state, or any branch, department,  
36 board, bureau, commission, council, committee,  
37 official or officer, of any of the foregoing or any  
38 employee delegated the responsibility for implementing  
39 the requirements of this chapter.

40 3. As used in this chapter, "public records"  
41 includes all records, documents, tape, or other  
42 information, stored or preserved in any medium, of or  
43 belonging to this state or any county, city, township,  
44 school corporation, political subdivision, nonprofit  
45 corporation other than a county or district fair or  
46 agricultural society, whose facilities or indebtedness  
47 are supported in whole or in part with property tax  
48 revenue and which is licensed to conduct pari-mutuel  
49 wagering pursuant to chapter 99D, or tax-supported  
50 district in this state, or any branch, department,

Page 3

1 board, bureau, commission, council, or committee of  
2 any of the foregoing.

3 "Public records" also includes all records relating  
4 to the investment of public funds including but not  
5 limited to investment policies, instructions, trading  
6 orders, or contracts, whether in the custody of the  
7 public body responsible for the public funds or a  
8 fiduciary or other third party.

9 Sec. 5. Section 99B.6, subsections 8 and 9, Code

10 1993, are amended by striking the subsections.

11 Sec. 6. Section 99B.15, Code 1993, is amended to  
12 read as follows:

13 99B.15 APPLICABILITY OF CHAPTER.

14 It is the intent and purpose of this chapter to  
15 authorize gambling in this state only to the extent  
16 specifically permitted by a section of this chapter or  
17 chapter ~~99D~~, ~~99E~~, or ~~99F~~. Except as otherwise  
18 provided in this chapter, the knowing failure of any  
19 person to comply with the limitations imposed by this  
20 chapter constitutes unlawful gambling, a serious  
21 misdemeanor.

22 Sec. 7. Section 99E.10, subsection 1, paragraph a,  
23 unnumbered paragraph 2, Code Supplement 1993, is  
24 amended by striking the unnumbered paragraph.

25 Sec. 8. Section 123.30, subsection 3, paragraph d,  
26 subparagraph (1), Code Supplement 1993, is amended to  
27 read as follows:

28 (1) A class "D" liquor control license may be  
29 issued to a railway corporation, to an air common  
30 carrier, and to passenger-carrying boats or ships for  
31 hire with a capacity of twenty-five persons or more  
32 operating in inland or boundary waters, and shall  
33 authorize the holder to sell or furnish alcoholic  
34 beverages, wine, and beer to passengers for  
35 consumption only on trains, watercraft as described in  
36 this section, or aircraft, respectively. Each license  
37 is valid throughout the state. Only one license is  
38 required for all trains, watercraft, or aircraft  
39 operated in the state by the licensee. ~~However, if a~~  
40 ~~watercraft is an excursion gambling boat licensed~~  
41 ~~under chapter 99F, the owner shall obtain a separate~~  
42 ~~class "D" liquor control license for each excursion~~  
43 ~~gambling boat operating in the waters of this state.~~

44 Sec. 9. Section 123.49, subsection 2, paragraph a,  
45 Code 1993, is amended to read as follows:

46 a. Knowingly permit any gambling, except in  
47 accordance with chapter 99B, ~~99D~~, or ~~99E~~, or ~~99F~~, or  
48 knowingly permit solicitation for immoral purposes, or  
49 immoral or disorderly conduct on the premises covered  
50 by the license or permit.

Page 4

1 Sec. 10. Section 422.16, subsection 1, unnumbered  
2 paragraph 4, Code 1993, is amended to read as follows:  
3 For the purposes of this subsection, state income  
4 tax shall be withheld on winnings in excess of six  
5 hundred dollars derived from gambling activities  
6 authorized under chapter 99B or 99E. ~~State income tax~~

7 shall be withheld on winnings in excess of one  
8 thousand dollars from gambling activities authorized  
9 under chapter 99D. State income tax shall be withheld  
10 on winnings in excess of twelve hundred dollars  
11 derived from slot machines authorized under chapter  
12 99F.

13 Sec. 11. Section 537A.4, unnumbered paragraph 2,  
14 Code 1993, is amended to read as follows:

15 This section does not apply to a contract for the  
16 operation of or for the sale or rental of equipment  
17 for games of skill or games of chance, if both the  
18 contract and the games are in compliance with chapter  
19 99B. This section does not apply to wagering under  
20 the pari-mutuel method of wagering authorized by  
21 chapter 99D. This section does not apply to the sale,  
22 purchase or redemption of a ticket or share in the  
23 state lottery in compliance with chapter 99E. This  
24 section does not apply to wagering under the excursion  
25 boat gambling method of wagering authorized by chapter  
26 99F. This section does not apply to the sale,  
27 purchase, or redemption of any ticket or similar  
28 gambling device legally purchased in Indian lands  
29 within this state.

30 Sec. 12. Section 692.2, subsection 1, paragraph d,  
31 Code Supplement 1993, is amended by striking the  
32 paragraph.

33 Sec. 13. Section 725.7, subsection 1, unnumbered  
34 paragraph 1, Code 1993, is amended to read as follows:

35 Except as permitted in chapters ~~chapter~~ 99B and  
36 99D, a person shall not do any of the following:

37 Sec. 14. Section 725.13, Code 1993, is amended to  
38 read as follows:

39 725.13 DEFINITION OF BOOKMAKING.

40 "Bookmaking" means advancing gambling activity by  
41 accepting bets upon the outcome of future contingent  
42 events as a business other than as permitted in  
43 chapters ~~chapter~~ 99B, 99D, and 99F. These events  
44 include, but are not limited to, the results of a  
45 trial or contest of skill, speed, power, or endurance  
46 of a person or beast or between persons, beasts, fowl,  
47 motor vehicles, or mechanical apparatus or upon the  
48 result of any chance, casualty, unknown, or contingent  
49 event.

50 Sec. 15. Section 725.15, Code 1993, is amended to

Page 5

1 read as follows:

2 725.15 EXCEPTIONS FOR LEGAL GAMBLING.

3 Sections 725.5 to 725.10 and 725.12 do not apply to

4 a game, activity, ticket, or device when lawfully  
 5 possessed, used, conducted, or participated in  
 6 pursuant to chapter 99B, or 99E, or 99F.  
 7 Sec. 16. EFFECTIVE DATE. This Act, being deemed  
 8 of immediate importance, takes effect upon enactment."  
 9 2. Title page, by striking lines 1 through 6 and  
 10 inserting the following: "An Act relating to the  
 11 discontinuation of pari-mutuel wagering and excursion  
 12 boat gambling, providing for other properly related  
 13 matters, and providing an effective date."

ALBERT SORENSEN

HOUSE AMENDMENT TO  
 SENATE FILE 2265

S-5357

1 Amend Senate File 2265, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 236.14, subsection 2,  
 6 unnumbered paragraphs 3 and 4, Code Supplement 1993,  
 7 are amended to read as follows:  
 8 The clerk of the court or other person designated  
 9 by the court shall provide a copy of this order to the  
 10 victim pursuant to chapter 910A. The order has force  
 11 and effect until it is modified or terminated by  
 12 subsequent court action in the contempt proceeding or  
 13 the criminal or juvenile court action and is  
 14 reviewable in the manner prescribed in section 811.2.  
 15 If a defendant is convicted for, receives a deferred  
 16 judgment for, or pleads guilty to a violation of  
 17 section 708.2A, the court shall modify the no-contact  
 18 order issued by the magistrate to provide that the no-  
 19 contact order shall continue in effect for a period of  
 20 one year from the date that the judgment is entered or  
 21 the deferred judgment is granted, regardless of  
 22 whether the defendant is placed on probation. Upon an  
 23 application by the state which is filed within ninety  
 24 days prior to the expiration of the modified no-  
 25 contact order, the court shall modify and extend the  
 26 no-contact order for an additional period of one year,  
 27 if the court finds that the defendant continues to  
 28 pose a threat to the safety of the victim, persons  
 29 residing with the victim, or members of the victim's  
 30 immediate family. The number of modifications  
 31 extending the no-contact order permitted by this  
 32 subsection is not limited.



33 PARAGRAPH DIVIDED. The clerk of the district court  
 34 shall also provide notice and copies of the no-contact  
 35 order to the applicable law enforcement agencies and  
 36 the twenty-four hour dispatcher for the law  
 37 enforcement agencies, in the manner provided for  
 38 protective orders under section 236.5. The clerk  
 39 shall provide notice and copies of modifications or  
 40 vacations of these orders in the same manner.  
 41 Violation of this no-contact order, including  
 42 modified no-contact orders, is punishable by summary  
 43 contempt proceedings. A hearing in a contempt  
 44 proceeding brought pursuant to this section shall be  
 45 held not less than five and not more than fifteen days  
 46 after the issuance of a rule to show cause, as set by  
 47 the court. If held in contempt for violation of a no-  
 48 contact order or a modified no-contact order, the  
 49 person shall be confined in the county jail for a  
 50 minimum of seven days. A jail sentence imposed

Page 2

1 pursuant to this paragraph shall be served on  
 2 consecutive days. No portion of the mandatory minimum  
 3 term of confinement imposed by this section shall be  
 4 deferred or suspended. A deferred judgment, deferred  
 5 sentence, or suspended sentence shall not be entered  
 6 for violation of a no-contact order or a modified no-  
 7 contact order, and the court shall not impose a fine  
 8 in lieu of the minimum sentence, although a fine may  
 9 be imposed in addition to the minimum sentence.  
 10 Sec. \_\_\_\_ . Section 708.2A, Code Supplement 1993, is  
 11 amended by adding the following new subsection:  
 12 **NEW SUBSECTION. 4A.** If a defendant is convicted  
 13 for, receives a deferred judgment for, or pleads  
 14 guilty to a violation of this section, the court shall  
 15 modify the no-contact order issued upon initial  
 16 appearance in the manner provided in section 236.14,  
 17 regardless of whether the defendant is placed on  
 18 probation."  
 19 2. Page 2, line 5, by inserting after the word  
 20 "person" the following: "without legitimate purpose".  
 21 3. Page 2, lines 7 and 8, by striking the words  
 22 "person, without legitimate purpose." and inserting  
 23 the following: "person."  
 24 4. Page 3, line 19, by striking the words "more  
 25 than six years" and inserting the following: "at any  
 26 time".  
 27 5. Page 3, line 20, by striking the word "not".  
 28 6. Title page, line 1, by inserting after the  
 29 word "stalking," the following: "providing for the

30 extension of certain no-contact orders.”.

31 7. By renumbering and correcting internal

32 references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2242

S-5358

1 Amend Senate File 2242, as passed by the Senate, as  
2 follows:

3 1. Page 2, lines 13 and 14, by striking the words

4 “the same purposes” and inserting the following:

5 “purposes of a business or educational conference,  
6 seminar, or other meeting”.

7 2. Page 2, by inserting after line 14 the follow-  
8 ing:

9 “Sec. \_\_\_\_ . Section 68B.22, subsection 4, Code

10 Supplement 1993, is amended by adding the following

11 new paragraph:

12 NEW PARAGRAPH. q. Actual registration costs for

13 informational meetings or sessions which assist a

14 public official or public employee in the performance

15 of the person's official functions. The costs of

16 food, drink, lodging and travel are not “registration

17 costs” under this paragraph. Meetings or sessions

18 which a public official or public employee attends for

19 personal or professional licensing purposes are not

20 “informational meetings or sessions which assist a

21 public official or public employee in the performance

22 of the person's official functions” under this

23 paragraph.”

24 3. Page 3, by inserting after line 9 the

25 following:

26 “Sec. \_\_\_\_ . Section 68B.35, subsection 2, paragraph

27 h, Code Supplement 1993, is amended to read as

28 follows:

29 h. Legislative employees who are the head or

30 deputy head of a legislative agency or whose position

31 involves a substantial exercise of administrative

32 discretion or the expenditure of public funds of each

33 house as required in rules adopted by each house, and

34 central legislative staff agency employees as required

35 in rules prescribed by the legislative council.”

36 4. Page 3, line 28, by striking the figure and

37 word “43.88 but” and inserting the following: “43.88,

38 but the statement shall be postmarked”.

39 5. Page 5, by striking lines 27 through 29, and

40 inserting the following: “31. The monthly report

41 reports filed by a lobbyist before the general

42 assembly in January shall contain information for the  
 43 preceding calendar month or quarter or parts thereof  
 44 during which the”.

45 6. Page 5, by striking line 34 and inserting the  
 46 following: “engaged in lobbying.

47 PARAGRAPH DIVIDED. If a person cancels the  
 48 person’s”.

49 7. By renumbering, relettering, or redesignating  
 50 and correcting internal references as necessary.

S-5359

1 Amend House File 2409, as amended, passed, and re-  
 2 printed by the House, as follows:

3 1. Page 2, line 22, by inserting after the word  
 4 “performances.” the following: “The provisions of  
 5 this section shall also not apply to a woman breast-  
 6 feeding her child.”

LARRY MURPHY

S-5360

1 Amend House File 2179, as amended, passed, and re-  
 2 printed by the House, as follows:

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

5 “Sec. \_\_\_\_ . Section 99F.11, Code 1993, is amended  
 6 by adding the following new unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. In addition to any other  
 8 tax imposed, there is imposed a tax of six percent on  
 9 the gross receipts from gambling games at racetrack  
 10 enclosures of a track with horse racing. A tax credit  
 11 of six percent of the gross receipts shall be granted  
 12 to licensees having gambling games at racetrack  
 13 enclosures of a track with horse racing to be paid  
 14 into a special fund to be used for debt retirement.  
 15 After the annual requirements for long-term  
 16 indebtedness are met, the remaining tax credit shall  
 17 be paid into an escrow account for future debt  
 18 retirement.”

WILLIAM W. DIELEMAN

S-5361

1 Amend the amendment, S-5343, to House File 2179, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 2, by striking lines 27 through 36 and

5 inserting the following: "Supplement 1993, is amended  
6 by striking the subsection."

WILLIAM W. DIELEMAN

S-5362

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:  
4 1. Page 4, by inserting after line 10 the  
5 following:  
6 "(3) Notwithstanding any other provisions of this  
7 chapter, the commission shall not enter into any  
8 agreement related to proposals received in response to  
9 the request for proposals developed and issued  
10 pursuant to this lettered paragraph without prior  
11 authorization by a constitutional majority of each  
12 house of the general assembly and approval of the  
13 governor."

JIM RIORDAN

S-5363

1 Amend House File 2179, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 5, by inserting after line 27 the  
4 following:  
5 " \_\_\_\_ . A licensee shall meet the requirements of  
6 section 99F.7, subsection 5A."  
7 2. Page 8, by inserting after line 8 the  
8 following:  
9 "Sec. \_\_\_\_ . Section 99F.7, Code Supplement 1993, is  
10 amended by adding the following new subsection:  
11 **NEW SUBSECTION. 5A.** The commission shall require  
12 each licensee to meet the following requirements:  
13 1. The licensee shall provide and pay at least  
14 eighty percent of the cost of a standard medical and  
15 dental insurance plan for all full-time employees  
16 working at the gambling facility.  
17 2. In addition to subsection 1, a licensee shall  
18 do at least two of the following:  
19 a. Offer a pension or profit sharing plan to full-  
20 time employees.  
21 b. Make day care services available to its  
22 employees.  
23 c. Invest annually no less than one percent of  
24 pretax gambling receipts from the facility in worker  
25 training and skills enhancement.

26 d. Have an active productivity and safety  
27 improvement program involving management and worker  
28 participation and cooperation with benchmarks for  
29 gauging compliance."

ANDY McKEAN  
BRAD BANKS

S-5364

1 Amend House File 2179, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 1, by inserting after line 10 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 99D.5, Code 1993, is amended by  
6 adding the following new subsection:  
7 NEW SUBSECTION. 7. A member of the state racing  
8 and gaming commission or a director of the state  
9 racing and gaming commission shall not accept  
10 employment within two years after membership on or  
11 employment by the state racing and gaming commission  
12 with any person licensed pursuant to chapter 99D, 99E,  
13 or 99F or a manufacturer or distributor of gambling  
14 games, devices or equipment. A violation of this  
15 subsection is a serious misdemeanor."

RALPH ROSENBERG

S-5365

1 Amend House File 2179, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 11, by striking lines 30 and 31 and  
4 inserting the following:  
5 "Sec. \_\_\_\_ . NEW SECTION. 99F.19 TRIBAL GAMING  
6 AGREEMENT.  
7 The governor shall enter into negotiations for an  
8 agreement between the state of Iowa and each native  
9 American tribal council operating a gambling casino in  
10 this state pursuant to the federal Indian Regulatory  
11 Act (25 U.S.C. § 2701 et al.). The agreements shall  
12 include, but are not limited to, provisions that each  
13 gambling casino covered by an agreement shall pay  
14 monthly ten percent of the adjusted gross receipts  
15 from the tribal gambling casinos in the state of Iowa.  
16 As used in this section, "adjusted gross receipts"  
17 means the total sums wagered less winnings paid to the  
18 wagerers. The gambling moneys received shall be  
19 credited to a special account in the general fund of  
20 the state and used to pay the indebtedness of the

21 pari-mutuel racetracks, the operating losses of the  
 22 pari-mutuel racetracks, the expenses for monitoring  
 23 tribal gambling game operations, and other expenses  
 24 agreed to by the general assembly.  
 25 Sec. \_\_\_\_ . EFFECTIVE DATE. This Act takes effect  
 26 July 1, 1994, except that sections 8, 9, 13, 15, 17,  
 27 20, 25, 28, and 30 of this Act shall not take effect  
 28 if the governor certifies to the secretary of state by  
 29 July 1, 1994, that an agreement has been reached with  
 30 each tribal gambling casino under the provisions of  
 31 this Act. If the agreements are reached and sections  
 32 4, 5, 9, and 11 of this Act do not take effect on July  
 33 1, 1994, those sections shall take effect immediately  
 34 if the governor certifies to the secretary of state  
 35 that one or more gambling casinos in Iowa have failed  
 36 to abide by the terms of the agreement. If an  
 37 agreement is nullified by a person other than the  
 38 parties to the agreement, sections 8, 9, 13, 15, 17,  
 39 20, 25, 28, and 30 of this Act are void."

RANDAL J. GIANNETTO  
 EMIL HUSAK  
 ANDY McKEAN  
 RAY TAYLOR  
 WAYNE D. BENNETT  
 BRAD BANKS  
 JACK W. HESTER  
 WILLIAM W. DIELEMAN  
 JEAN LLOYD-JONES  
 RALPH ROSENBERG  
 AL STURGEON

S-5366

1 Amend House File 2179, as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 11, by inserting after line 11 the  
 4 following:  
 5 "Sec. \_\_\_\_ . APPROPRIATION FOR LAW ENFORCEMENT.  
 6 There is appropriated from the general fund of the  
 7 state to the department of public safety for the  
 8 fiscal year beginning July 1, 1994, and ending June  
 9 30, 1995, the following amounts, or so much thereof as  
 10 is necessary, to be used for the purposes designated:  
 11 1. For salaries, support, maintenance,  
 12 miscellaneous purposes and for not more than ten full-  
 13 time equivalent pari-mutuel law enforcement agent  
 14 positions including the state contribution to the  
 15 peace officers' retirement, accident and disability  
 16 system provided in chapter 97A in the amount of

17 eighteen percent of the officers' salaries:  
 18 ..... \$ 453,587  
 19 2. To the division of criminal investigation for  
 20 salaries, support, maintenance, and miscellaneous  
 21 purposes and for not more than four full-time  
 22 equivalent positions including the state contribution  
 23 to the peace officers' retirement, accident and  
 24 disability system provided in chapter 97A in the  
 25 amount of eighteen percent of the officer's salaries:  
 26 ..... \$ 122,324  
 27 It is the intent of the general assembly that, for  
 28 each additional riverboat beyond four riverboats, the  
 29 department of public safety may employ two special  
 30 agents and four gaming enforcement officers."  
 31 2. Page 11, by striking lines 17 through 24.

RALPH ROSENBERG

S-5367

1 Amend House File 2387, as amended, passed, and re-  
 2 printed by the House, as follows:  
 3 1. Page 1, line 27, by striking the word "verbal"  
 4 and inserting the following: "oral".  
 5 2. Page 1, line 29, by striking the word "verbal"  
 6 and inserting the following: "oral".  
 7 3. Page 1, line 31, by striking the word "verbal"  
 8 and inserting the following: "oral".

COMMITTEE ON WAYS AND MEANS  
 WILLIAM W. DIELEMAN, Chairperson

S-5368

1 Amend the amendment, S-5298, to House File 2372, 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 after line 19 the  
 7 following:  
 8 "Sec. \_\_\_\_ . Section 249A.12, Code 1993, is amended  
 9 by adding the following new subsection:  
 10 NEW SUBSECTION. 3. If a county reimburses the  
 11 department for medical assistance provided under this  
 12 section and the amount of medical assistance is  
 13 subsequently repaid through a medical assistance  
 14 income trust or a medical assistance special needs  
 15 trust as defined in section 633.707, the department  
 16 shall reimburse the county on a proportionate basis."

- 17 2. Page 1, by striking lines 8 through 10 and  
18 inserting the following: "established by the  
19 department of human services and as published in the  
20 Iowa administrative".  
21 3. By renumbering as necessary.

AL STURGEON

S-5369

- 1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:  
4 1. Page 2, line 22, by inserting after the word  
5 "network" the following: "or by an entity seeking to  
6 do or doing business with the network".

JOE WELSH

S-5370

- 1 Amend House File 2179, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 5, by inserting after line 27 the  
4 following:  
5 "\_\_\_\_. A licensee shall pay its full-time employees  
6 at the gambling facility average cash compensation,  
7 which shall not include the cost of the licensee's  
8 contribution to retirement or health plans, equal to  
9 fifteen dollars per hour."  
10 2. Page 8, by inserting after line 8 the  
11 following:  
12 "Sec. \_\_\_\_ . Section 99F.7, subsection 6, Code  
13 Supplement 1993, is amended by striking the subsection  
14 and inserting in lieu thereof the following:  
15 6. A licensee shall pay its full-time employees at  
16 the gambling facility average cash compensation, which  
17 shall not include the cost of the licensee's  
18 contribution to retirement or health plans, equal to  
19 fifteen dollars per hour."  
20 3. By renumbering as necessary.

RAY TAYLOR

S-5371

- 1 Amend House File 2410, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 10, by striking lines 21 through 23 and  
4 inserting the following: "the support obligor's



5 delinquency is established. The department shall  
6 determine dates for the”.

ELAINE SZYMONIAK

S-5372

1 Amend the amendment, S-5332, to the House amendment  
2 S-5144, to Senate File 2089, as passed by the Senate,  
3 as follows:

4 1. Page 13, by inserting after line 15 the  
5 following:

6 “Sec. \_\_\_\_ . Section 18.136, Code Supplement 1993,  
7 is amended by adding the following new subsection:  
8 NEW SUBSECTION. 4A. The state shall lease all  
9 fiber optic cable facilities or facilities with DS-3  
10 capacity for Part III connections for which state  
11 funding is provided. The state shall lease all fiber  
12 optic cable facilities or facilities with DS-3 or DS-1  
13 capacity for the judicial department connections for  
14 which state funding is provided. The facilities shall  
15 be leased from qualified providers of such facilities.  
16 The state shall not own such facilities, except for  
17 those facilities owned by the state as of January 1,  
18 1994.

19 The lease provisions of this subsection do not  
20 apply to a school district which elects to provide one  
21 hundred percent of the financing for the district’s  
22 connection.”

23 2. Renumber as necessary.

JOE WELSH  
TOM VILSACK  
EUGENE S. FRAISE  
EMIL J. HUSAK  
JOHN W. JENSEN  
JIM KERSTEN  
JOHN P. KIBBIE  
WALLY E. HORN  
ROBERT E. DVORSKY  
WILLIAM D. PALMER  
BERL E. PRIEBE  
MICHAEL E. GRONSTAL  
TONY BISIGNANO  
DON GETTINGS  
ALBERT G. SORENSEN  
MIKE CONNOLLY  
JEAN LLOYD-JONES  
BILL FINK  
WILLIAM W. DIELEMAN

LEONARD BOSWELL  
RALPH ROSENBERG  
JIM RIORDAN  
RANDAL J. GIANNETTO  
AL STURGEON  
ELAINE SZYMONIAK  
LARRY MURPHY  
PATTY JUDGE  
PAUL D. PATE  
FLORENCE D. BUHR  
PATRICK J. DELUHERY

S-5373

- 1 Amend the amendment, S-5332, to the House
- 2 amendment, S-5144, to Senaté File 2089, as passed by
- 3 the Senate, as follows:
- 4 1. Page 9, line 33, by striking the words "local
- 5 school boards" and inserting the following: "~~local~~
- 6 school boards and corporations".
- 7 2. Page 9, line 35, by striking the words "local
- 8 school board" and inserting the following: "~~local~~
- 9 school board or corporation board".
- 10 3. Page 9, line 38, by striking the words "local
- 11 school boards" and inserting the following: "~~local~~
- 12 school boards and corporations".
- 13 4. Page 9, lines 44 and 45, by striking the words
- 14 "local school boards" and inserting the following:
- 15 "~~local~~ school boards and corporations".
- 16 5. Page 10, line 2, by striking the words "local
- 17 school boards" and inserting the following: "~~local~~
- 18 school boards and corporations".
- 19 6. Page 10, line 16, by striking the words "local
- 20 school board" and inserting the following: "~~local~~
- 21 school board".
- 22 7. Page 10, line 20, by striking the words "local
- 23 school board" and inserting the following: "~~local~~
- 24 school board or corporation board".

LARRY MURPHY  
JIM KERSTEN

S-5374

- 1 Amend Senate File 2316 as follows:
- 2 1. By striking page 1, line 34, through page 2,
- 3 line 16.

4 2. By striking page 4, line 33, through page 5,  
5 line 6.

MERLIN E. BARTZ

S-5375

1 Amend Senate Concurrent Resolution 108 as follows:

2 1. By striking page 1, line 10 through page 2,  
3 line 23 and inserting the following:

4 "WHEREAS, the United States Environmental  
5 Protection Agency has mandated that colored dyes be  
6 added to various types of diesel fuels in order to  
7 attempt to regulate not only sulfur content but also  
8 to regulate off-road fuel use in vehicles which travel  
9 roads; and

10 WHEREAS, these rules create an impracticable  
11 situation in regards to storage of fuel at farm sites  
12 and at wholesale and retail establishments; and

13 WHEREAS, these rules create an almost impossible  
14 task of bringing farm equipment and farm vehicles  
15 within compliance whereby a person could operate farm  
16 equipment with certain fuels in the fields but could  
17 not operate upon the roadways with the same fuels; NOW  
18 THEREFORE,

19 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
20 REPRESENTATIVES CONCURRING, That the General Assembly  
21 is in opposition to the impracticable situation which  
22 is created by the formulation of these rules and would  
23 encourage their amendment or repeal; and

24 BE IT FURTHER RESOLVED, That enrolled copies of  
25 this resolution be sent to Iowa's congressional  
26 delegation, Senator Tom Harkin, Senator Charles  
27 Grassley, Representative Neal Smith, Representative  
28 Jim Leach, Representative Jim Ross Lightfoot,  
29 Representative Fred Grandy, and Representative Jim  
30 Nussle.

31 BE IT FURTHER RESOLVED, That a copy of this  
32 resolution be sent to Ms. Carol Browner, the  
33 Administrator of the United States Environmental  
34 Protection Agency."

MERLIN E. BARTZ

S-5376

1 Amend the amendment, S-5332, to the House amendment  
2 S-5144, to Senate File 2089, as passed by the Senate,  
3 as follows:

4 1. Page 2, by striking lines 22 through 25 and

5 inserting the following: "authorized user of the  
6 network. Members of the".

7 2. Page 2, line 41, by inserting after the word  
8 "commission" the following: ", who shall serve as the  
9 chairperson of the commission".

BERL E. PRIEBE  
JOE J. WELSH

S-5377

1 Amend the amendment, S-5332, to the House amendment  
2 S-5144, to Senate File 2089, as passed by the Senate,  
3 as follows:

4 1. Page 13, by inserting after line 15 the  
5 following:

6 "Sec. \_\_\_\_ . Section 18.136, Code Supplement 1993,  
7 is amended by adding the following new subsection:

8 NEW SUBSECTION. 4A. The state shall lease all  
9 fiber optic cable facilities or facilities with DS-3  
10 capacity for Part III connections for which state  
11 funding is provided. The state shall lease all fiber  
12 optic cable facilities or facilities with DS-3 or DS-1  
13 capacity for the judicial department and state agency  
14 connections for which state funding is provided. Such  
15 facilities shall be leased from qualified providers.  
16 The state shall not own such facilities, except for  
17 those facilities owned by the state as of January 1,  
18 1994.

19 The lease provisions of this subsection do not  
20 apply to a school district which elects to provide one  
21 hundred percent of the financing for the district's  
22 connection."

23 2. Renumber as necessary.

JOE WELSH

S-5378

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:

4 1. By striking page 9, line 24 through page 10,  
5 line 27, and inserting the following:

6 "3. The financing for the procurement costs for  
7 the entirety of Part I of the system, and the video,  
8 data, and voice capacity for state agencies for Part  
9 II and Part III of the system, shall be provided by  
10 the state. The financing for the procurement costs  
11 for Part II of the system shall also be provided from

12 by the state. The financing for the procurement and  
 13 maintenance costs for Part III of the system for  
 14 connecting school districts and area education  
 15 agencies shall be provided eighty percent from by the  
 16 state and twenty percent from the local school boards  
 17 of the areas which receive transmissions from the  
 18 system. A local school board or area education agency  
 19 board may elect to provide one hundred percent of the  
 20 financing for the procurement and maintenance costs  
 21 for Part III to become part of the system. The local  
 22 school boards may meet all or part of the match  
 23 requirements of Part III of the system through a  
 24 cooperative arrangement with community colleges. The  
 25 basis for the amount of state match financing is  
 26 eighty one hundred percent of a single interactive  
 27 audio and one-way interactive video connection for  
 28 Part III of the system, and such data and voice  
 29 capacity as is necessary. The local school boards and  
 30 community colleges may meet the match requirements for  
 31 Part III of the system from funds they have already  
 32 spent for their systems; from funds available in the  
 33 school budget, or from funds received from other  
 34 nonstate sources. In the case of existing systems, in  
 35 order to upgrade facilities to the specifications of  
 36 the state communications network, the local school  
 37 boards and community colleges, in lieu of a cash  
 38 match, may meet the match requirements from funds they  
 39 have already spent for their systems provided that the  
 40 state match does not exceed the lesser of eighty  
 41 percent of the total cost of the upgraded system or  
 42 eighty percent of the replacement cost of the system.  
 43 The communications equipment funds used as a match by  
 44 a community college shall be calculated based on  
 45 verified expenditures for capital, equipment,  
 46 hardware, and software for long-distance learning  
 47 technologies, including both audio and visual  
 48 transmission. The communications equipment used as a  
 49 match shall not subsequently be used as a match by  
 50 another educational entity or for another part of the

Page 2

1 system. A local school board may request the school  
 2 budget review committee to adjust the allowable growth  
 3 for the school district so that the resulting increase  
 4 in budget could be used for the match. If a school  
 5 board or area education agency board elects to provide  
 6 one hundred percent of the financing for the leasing  
 7 costs for Part III, the school district or area  
 8 education agency may become part of the network as

9 soon as the network can reasonably connect the  
 10 district or agency. A local school board or area  
 11 education agency board may also elect that the school  
 12 district or agency not to become part of the system  
 13 network. Such election shall be made on an annual  
 14 basis. State matching funds shall not be provided for  
 15 Part III of the system until Part I and Part II of the  
 16 system have been completed. Construction of Part III  
 17 of the system may proceed before Part I and Part II of  
 18 the system have been completed.  
 19 Until otherwise provided by the general assembly, a  
 20 public or private agency authorized to use the  
 21 network, other than a school district or area  
 22 education agency, shall pay one hundred percent of the  
 23 costs related to the Part III connection."

BRAD BANKS

S-5379

1 Amend the amendment, S-5332, to the House  
 2 amendment, S-5144, to Senate File 2089, as passed by  
 3 the Senate, as follows:  
 4 1. Page 4, by inserting after line 10 the  
 5 following:  
 6 "(3) Deliver a written report and all proposals  
 7 submitted in response to the request for proposals for  
 8 Part III to the general assembly no later than January  
 9 1, 1995. The commission shall not enter into any  
 10 agreement related to such proposals without prior  
 11 authorization by a constitutional majority of each  
 12 house of the general assembly and approval by the  
 13 governor."

DONALD B. REDFERN

S-5380

1 Amend the amendment, S-5332, to the House  
 2 amendment, S-5144, to Senate File 2089, as passed by  
 3 the Senate, as follows:  
 4 1. Page 1, by striking lines 17 through 20 and  
 5 inserting the following:  
 6 "1. "Director" means the executive director of".  
 7 2. Page 1, by striking line 50 and inserting the  
 8 following: "COMMUNICATIONS NETWORK BOARD --".  
 9 3. Page 2, by striking lines 2 and 3 and  
 10 inserting the following:  
 11 "1. BOARD ESTABLISHED. An Iowa communications  
 12 network board is established with the sole".

- 13 4. Page 2, line 7, by striking the word  
14 "commission" and inserting the following: "board".  
15 5. Page 2, line 12, by striking the word  
16 "commission" and inserting the following: "board".  
17 6. Page 2, line 15, by striking the word  
18 "commission" and inserting the following: "board".  
19 7. Page 2, line 18, by striking the  
20 words "commission is composed of five" and inserting  
21 the following: "board is composed of nine".  
22 8. Page 2, line 20, by striking the word  
23 "commission" and inserting the following: "board".  
24 9. Page 2, line 23, by striking the word  
25 "commission" and inserting the following: "board".  
26 10. Page 2, line 24, by striking the word "five"  
27 and inserting the following: "nine".  
28 11. Page 2, line 26, by striking the word  
29 "commission" and inserting the following: "board".  
30 12. Page 2, line 28, by striking the word  
31 "commission" and inserting the following: "board".  
32 13. Page 2, by striking lines 31 through 34 and  
33 inserting the following: "term. Members of the  
34 board".  
35 14. Page 2, line 37, by striking the word  
36 "commission" and inserting the following: "board".  
37 15. Page 2, line 38, by striking the word  
38 "commission" and inserting the following: "board".  
39 16. Page 2, line 41, by striking the word  
40 "commission" and inserting the following: "board".  
41 17. Page 2, by striking lines 42 through 47.  
42 18. Page 2, line 48, by striking the word  
43 "commission" and inserting the following: "board".  
44 19. By striking page 2, line 50, through page 3,  
45 line 2.  
46 20. Page 3, line 6, by striking the words  
47 "commission. The commission" and inserting the  
48 following: "board. The board".  
49 21. Page 3, line 13, by striking the word  
50 "commission" and inserting the following: "board".

## Page 2

- 1 22. Page 3, line 18, by striking the word  
2 "commission" and inserting the following: "board".  
3 23. Page 3, line 23, by striking the word  
4 "commission" and inserting the following: "board".  
5 24. Page 3, line 27, by striking the word  
6 "commission's" and inserting the following:  
7 "board's".  
8 25. Page 3, line 33, by striking the word  
9 "commission" and inserting the following: "board".

- 10 26. Page 3, line 42, by striking the word
- 11 "commission" and inserting the following: "board".
- 12 27. Page 4, line 9, by striking the word
- 13 "commission" and inserting the following: "board".
- 14 28. Page 4, line 21, by striking the word
- 15 "commission" and inserting the following: "board".
- 16 29. Page 4, line 23, by striking the word
- 17 "commission" and inserting the following: "board".
- 18 30. Page 4, line 26, by striking the word
- 19 "commission" and inserting the following: "board".
- 20 31. Page 4, line 41, by striking the word
- 21 "commission" and inserting the following: "board".
- 22 32. Page 4, line 45, by striking the word
- 23 "commission" and inserting the following: "board".
- 24 33. Page 4, line 46, by striking the word
- 25 "commission" and inserting the following: "board".
- 26 34. Page 4, line 48, by striking the word
- 27 "commission" and inserting the following: "board".
- 28 35. Page 4, line 49, by striking the word
- 29 "commission" and inserting the following: "board".
- 30 36. Page 5, line 32, by striking the word
- 31 "commission" and inserting the following: "board".
- 32 37. Page 5, line 49, by striking the word
- 33 "commission" and inserting the following: "board".
- 34 38. Page 6, line 4, by striking the word
- 35 "commission" and inserting the following: "board".
- 36 39. Page 6, line 5, by striking the word
- 37 "commission" and inserting the following: "board".
- 38 40. Page 6, line 11, by striking the word
- 39 "commission" and inserting the following: "board".
- 40 41. Page 6, line 12, by striking the word
- 41 "commission" and inserting the following: "board".
- 42 42. Page 6, line 23, by striking the word
- 43 "commission" and inserting the following: "board".
- 44 43. Page 6, line 32, by striking the word
- 45 "commission" and inserting the following: "board".
- 46 44. Page 6, line 36, by striking the word
- 47 "commission" and inserting the following: "board".
- 48 45. Page 6, line 39, by striking the word
- 49 "commission" and inserting the following: "board".
- 50 46. Page 6, line 44, by striking the word

**Page 3**

- 1 "commission" and inserting the following: "board".
- 2 47. Page 6, line 48, by striking the word
- 3 "commission" and inserting the following: "board".
- 4 48. Page 7, line 10, by striking the word
- 5 "commission" and inserting the following: "board".
- 6 49. Page 7, line 13, by striking the word



- 7 "commission" and inserting the following: "board".
- 8 50. Page 7, line 19, by striking the word
- 9 "commission" and inserting the following: "board".
- 10 51. Page 7, line 22, by striking the word
- 11 "commission" and inserting the following: "board".
- 12 52. Page 7, line 26, by striking the word
- 13 "commission" and inserting the following: "board".
- 14 53. Page 7, line 42, by striking the word
- 15 "commission" and inserting the following: "board".
- 16 54. Page 7, line 49, by striking the word
- 17 "commission" and inserting the following: "board".
- 18 55. Page 8, line 5, by striking the word
- 19 "commission" and inserting the following: "board".
- 20 56. Page 8, line 23, by striking the word
- 21 "commission" and inserting the following: "board".
- 22 57. Page 8, line 30, by striking the word
- 23 "commission" and inserting the following: "board".
- 24 58. Page 8, lines 45 and 46, by striking the
- 25 words "telecommunications and technology commission"
- 26 and inserting the following: "communications network
- 27 board".
- 28 59. Page 10, line 28, by striking the word
- 29 "commission" and inserting the following: "board".
- 30 60. Page 10, line 35, by striking the word
- 31 "commission" and inserting the following: "board".
- 32 61. Page 10, line 37, by striking the word
- 33 "commission" and inserting the following: "board".
- 34 62. Page 10, line 40, by striking the word
- 35 "commission" and inserting the following: "board".
- 36 63. Page 11, line 3, by striking the word
- 37 "commission" and inserting the following: "board".
- 38 64. Page 11, line 5, by striking the word
- 39 "commission's" and inserting the following:
- 40 "board's".
- 41 65. Page 11, line 12, by striking the word
- 42 "commission" and inserting the following: "board".
- 43 66. Page 11, line 13, by striking the word
- 44 "commission" and inserting the following: "board".
- 45 67. Page 11, line 15, by striking the word
- 46 "commission" and inserting the following: "board".
- 47 68. Page 11, line 26, by striking the word
- 48 "commission" and inserting the following: "board".
- 49 69. Page 12, line 16, by striking the word
- 50 "commission" and inserting the following: "board".

Page 4

- 1 70. Page 12, line 22, by striking the word
- 2 "commission's" and inserting the following:
- 3 "board's".

- 4 71. Page 12, line 30, by striking the word  
5 "commission" and inserting the following: "board".
- 6 72. Page 12, line 43, by striking the word  
7 "commission" and inserting the following: "board".
- 8 73. Page 12, line 44, by striking the word  
9 "commission" and inserting the following: "board".
- 10 74. Page 12, line 45, by striking the word  
11 "commission" and inserting the following: "board".
- 12 75. Page 13, line 14, by striking the word  
13 "commission" and inserting the following: "board".
- 14 76. Page 13, by striking line 22 and inserting  
15 the following: "Iowa communications network board."
- 16 77. Page 14, lines 34 and 35, by striking the  
17 words "telecommunications and technology commission"  
18 and inserting the following: "communications network  
19 board".
- 20 78. Page 14, line 38, by striking the words  
21 "commission. The commission" and inserting the  
22 following: "board. The board".
- 23 79. Page 14, line 41, by striking the word  
24 "commission" and inserting the following: "board".
- 25 80. Page 14, line 43, by striking the word  
26 "commission" and inserting the following: "board".
- 27 81. Page 14, line 49, by striking the word  
28 "commission" and inserting the following: "board".
- 29 82. Page 15, line 3, by striking the word  
30 "commission" and inserting the following: "board".
- 31 83. Page 15, line 8, by striking the words  
32 "telecommunications and technology commission" and  
33 inserting the following: "communications network  
34 board".
- 35 84. Page 15, line 12, by striking the word  
36 "commission" and inserting the following: "board".
- 37 85. Page 15, line 13, by striking the word  
38 "commission" and inserting the following: "board".
- 39 86. Page 15, lines 14 and 15, by striking the  
40 words "TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION"  
41 and inserting the following: "COMMUNICATIONS NETWORK  
42 BOARD".
- 43 87. Page 15, lines 16 and 17, by striking the  
44 words "telecommunications and technology commission"  
45 and inserting the following: "communications network  
46 board".
- 47 88. Page 15, line 19, by striking the words "One  
48 member" and inserting the following: "Three members".
- 49 89. Page 15, line 21, by striking the word "Two"  
50 and inserting the following: "Three".

## Page 5

- 1 90. Page 15, line 23, by striking the word "Two"  
 2 and inserting the following: "Three".  
 3 91. Page 15, line 34, by striking the words  
 4 "telecommunications and technology commission" and  
 5 inserting the following: "communications network  
 6 board".

RICHARD F. DRAKE

S-5381

- 1 Amend the amendment, S-5301, to House File 2410 as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 9 through 11, and  
 5 inserting the following:  
 6 "2. "Contractor" means a natural person who is an  
 7 independent contractor, including an independent  
 8 trucking owner or operator eighteen years of age or  
 9 older, who performs labor in this state, to whom a  
 10 pavor of income makes payments which are not subject  
 11 to withholding, and for whom the pavor of income is  
 12 required by the internal revenue service to complete a  
 13 1099-MISC form."  
 14 2. Page 1, by striking lines 18 and 19, and  
 15 inserting the following:  
 16 " — . Page 39, by striking lines 31 and 32, and  
 17 inserting the following:  
 18 "252G.4 ALTERNATIVE REPORTING REQUIREMENTS --  
 19 PENALTY."  
 20 " — . Page 40, by striking lines 2 through 21,  
 21 and inserting the following: "contractor, shall  
 22 report all of the following the contractor to the  
 23 registry. Pavors of income shall report contractors  
 24 within ten fifteen days of hiring or rehiring of a  
 25 contractor the date on which all of the following  
 26 conditions are met:  
 27 a. The pavor issues payment to the contractor in  
 28 an amount which exceeds the amount required for the  
 29 filing of a 1099-MISC report.  
 30 b. Payment to the contractor is made in a form  
 31 which is other than a lump sum payment, within a  
 32 calendar year.  
 33 The pavor of income is not required to report  
 34 contractors with whom the pavor of income establishes  
 35 subsequent agreements to perform services.  
 36 2. The report submitted to the registry shall  
 37 contain all of the following:

- 38 a. The name, address, and federal identification  
 39 number of the payor of income.
- 40 b. The contractor's name, address, social security  
 41 number, and if known, the contractor's date of birth."  
 42 \_\_\_\_ . Page 40, line 33, by striking the figures "3  
 43 2" and inserting the following: "3".  
 44 \_\_\_\_ . Page 41, line 2, by striking the figures "4  
 45 3" and inserting the following: "4".  
 46 \_\_\_\_ . Page 41, line 4, by striking the figures "5  
 47 4" and inserting the following: "5".  
 48 3. By renumbering as necessary.

ELAINE SZYMONIAK

S-5382

- 1 Amend the amendment, S-5332, to the House  
 2 amendment, S-5144, to Senate File 2089, as passed by  
 3 the Senate, as follows:
- 4 1. Page 1, line 31, by striking the word "or".  
 5 2. Page 1, line 32, by inserting after the figure  
 6 "336" the following: ", or a judicial district  
 7 department of correctional services established in  
 8 section 905.2, to the extent provided in section  
 9 18.136, subsection 13A."
- 10 3. Page 3, line 21, by inserting after the word  
 11 "user" the following: "group".  
 12 4. Page 3, line 22, by striking the word "user's"  
 13 and inserting the following: "user group's".  
 14 5. Page 3, line 26, by inserting after the word  
 15 "user" the following: "group".  
 16 6. Page 5, line 10, by striking the words "--  
 17 ADVISORY COMMITTEES".  
 18 7. Page 5, by inserting after line 48 the  
 19 following:  
 20 "\_\_\_\_. The community college in each of the merged  
 21 areas shall be responsible for switching of Parts II  
 22 and III of the network and for facilitating the  
 23 organization and meetings of the regional  
 24 telecommunications council.  
 25 Sec. \_\_\_\_ . NEW SECTION. 18.133X ADVISORY GROUPS  
 26 ESTABLISHED."
- 27 8. Page 5, line 49, by striking the figure "3."  
 28 and inserting the following: "1."  
 29 9. Page 6, line 5, by striking the figure "4."  
 30 and inserting the following: "2."  
 31 10. Page 9, line 42, by striking the word "one-  
 32 way" and inserting the following: "one-way".  
 33 11. Page 12, line 16, by inserting after the word  
 34 "commission." the following: "If the education

35 telecommunications council finds that a grant request  
 36 is inconsistent with the telecommunications plan, the  
 37 grant request shall not be allowed."

38 12. Page 13, by inserting after line 15 the  
 39 following:

40 "Sec. \_\_\_\_ . Section 18.136, Code Supplement 1993,  
 41 is amended by adding the following new subsection:  
 42 NEW SUBSECTION. 13A. Access to the network shall  
 43 be offered to the judicial district departments of  
 44 correctional services established in section 905.2,  
 45 provided that such departments contribute an amount  
 46 consistent with their share of use for the part of the  
 47 system in which the departments participate, as  
 48 determined by the commission."

49 13. By renumbering, relettering, or redesignating  
 50 and correcting internal references as necessary.

ROBERT E. DVORSKY

S-5383

1 Amend the amendment, S-5332, to the House  
 2 amendment, S-5144, to Senate File 2089, as passed by  
 3 the Senate as follows:

4 1. Page 1, line 24, by striking the word "or".  
 5 2. Page 1, line 26, by inserting after the word  
 6 "grants" the following: ", or a hospital licensed  
 7 pursuant to chapter 135B or a physician clinic to the  
 8 extent provided in section 18.136, subsection 13A".

9 3. Page 13, by inserting after line 15 the  
 10 following:

11 "Sec. \_\_\_\_ . Section 18.136, Code Supplement 1993,  
 12 is amended by adding the following new subsection:  
 13 NEW SUBSECTION. 13A. Access shall be offered to  
 14 hospitals licensed pursuant to chapter 135B and  
 15 physician clinics. A hospital or physician clinic  
 16 shall be responsible for all costs associated with  
 17 becoming a part of the network."

18 4. By renumbering as necessary.

MARY E. KRAMER

S-5384

1 Amend the amendment, S-5332, to the House  
 2 amendment, S-5144, to Senate File 2089, as passed by  
 3 the Senate as follows:

4 1. Page 8, by inserting after line 39 the  
 5 following:

6 "Sec. \_\_\_\_ . NEW SECTION. 18.134A DISPOSITION OF

## 7 NETWORK -- APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.

8 Notwithstanding any provision to the contrary, the  
 9 Iowa telecommunications and technology commission  
 10 shall not sell, lease, or otherwise dispose of the  
 11 Iowa communications network or a portion of the  
 12 network without prior authorization by a  
 13 constitutional majority of each house of the general  
 14 assembly and approval by the governor.  
 15 2. By renumbering as necessary.

JACK RIFE

S-5385

1 Amend the amendment, S-5332, to the House  
 2 amendment, S-5144, to Senate File 2089, as passed by  
 3 the Senate, as follows:  
 4 1. Page 4, by inserting after line 42 the  
 5 following:  
 6 "4. PROHIBITED ACT. The commission shall not  
 7 enter into an agreement with an entity pursuant to  
 8 chapter 28E for the purpose of providing such entity  
 9 access to the network."

DERRYL McLAREN

S-5386

1 Amend the amendment, S-5279, to House File 642, as  
 2 amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 2, by inserting after line 38 the  
 5 following:  
 6 "\_\_\_\_. Page 9, by inserting before line 19 the  
 7 following:  
 8 "Sec. \_\_\_\_ . Section 309.82, Code 1993, is amended  
 9 to read as follows:  
 10 309.82 RECORD OF FINAL COST.  
 11 On completion of a bridge or culvert, a detailed  
 12 statement of cost, and of additions or alterations to  
 13 the plans shall be filed by the engineer, all of which  
 14 shall be retained in the county engineer's office as  
 15 permanent records; and when the work is completed and  
 16 approved, a statement of the costs shall be filed with  
 17 the department by the county engineer.""  
 18 2. Page 3, lines 1 and 2, by striking the words  
 19 "upon the basis of an engineering and traffic  
 20 investigation" and inserting the following: "upon the  
 21 basis of an engineering and traffic investigation".  
 22 3. Page 3, by inserting after line 37 the

23 following:

24 "\_\_\_ . Page 11, by inserting after line 17 the

25 following:

26 "Sec. \_\_\_ . Section 331.552, Code 1993, is amended

27 by adding the following new subsection:

28 **NEW SUBSECTION. 32.** File with the county auditor

29 the name of a designated employee, if other than the

30 first deputy treasurer, authorized to perform the

31 duties of the treasurer during the absence or

32 disability of the treasurer and the name of any

33 employee authorized to sign, on behalf of the

34 treasurer, any form, notice, or document requiring the

35 signature of the treasurer."

36 4. Page 4, by inserting after line 17 the

37 following:

38 "\_\_\_ . Page 11, by inserting after line 21 the

39 following:

40 "Sec. \_\_\_ . Section 331.903, subsection 4, Code

41 1993, is amended to read as follows:

42 4. Each deputy officer, assistant and clerk shall

43 perform the duties assigned by the principal officer

44 making the appointment. During the absence or

45 disability of the principal officer, the first deputy,

46 or designee in those instances where there is no first

47 deputy or in the absence or disability of the first

48 deputy, shall perform the duties of the principal

49 officer."

50 5. Page 5, line 46, by inserting after the word

**Page 2**

1 "veterans," the following: "by reducing bridge and

2 culvert cost records being kept by the state, by

3 providing for the designation of certain county

4 officers to act on behalf of their principal

5 officers".

**TOM VILSACK**

S-5387

1 Amend House File 2377, as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 10, line 29, by inserting after the word

4 "paragraph." the following: "The requirements of this

5 paragraph do not apply to a release of custody which

6 is executed for the purposes of a stepparent

7 adoption."

**TOM VILSACK**

S-5388

1 Amend House File 2403, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "Sec. \_\_\_\_ . Section 15E.158, subsection 1, Code  
6 1993, is amended by adding the following new  
7 paragraph:

8 NEW PARAGRAPH. h. For high technology  
9 apprenticeship programs at community colleges."

10 2. By striking page 3, line 33 through page 4,  
11 line 12.

12 3. Title, line 2, by inserting after the word  
13 "goals" the following: ", and authorizing the funding  
14 of apprenticeship programs by the Wallace technology  
15 transfer foundation".

16 4. By renumbering as necessary.

JIM RIORDAN

S-5389

1 Amend the amendment, S-5279, to House File 642, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking line 12 and inserting the  
5 following: "than March 15 of each year for counties  
6 or April 15 of each year for other political  
7 subdivisions on blanks prescribed".

8 2. Page 1, by striking lines 26 and 27, and  
9 inserting the following:

10 "Not later than March 25 for counties or April 25  
11 if the municipality is a school district for other  
12 political subdivisions, a number of persons".

13 3. Page 2, line 15, by striking the words "March  
14 April" and inserting the following: "March".

JOHN W. JENSEN  
EUGENE S. FRAISE

S-5390

1 Amend House File 2261, as passed by the House as  
2 follows:

3 1. Page 5, by striking lines 22 through 25 and  
4 inserting the following:

5 "3. The subject of a child abuse report may appeal  
6 the decision resulting from the a hearing may be  
7 appealed held pursuant to subsection 2 to the district



8 court of Polk county by the person requesting the  
9 correction or to the district court of the district in  
10 which the person subject of the child abuse report  
11 resides."

O. GENE MADDOX

S-5391

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate as follows:

4 1. Page 9, line 33, by inserting after the word  
5 "boards" the following: "and area education agency  
6 boards".

7 2. Page 9, line 35, by inserting after the word  
8 "board" the following: "or area education agency  
9 board".

10 3. Page 9, line 38, by inserting after the word  
11 "boards" the following: "and area education agency  
12 boards".

13 4. Page 9, line 45, by inserting after the word  
14 "boards" the following: "area education agency  
15 boards, or".

16 5. Page 10, line 2, by inserting after the word  
17 "boards" the following: "area education agency  
18 boards".

19 6. Page 10, line 20, by inserting after the word  
20 "match." the following: "An area education agency  
21 board may request the school budget review committee  
22 to increase the budget of the area education agency  
23 pursuant to section 257.32 for funding to be used for  
24 the match."

25 7. Page 10, line 20, by inserting after the word  
26 "board" the following: "or area education agency  
27 board".

LARRY MURPHY  
JIM KERSTEN

S-5392

1 Amend the amendment, S-5298, to House File 2372, 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 after line 19 the  
7 following:

8 "Sec. — . Section 249A.12, Code 1993, is amended

- 9 by adding the following new subsection:
- 10 NEW SUBSECTION. 3. If a county reimburses the  
 11 department for medical assistance provided under this  
 12 section and the amount of medical assistance is  
 13 subsequently repaid through a medical assistance  
 14 income trust or a medical assistance special needs  
 15 trust as defined in section 633.707, the department  
 16 shall reimburse the county on a proportionate basis.””  
 17 2. Page 1, by striking lines 8 through 10 and  
 18 inserting the following: “established by the  
 19 department of human services and as published in the  
 20 Iowa administrative”.
- 21 3. Page 2, line 20, by inserting after the word  
 22 “who” the following: “either”.
- 23 4. Page 2, line 21, by striking the word “who”.
- 24 5. Page 2, line 31, by inserting after the word  
 25 “who” the following: “either”.
- 26 6. Page 2, line 32, by striking the word “who”.
- 27 7. Page 2, line 42, by striking the words “or  
 28 who” and inserting the following: “and who either  
 29 resides in a nonhospital-based, medicare-certified,  
 30 skilled nursing facility or”.
- 31 8. Page 3, line 7, by inserting after the word  
 32 “who” the following: “either”.
- 33 9. Page 3, line 8, by striking the word “who”.
- 34 10. By renumbering as necessary.

AL STURGEON

S-5393

- 1 Amend the amendment, S-5332, to the House  
 2 amendment, S-5144, to Senate File 2089, as passed by  
 3 the Senate, as follows:
- 4 1. Page 3, by striking lines 42 through 45 and  
 5 inserting the following: “issued by the commission  
 6 such that any qualified provider may submit a bid on a  
 7 site-by-site basis, or on a merged area or defined  
 8 geographic area basis, or both, and by permitting  
 9 proposals to be submitted for”.

JOHN P. KIBBIE  
 JOE WELSH

S-5394

- 1 Amend the amendment, S-5332, to the House  
 2 amendment, S-5144, to Senate File 2089, as passed by  
 3 the Senate, as follows:
- 4 1. Page 15, by inserting after line 5 the

5 following:

6 "Sec. \_\_\_\_ . Notwithstanding the provisions of this  
7 Act, a local school district or nonpublic school or an  
8 area education agency authorized to be offered access  
9 pursuant to this chapter which certifies to the  
10 commission that such school or agency has an existing  
11 facility or has entered into an agreement with a  
12 provider for providing such facility which is  
13 compatible with the network shall be permitted access  
14 to the network as soon as practical. The commission  
15 shall review the agreement of the school or agency,  
16 and the costs related to the facility, if determined  
17 to be competitive by the commission, shall be paid in  
18 the same manner as provided for all other local school  
19 districts or nonpublic schools or area education  
20 agencies. This section applies to a local school  
21 district or nonpublic school or an area education  
22 agency which provides the certification to the  
23 commission as provided in this section on or before  
24 the date on which the commission issues a request for  
25 proposals related to such connections."  
26 2. By renumbering as necessary.

JOHN P. KIBBIE  
EUGENE FRAISE  
JOHN W. JENSEN  
EMIL J. HUSAK

S-5395

1 Amend House File 2384, 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 322D.6, Code 1993, is amended  
6 to read as follows:

7 322D.6 SECURITY INTERESTS NOT AFFECTED.

8 The provisions of this chapter shall not be  
9 construed to affect, in any way, the existence or  
10 enforcement of any security interest which a supplier,  
11 any financial institution or any other person may have  
12 in the inventory of the retailer; and any repurchase  
13 of inventory which is made hereunder shall not be  
14 subject to the bulk sales provisions of chapter 554,  
15 article 6, of the uniform commercial code.

16 Sec. \_\_\_\_ . Section 322F.4, Code 1993, is amended to  
17 read as follows:

18 322F.4 SECURITY INTERESTS NOT AFFECTED.

19 This chapter shall not be construed to affect the  
20 existence or enforcement of a security interest which

21 any person, including a supplier or financial  
 22 institution, may have in the inventory of the dealer.  
 23 ~~The repurchase of inventory which is made under this~~  
 24 ~~chapter shall not be subject to the bulk sales~~  
 25 ~~provision of chapter 554, article 6 of the uniform~~  
 26 ~~commercial code.~~  
 27 Sec. \_\_\_\_ . Section 554.1105, subsection 2, Code  
 28 1993, is amended to read as follows:  
 29 2. Where one of the following provisions of this  
 30 chapter specifies the applicable law, that provision  
 31 governs and a contrary agreement is effective only to  
 32 the extent permitted by the law (including the  
 33 conflict of laws rules) so specified:  
 34 Rights of creditors against sold goods. Section  
 35 554.2402.  
 36 Applicability of the Article on Bank Deposits and  
 37 Collections. Section 554.4102.  
 38 ~~Bulk transfers subject to the Article on Bulk~~  
 39 ~~Transfers. Section 554.6102.~~  
 40 Applicability of the Article on Investment  
 41 Securities. Section 554.8106.  
 42 Perfection provisions of the Article on Secured  
 43 Transactions. Section 554.9103.  
 44 Governing law in the Article on Funds Transfers.  
 45 Section 554.12507.  
 46 Sec. \_\_\_\_ . Section 554.2403, subsection 4, Code  
 47 1993, is amended to read as follows:  
 48 4. The rights of other purchasers of goods and of  
 49 lien creditors are governed by the Articles on Secured  
 50 Transactions (Article 9), ~~Bulk Transfers (Article 6)~~

## Page 2

1 and Documents of Title (Article 7)."  
 2 2. Page 3, by striking lines 13 through 16.  
 3 3. Page 10, by inserting after line 18 the  
 4 following:  
 5 "Sec. \_\_\_\_ . REPEALS. Sections 554.6101 through  
 6 554.6111, and 554.9111, Code 1993, are repealed.  
 7 Sec. \_\_\_\_ . EFFECTIVE DATE AND APPLICATION. This  
 8 Act takes effect on January 1, 1995, and applies to  
 9 all causes of action arising on or after that date."  
 10 4. Title page, line 1, by inserting after the  
 11 word "Act" the following: "relating to commercial  
 12 transactions, by".  
 13 5. Title page, line 1, by inserting after the  
 14 words "transfer Act" the following: ", and providing  
 15 for the repeal of certain Code sections, and providing

- 16 an effective and applicability date".  
 17 6. By renumbering as necessary.

RANDAL J. GIANNETTO

S-5396

- 1 Amend the amendment, S-5332, to the House  
 2 amendment, S-5144, to Senate File 2089, as passed by  
 3 the Senate as follows:  
 4 1. Page 1, line 24, by striking the word "or".  
 5 2. Page 1, line 26, by inserting after the word  
 6 "grants" the following: "or a hospital licensed  
 7 pursuant to chapter 135B or a physician clinic to the  
 8 extent provided in section 18.136, subsection 13A".  
 9 3. Page 1, line 31, by striking the word "or".  
 10 4. Page 1, line 32, by inserting after the figure  
 11 "336" the following: "or an agency of the federal  
 12 government to the extent provided in section 18.136,  
 13 subsection 13A".  
 14 5. Page 13, by inserting after line 15 the  
 15 following:  
 16 "Sec. \_\_\_\_ . Section 18.136, Code Supplement 1993,  
 17 is amended by adding the following new subsection:  
 18 **NEW SUBSECTION. 13A.** Access shall be offered to  
 19 hospitals licensed pursuant to chapter 135B and  
 20 physician clinics and to an agency of the federal  
 21 government. A hospital, physician clinic, or an  
 22 agency of the federal government shall be responsible  
 23 for all costs associated with becoming a part of the  
 24 network."  
 25 6. By renumbering as necessary.

MARY E. KRAMER  
 ROBERT E. DVORSKY  
 TOM VILSACK  
 JOHN W. JENSEN  
 RAY TAYLOR  
 MARY LOU FREEMAN  
 MAGGIE TINSMAN

HOUSE AMENDMENT TO  
 SENATE FILE 2060

S-5397

- 1 Amend Senate File 2060, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 1 through 9.

- 4 2. Page 3, by striking lines 4 through 28.  
5 3. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2080

S-5398

- 1 Amend Senate File 2080, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting after line 9 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 321.423, subsection 6, Code  
6 1993, is amended to read as follows:  
7 6. AMBER FLASHING LIGHT. A farm tractor, farm  
8 tractor with towed equipment, self-propelled implement  
9 of husbandry, road construction or maintenance  
10 vehicle, road grader, or other vehicle principally  
11 designed for use off the highway which, when operated  
12 on a primary or secondary road, is operated at a speed  
13 of twenty-five miles an hour or less, shall be  
14 equipped with and display an amber flashing light  
15 visible from the rear at any time from sunset to  
16 sunrise. If the amber flashing light is obstructed by  
17 the towed equipment, the towed equipment shall also be  
18 equipped with and display an amber flashing light as  
19 required under this subsection. All vehicles  
20 specified in this subsection which are manufactured  
21 for sale or sold in this state shall be equipped with  
22 an amber flashing light. The type, number,  
23 dimensions, and method of mounting of the lights shall  
24 be determined by the director. The director, when  
25 approving the light, shall be guided as far as  
26 practicable by the standards of the American society  
27 of agricultural engineers."  
28 2. Page 1, line 28, by inserting after the figure  
29 "321E." the following: "A vehicle exempted from the  
30 permit requirements under this section shall be  
31 equipped with an amber flashing light under section  
32 321.423, shall be equipped with warning flags on that  
33 portion of the vehicle which protrudes into oncoming  
34 traffic, and shall only operate from thirty minutes  
35 prior to sunrise to thirty minutes following sunset."  
36 3. Page 1, line 34, by inserting after the word  
37 "livestock," the following: "travel trailer, fifth-  
38 wheel travel trailer."  
39 4. Page 2, by inserting after line 13 the  
40 following:  
41 "Sec. \_\_\_\_ . Section 321.454, subsection 2, Code  
42 1993, is amended by striking the subsection.

43 Sec. \_\_\_\_ . Section 321.457, subsection 2, paragraph  
44 h, Code Supplement 1993, is amended by striking the  
45 paragraph.

46 Sec. \_\_\_\_ . Section 321.457, subsection 3, Code  
47 Supplement 1993, is amended to read as follows:

48 3. The maximum length of any motor vehicle or  
49 combination of vehicles operated on the highways of  
50 this state which are designated by the transportation

Page 2

1 commission shall be as follows:

2 a. A trailer or semitrailer, laden or unladen,  
3 shall not have an overall length in excess of fifty-  
4 three feet when operating in a truck tractor-  
5 semitrailer combination.

6 b. A trailer or semitrailer, laden or unladen,  
7 shall not have an overall length in excess of twenty-  
8 eight feet six inches when operating in a truck  
9 tractor-semitrailer-trailer combination or truck  
10 tractor-semitrailer-semitrailer combination. When the  
11 semitrailers in a truck tractor-semitrailer-  
12 semitrailer combination are connected by a rigid frame  
13 extension including a fifth-wheel connection point  
14 attached to the rear frame of the first semitrailer,  
15 the length of the frame extension shall not be  
16 included when determining the overall length of the  
17 first semitrailer.

18 c. Power units designed to carry cargo, when used  
19 in combination with a trailer or semitrailer shall not  
20 exceed sixty-five feet in overall length for the  
21 combination.

22 d. In a combination of vehicles used principally  
23 for hauling livestock or a stinger-steered automobile  
24 transporter operating under this subsection and  
25 section 321.454, subsection 2, the combination of  
26 vehicles used principally for hauling livestock or the  
27 stinger-steered automobile transporter may depart from  
28 the designated highway system by the most direct route  
29 to points of pickup and delivery. Vehicles operating  
30 under this paragraph are not exempt from posted size  
31 and weight restrictions on highway structures.

32 e. A stinger-steered automobile transporter  
33 shall not have an overall length exceeding seventy-  
34 five feet, except that the load may extend up to three  
35 feet beyond the front bumper and up to four feet  
36 beyond the rear bumper.

37 f. Power units saddle mounted or full mounted on  
38 other power units shall not exceed seventy-five feet  
39 in overall length.

40 The commission shall adopt rules to designate the  
41 highways. The rules adopted by the department under  
42 this paragraph are exempt from chapter 17A, the Iowa  
43 administrative procedure Act."

44 5. Page 3, line 33, by striking the word "shall"  
45 and inserting the following: "may".

46 6. By renumbering as necessary.

S-5399

1 Amend Senate File 2319 as follows:

2 1. By striking page 13, line 23 through page 14,  
3 line 2 and inserting the following:

4 "Sec. \_\_\_\_ . Section 808A.2, Code 1993, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 4. If a search pursuant to  
7 subsection 1 of a school locker, desk, or other  
8 facility or space issued or assigned to, or chosen by  
9 a student, reveals a violation of the law or the rules  
10 of the school regarding a dangerous weapon or  
11 controlled substance, the violation shall constitute  
12 reasonable grounds for future searches without advance  
13 notice to the student of the student's school locker,  
14 desk, or other facility or space issued or assigned  
15 to, or chosen by the student."

16 2. By renumbering as necessary.

COMMITTEE ON EDUCATION  
MIKE CONNOLLY, Chairperson

S-5400

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:

4 1. Page 15, by inserting after line 5 the  
5 following:

6 "Sec. \_\_\_\_ . Notwithstanding any contrary provisions  
7 of this Act, a K-12 school district, on or before May  
8 1, 1994, may certify to the commission in writing that  
9 the K-12 school district has a full motion interactive  
10 video system which is fully compatible with the  
11 network. Upon receipt of such certification and a  
12 determination by the commission that the district's  
13 system is fully compatible with the network, access to  
14 the network shall be permitted as soon as practical.  
15 A K-12 school district which provides the  
16 certification to the commission as provided in this  
17 section may petition the commission for reimbursement  
18 of the costs associated with providing the connection



- 19 incurred by the district."  
20 2. By renumbering as necessary.

JOE WELSH  
JOHN P. KIBBIE  
PATTY JUDGE  
EUGENE S. FRAISE  
EMIL J. HUSAK

S-5401

- 1 Amend House File 455, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. By striking page 1, line 32 through page 2,  
4 line 3, and inserting the following: "requirement.  
5 Yard signs are subject to removal by highway".

MERLIN E. BARTZ

S-5402

- 1 Amend the House amendment, S-5317, to Senate File  
2 2218, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. By striking page 1, line 38, through page 2,  
5 line 7.  
6 2. Renumber as necessary.

TONY BISIGNANO  
AL STURGEON

S-5403

- 1 Amend House File 2387, as amended, passed and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 19, by inserting after the word  
4 "therapy" the following: ", or a licensed physician  
5 assistant".

JAMES R. RIORDAN

S-5404

- 1 Amend the House amendment, S-5317, to Senate File  
2 2218, as amended, passed, and reprinted by the Senate  
3 as follows:  
4 1. Page 2, by inserting before line 8 the  
5 following:  
6 " — . Page 17, by inserting after line 28 the  
7 following:

8 "Sec. \_\_\_\_ . Section 34A.2, subsection 6, paragraph  
9 e, unnumbered paragraph 2, Code Supplement 1993, is  
10 amended to read as follows:

11 Costs are limited to nonrecurring and recurring  
12 costs directly attributable to the provision of 911  
13 emergency telephone communication service and may  
14 include costs for portable and vehicle radios,  
15 communication towers, and other radios and equipment  
16 ~~permanently located at the public safety answering~~  
17 ~~point.~~ Costs do not include expenditures for any  
18 other purpose, and specifically exclude costs  
19 attributable to other emergency services or  
20 expenditures for buildings or personnel, except for  
21 the costs of personnel for database management and  
22 personnel directly associated with addressing.""  
23 2. By renumbering as necessary.

JOE WELSH  
JIM LIND

S-5405

1 Amend House File 2070, as passed by the House, as  
2 follows:

3 1. Page 1, lines 30 and 31, by striking the words  
4 "county attorney or the".

5 2. Page 4, by inserting after line 19 the  
6 following:

7 "Sec. \_\_\_\_ . Section 331.756, subsection 23, Code  
8 Supplement 1993, is amended by striking the  
9 subsection."

10 3. Page 4, line 20, by inserting after the figure  
11 "100.19," the following: "100.20,".

TOM VILSACK

S-5406

1 Amend House File 2410, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 45, by inserting after line 4 the  
4 following:

5 "Sec. \_\_\_\_ . **NEW SECTION. 678A.1 FAMILY MEDIATION**  
6 **SERVICES PROVIDERS LIST.**

7 Each judicial district shall establish a list of  
8 qualified mediation services providers for purposes of  
9 providing mediation services to parties to actions  
10 affecting the family in the manner provided in this  
11 chapter. Persons wishing to be included on the list  
12 shall submit their name and qualifications to the

13 court. The chief judge of the judicial district, or  
14 the chief judge's designee, shall review the names and  
15 qualifications submitted by each person to determine  
16 whether the person meets the requirements for  
17 inclusion on the judicial district list.

18 Sec. \_\_\_\_ . NEW SECTION. 678A.2 QUALIFICATIONS OF  
19 MEDIATOR.

20 A mediator whose name is listed as a qualified  
21 mediation services provider pursuant to this chapter  
22 shall have had not less than twenty-five hours of  
23 mediation training and not less than one year of  
24 professional experience in mediating disputes.

25 Sec. \_\_\_\_ . NEW SECTION. 678A.3 REFERRAL BY COURT.

26 1. In any action affecting the family, including a  
27 decree of dissolution of marriage, a modification of  
28 an order for dissolution of marriage, an order for  
29 child custody, or an order for support which is  
30 related to legal custody or physical care, the court  
31 may refer the parties to a family mediation services  
32 provider from the list established for the judicial  
33 district.

34 If both parties to any action affecting the family  
35 wish to engage in mediation of any issue in the  
36 dispute, either party may request the court to refer  
37 the parties to family mediation services for  
38 assistance in resolving any problem relating to the  
39 action. Upon receiving a request, the court may refer  
40 the parties for family mediation services.

41 A person who is awarded a period of physical  
42 custody or care, a child of the person, a person with  
43 visitation rights, or a person with physical custody  
44 of a child may notify the court of any problem  
45 experienced regarding physical care. Upon  
46 notification, the court may refer a person involved in  
47 the matter to family mediation services for assistance  
48 in resolving the problem.

49 2. If the court refers a party to family mediation  
50 services for possible mediation, a specific mediator

Page 2

1 shall be assigned to the case. The mediator shall  
2 provide any mediation that the mediator deems  
3 appropriate. If the mediator determines that  
4 mediation is not appropriate, the mediator shall  
5 notify and refer the matter to the court for hearing.

6 3. In any action affecting the family, including  
7 an action for modification of a previous order, in  
8 which it appears that legal custody or physical care  
9 is contested, unless the court determines that

10 attendance will cause undue hardship or would endanger  
11 the health or safety of either of the parties, the  
12 parties to the action may attend at least one session  
13 with either a mediator from the list of family  
14 mediation services providers or a private mediator  
15 before a trial or hearing is held. The mediation  
16 session shall be a screening and evaluation session  
17 for purposes of determining whether mediation is  
18 appropriate and whether both parties wish to continue  
19 in mediation. If the parties and the mediator  
20 determine that continued mediation is appropriate, the  
21 court proceedings regarding legal custody or physical  
22 care shall not take place until after mediation is  
23 completed or terminated. If it is determined that  
24 mediation is not appropriate, the matter shall be  
25 referred to the court. In making a determination of  
26 whether attending an initial mediation session will  
27 endanger the health or safety of either of the  
28 parties, the court shall consider any of the  
29 following:

30 a. Evidence that a child, for whom custody and  
31 physical care must be determined, is a child in need  
32 of assistance as defined under section 232.2,  
33 subsection 6, as a result of the acts or omissions of  
34 one or both of the parties.

35 b. Evidence of domestic abuse under chapter 236.

36 c. Evidence that either party is a substance  
37 abuser or chronic substance abuser, continues to abuse  
38 drugs or alcohol, and has failed or refused to seek  
39 treatment.

40 d. Any other evidence indicating that a party's  
41 health or safety will be endangered by attending the  
42 session.

43 Sec. \_\_\_\_ . NEW SECTION: 678A.4 PRIVATE MEDIATION.

44 The parties to any action affecting the family may,  
45 at their own expense, receive mediation services from  
46 a private mediator. Parties who receive services from  
47 a private mediator shall file a written notice with  
48 the court stating the name of the private mediator and  
49 the date of the first meeting with the mediator.

50 Sec. \_\_\_\_ . NEW SECTION: 678A.5 SCOPE OF FAMILY

### Page 3

#### 1 MEDIATION SERVICES.

2 If mediation is provided by a mediator assigned by  
3 the court from the family mediation services provider  
4 list, any issue assigned by the court or any matter  
5 agreed to by the parties may be considered during the  
6 mediation. Matters which may be the subject of

7 mediation may include, but are not limited to,  
8 property division, maintenance, child support, and  
9 physical care and legal custody of any children of the  
10 marriage.

11 Sec. \_\_\_\_ . NEW SECTION. 678A.6 DUTIES AND  
12 RESPONSIBILITIES OF MEDIATOR.

13 A mediator providing mediation services under this  
14 chapter shall consider whether a particular resolution  
15 of any issue is in the best interest of the family,  
16 including the child, if there are children for whom  
17 child custody or physical care is an issue, and may do  
18 any of the following:

- 19 1. Promote cooperative settlement by reducing the  
20 emotional intensity of the parties to the dispute.
- 21 2. Include the counsel of any party or any  
22 appointed guardian in the mediation.
- 23 3. Interview any child of the parties, with or  
24 without a party present.
- 25 4. Require either or both parties to provide  
26 written disclosure of facts relating to any legal  
27 custody or physical care issue addressed in mediation,  
28 including any financial issue permitted to be  
29 considered.

30 5. Suspend mediation when necessary to enable  
31 either or both parties to obtain an appropriate court  
32 order or appropriate therapy.

33 6. Terminate mediation in the manner provided in  
34 section 678A.7.

35 Sec. \_\_\_\_ . NEW SECTION. 678A.7 TERMINATION OF  
36 MEDIATION.

37 1. Mediation may be terminated by a mediator if  
38 either party does not cooperate, if mediation is not  
39 appropriate for resolution of the dispute in the  
40 opinion of the mediator, or if there is evidence of  
41 any of the following:

- 42 a. Evidence that a child, for whom custody and  
43 physical placement must be determined, is a child in  
44 need of assistance as defined under section 232.2,  
45 subsection 6, as a result of the acts or omissions of  
46 one or both of the parties.
- 47 b. Evidence of domestic abuse under chapter 236.
- 48 c. Evidence that either party is a substance  
49 abuser or chronic substance abuser, continues to abuse  
50 drugs or alcohol, and has failed or refused to seek

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1 treatment.

2 d. Any other evidence indicating that a party's  
3 health or safety will be endangered by attending

4 mediation.

5 e. Evidence that the parties have reached an  
6 impasse that cannot be reconciled.

7 2. Mediation may also be terminated by application  
8 filed with the court by either party to the dispute.

9 A party seeking to terminate mediation shall state the  
10 reasons for termination mediation. A party to the  
11 dispute shall not file more than one application to  
12 terminate mediation. Upon receipt of an application  
13 to terminate mediation, the court shall notify the  
14 other party and the family mediation services provider  
15 of receipt of an application. The other party to the  
16 dispute may, within ten days of receipt of notice of  
17 an application to terminate mediation, file an  
18 objection to termination of mediation. The court may,  
19 with or without hearing, upon receiving the  
20 application and any objections, terminate mediation,  
21 appoint a different mediator from the list of family  
22 mediation services providers, or reject the  
23 application.

24 Sec. — . NEW SECTION. 678A.8 COMMUNICATIONS  
25 WITH MEDIATOR – CONFIDENTIALITY.

26 All verbal or written communications relating to  
27 the subject matter of an agreement and transmitted  
28 between any party and a mediator or to any other  
29 person present during any stage of mediation, whether  
30 reflected in notes, memoranda, or other work products  
31 in the case files, are confidential communications  
32 except as otherwise expressly provided in this  
33 chapter. Mediators shall not be examined in any  
34 judicial or administrative proceeding regarding  
35 confidential communications and are not subject to  
36 judicial or administrative process requiring the  
37 disclosure of confidential communications.

38 This section does not prohibit the release of  
39 information to the court regarding the disposition of  
40 a case which was referred by the court. This section  
41 does not apply if a mediator has reason to believe  
42 that a party to a dispute has given perjured evidence.

43 Sec. — . NEW SECTION. 678A.9 MEDIATION  
44 AGREEMENTS.

45 An agreement which resolves issues between the  
46 parties which is reached as a result of mediation  
47 under this chapter shall be prepared in writing,  
48 reviewed by the attorney or attorneys, if any, of  
49 either or both parties, and by any guardian ad litem  
50 or attorney appointed to represent the interests of a

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1 child. The court may approve, modify, or reject the  
2 agreement, based on a determination of whether the  
3 agreement is in the best interest of any child of the  
4 marriage.

5 If, after mediation under this chapter, the parties  
6 do not reach agreement on legal custody or periods of  
7 physical care, the parties or the mediator shall  
8 notify the court of the failure to reach agreement.  
9 The court shall proceed with the matter in the manner  
10 provided in chapter 598.

11 Sec. \_\_\_\_ . NEW SECTION. 678A.10 COSTS OF  
12 MEDIATION -- FEES.

13 Each party who receives family mediation services,  
14 other than services provided by a private mediator,  
15 shall pay a fee to defray in whole or in part the  
16 administrative costs of family mediation services.  
17 Fees charged by persons whose names are included on  
18 the judicial district family mediation services  
19 provider list shall be on a sliding scale based upon  
20 the parties' ability to pay. A person shall not be  
21 denied family mediation services solely because of  
22 inability to pay the fee.

23 Sec. \_\_\_\_ . NEW SECTION. 678A.11 LIMITATION OF  
24 LIABILITY FOR MEDIATORS -- IMMUNITY -- EXCEPTIONS.

25 1. A person who provides family mediation services  
26 under this chapter is not liable for civil damages for  
27 any statement or agreement made during the course of  
28 mediation, unless the person has acted in bad faith,  
29 with malicious purpose, or in a manner exhibiting  
30 willful and wanton disregard of human rights, safety,  
31 or property.

32 2. A cause of action seeking an injunction, writ  
33 of mandamus, or other similar relief shall not be  
34 brought against a person who provides family mediation  
35 services under this chapter until the mediation of the  
36 dispute is completed or is terminated in the manner  
37 provided in section 678A.7."

38 2. Title page, line 1, by inserting after the  
39 word "to" the following: "families and children  
40 including family mediation services and".

41 3. By renumbering as necessary.

JEAN LLOYD-JONES

S-5407

1 Amend the amendment, S-5371, to House File 2410, 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 10, by striking line 13 and inserting

7 the following: "the address, if known, of the

8 support".

9 \_\_\_\_ . Page 10, lines 14 and 15, by striking the

10 words "city, state, and zip code" and inserting the

11 following: "address"."

12 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5408

1 Amend House File 2149, 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 80.9, subsection 2, paragraph

6 d, Code 1993, is amended to read as follows:

7 d. To collect and classify, and keep at all times

8 available, complete information useful for the

9 detection of crime, and the identification and

10 apprehension of criminals. Such information shall be

11 available for all peace officers within the state,

12 under such regulations as the commissioner may

13 prescribe; The provisions of chapter 141 do not

14 apply to the entry of human immunodeficiency virus-

15 related information by criminal justice agencies into

16 the Iowa criminal justice information system or the

17 national crime information center system. The

18 provisions of chapter 141 also do not apply to the

19 transmission of the same information from either or

20 both information systems to criminal justice agencies.

21 The provisions of chapter 141 also do not apply to the

22 transmission of the same information from either or

23 both information systems to employees of state

24 correctional institutions subject to the jurisdiction

25 of the department of corrections, employees of secure

26 facilities for juveniles subject to the jurisdiction

27 of the department of human services, and employees of

28 city and county jails, if those employees have direct

29 physical supervision over inmates of those facilities

30 or institutions. An employee receiving human

31 immunodeficiency virus-related information who uses or

32 communicates the information outside of the employee's

33 agency is guilty of a class "D" felony. Rules

34 prescribed by the commissioner regarding availability

35 of information shall include, but are not limited to,



36 a requirement that persons receiving information from  
37 the Iowa criminal justice information system or the  
38 national crime information center system receive  
39 training regarding confidentiality standards  
40 applicable to information received from the system.  
41 The commissioner shall develop and establish, in  
42 cooperation with the department of corrections,  
43 training programs and program criteria for persons  
44 receiving confidential information through the Iowa  
45 criminal justice information system or the national  
46 crime information center system.  
47 Sec. 2. Section 141.6, Code 1993, is amended by  
48 adding the following new subsection:  
49 **NEW SUBSECTION. 7.** In addition to the provisions  
50 for partner notification provided under this section

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1 and notwithstanding any provision to the contrary, a  
2 medical examiner conducting official duties pursuant  
3 to sections 331.801 through 331.805, who determines  
4 through an investigation including HIV-related tests  
5 including the elisa and western blot test that all  
6 test results are positive, shall provide the name,  
7 address, age, sex, city, and county of death, and  
8 medical provider of the deceased to the department.  
9 The medical examiner shall also, following a  
10 determination that a deceased person was infected with  
11 the human immunodeficiency virus, notify the immediate  
12 family of the deceased of the finding and of the fact  
13 that the results have been reported to the department.  
14 The department shall conduct an investigation to  
15 determine the identity of any partners of the deceased  
16 and shall notify any partners identified.  
17 Sec. 3. Section 141.23, subsection 1, Code  
18 Supplement 1993, is amended by adding the following  
19 new paragraph:  
20 **NEW PARAGRAPH. j.** Employees of state correctional  
21 institutions subject to the jurisdiction of the  
22 department of corrections, employees of secure  
23 facilities for juveniles subject to the department of  
24 human services, and employees of city and county  
25 jails, if the employees have direct supervision over  
26 inmates of those facilities or institutions."  
27 2. By renumbering as necessary.

JOE WELSH

S-5409

- 1 Amend the House amendment, S-5349, to Senate File
- 2 2217, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 15, line 44, by striking the word and
- 5 figure "and 16,".
- 6 2. Page 15, line 47, by inserting after the
- 7 figure "1997." the following: "Special plates issued
- 8 pursuant to section 321.34, subsection 16, shall
- 9 remain valid through the month of expiration in 2000."
- 10 3. Page 16, by inserting after line 9 the
- 11 following:
- 12 "3. Notwithstanding the effective date of section
- 13 1300 of this Act, section 321.34, subsection 26, as
- 14 enacted in this Act, takes effect January 1, 2000."
- 15 4. By renumbering as necessary.

JOHN W. JENSEN

S-5410

- 1 Amend Senate File 2319 as follows:
- 2 1. Page 15, by striking lines 20 through 33 and
- 3 inserting the following:
- 4 "Sec. \_\_\_\_ . APPROPRIATIONS -- JUVENILE ACADEMY
- 5 PILOT PROJECT. Within the funds appropriated to the
- 6 department of human services for child and family
- 7 services, the department shall, effective January 1,
- 8 1995, establish a three-year pilot project for the
- 9 development of an academy for juveniles who have been
- 10 adjudicated delinquent. The department shall select
- 11 the site for the project on a competitive basis. In
- 12 establishing the pilot project criteria, the
- 13 department shall consider other states' efforts and
- 14 experiences in developing and establishing residential
- 15 programs for juveniles who have been adjudicated
- 16 delinquent, as well as the problems and successes
- 17 experienced in existing programs for youthful
- 18 offenders in this state.
- 19 1. The goals of the project shall include, but are
- 20 not limited to, reducing the incidence of criminal
- 21 activities by certain youthful offenders, improving
- 22 the chances of correction and successful return of
- 23 youthful offenders to the community, providing
- 24 offenders with the skills necessary for living and
- 25 rehabilitation, and providing a cost-effective
- 26 alternative to other more restrictive dispositions.
- 27 Juvenile academy programs shall take a holistic
- 28 approach to providing services to program participants

29 and shall include, but are not limited to, the  
30 following components:

- 31 (a) Intensive educational services.
  - 32 (b) Mental health and substance abuse treatment.
  - 33 (c) Nonmilitaristic discipline.
  - 34 (d) Proper diet.
  - 35 (e) Exercise.
  - 36 (f) Self-esteem building.
  - 37 (g) An internal sanctioning structure.
  - 38 (h) An aftercare plan.
  - 39 (i) An evaluation component.
- 40 2. The project shall specify that any juvenile  
41 academy program developed shall not utilize more than  
42 one facility. Program participants shall be  
43 determined on a statewide basis by the juvenile court  
44 based upon the court's assessment of a particular  
45 juvenile delinquent's amenability to successful  
46 completion of a juvenile academy program. The  
47 department shall adopt rules which provide the court  
48 with objective criteria to consider in determining  
49 whether placement of a juvenile in a juvenile academy  
50 is appropriate. Placement criteria shall include, but

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1 are not limited to, the following:

- 2 (a) Juvenile academy participation will provide an  
3 alternative to placement of the individual in a more  
4 restrictive setting.
  - 5 (b) Individuals selected shall meet the criteria  
6 established in section 232.52.
  - 7 (c) The individual is at least somewhat amenable  
8 to treatment.
  - 9 (d) The individual is within the age range of  
10 fifteen to eighteen years of age.
  - 11 (e) The individual does not have physical or  
12 mental characteristics that would cause placement in a  
13 juvenile academy to be detrimental to the person's  
14 physical or mental health.
- 15 3. The department shall adopt rules establishing  
16 criteria for facilities for and the employment of  
17 staff at a juvenile academy. In establishing  
18 criteria, the department shall consider requirements  
19 established for secure facilities for juveniles and  
20 adult correctional institutions and for staff employed  
21 at those facilities and institutions.
- 22 4. Each juvenile academy resident shall be  
23 informed of the sanctions and discipline that will  
24 result from violation of juvenile academy policies.  
25 Juvenile academy rules and regulations shall be well

26 publicized within the juvenile academy setting.  
27 Juvenile academy discipline and sanctions shall  
28 provide for immediate incremental punishments for rule  
29 violations and lack of progress. Voluntary  
30 withdrawals and program terminations shall be  
31 discouraged as sanctions.  
32 5. The juvenile academy aftercare program shall  
33 emphasize individual, family, and community support.  
34 Aftercare programming shall be performed by local  
35 providers who shall be familiar with the juvenile and  
36 the juvenile's family prior to, and during the course  
37 of, the participation of the juvenile in the juvenile  
38 academy program. Aftercare programming shall be  
39 developed cooperatively by juvenile academy staff and  
40 aftercare providers and shall include a wide range of  
41 incremental sanctions designed to prevent the juvenile  
42 from committing new criminal offenses. Aftercare  
43 programs may include, but are not limited to, a  
44 continuation of any appropriate substance abuse  
45 treatment, continuation of or additional educational  
46 programming, community service work, employment skills  
47 training, drug and alcohol screening as appropriate,  
48 in-home visits by the aftercare provider, imposition  
49 of and compliance with curfew hours, a prohibition of  
50 participation in any gang activity as appropriate, and

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1 participation in mentoring programs.  
2 6. In addition to any internal juvenile academy  
3 evaluation program, the division of criminal and  
4 juvenile justice planning of the department of human  
5 rights shall annually monitor the effect of any  
6 juvenile academy programs established under the pilot  
7 project on recidivism and rehabilitation of  
8 delinquents who participated in the programs and  
9 report any findings to the general assembly. The  
10 division, in cooperation with the department of human  
11 services, shall conduct a comprehensive review of the  
12 program and submit the findings in a report to the  
13 general assembly by January 15, 1998."  
14 2. By numbering and renumbering and correcting  
15 internal references as necessary.

PAUL D. PATE

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2218

S-5411

- 1 Amend the Senate amendment, H-5798, to House File
- 2 2218, as amended, passed, and reprinted by the House
- 3 as follows:
- 4 1. Page 1, lines 6 and 7, by striking the words
- 5 "position of fire fighter," and inserting the
- 6 following: "fire department,".

HOUSE AMENDMENT TO  
SENATE FILE 2231

S-5412

- 1 Amend Senate File 2231 as follows:
- 2 1. Page 1, by inserting after line 21 the
- 3 following:
- 4 "Sec. \_\_\_\_ . This Act, being deemed of immediate
- 5 importance, takes effect upon enactment."
- 6 2. Title page, line 6, by inserting after the
- 7 word "grantor" the following: "and providing an
- 8 effective date".

S-5413

- 1 Amend Senate File 2319 as follows:
- 2 1. Page 12, by inserting after line 21 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 724.22, subsection 7, Code
- 5 1993, is amended by striking the subsection and
- 6 inserting in lieu thereof the following:
- 7 7. ACCESS TO FIREARMS AND AMMUNITION BY CHILDREN
- 8 RESTRICTED - PENALTY. A person shall not store or
- 9 leave a loaded or unloaded firearm or ammunition in a
- 10 place which is accessible to a minor under the age of
- 11 fourteen years if the firearm is not secured by a
- 12 trigger lock mechanism, or if the firearm or
- 13 ammunition is not placed in a securely locked box or
- 14 container, or placed in some other location which is
- 15 designed to prevent access to the firearm or
- 16 ammunition. This subsection does not apply if the
- 17 minor obtains the firearm or ammunition as a result of
- 18 an unlawful entry by any person. A violation of this

19 section is punishable as a serious misdemeanor.”

20 2. By renumbering as necessary.

TONY BISIGNANO

S-5414

1 Amend Senate File 2319 as follows:

2 1. Page 3, lines 21 and 22, by striking the words

3 “or attempt to purchase”.

4 2. Page 4, by inserting after line 1 the

5 following:

6 “Sec. \_\_\_\_ . Section 232.78, subsection 1,

7 unnumbered paragraph 1, Code 1993, is amended to read

8 as follows:

9 The juvenile court may enter an ex parte order  
10 directing a peace officer ~~or a juvenile court officer~~  
11 to take custody of a child before or after the filing  
12 of a petition under this chapter provided all of the  
13 following apply:

14 Sec. \_\_\_\_ . Section 232.79, subsection 1, unnumbered  
15 paragraph 1, Code 1993, is amended to read as follows:

16 A peace officer ~~or juvenile court officer~~ may take  
17 a child into custody, ~~or a physician treating a child~~  
18 may keep the child in custody, ~~or a juvenile court~~  
19 officer may authorize a peace officer, physician, or  
20 medical security personnel to take a child into  
21 custody, without a court order as required under  
22 section 232.78 and without the consent of a parent,  
23 guardian, or custodian provided that both of the  
24 following apply:”

25 3. Page 9, line 23, by inserting after the word  
26 “eighteen.” the following: “A person who has been  
27 issued a motor vehicle operator’s license who does not  
28 attend a public school, an accredited nonpublic  
29 school, competent private instruction in accordance  
30 with the provisions of chapter 299A, an alternative  
31 school, or adult education classes, shall surrender  
32 the license and be issued a temporary restricted  
33 license under section 321.215.”

34 4. Page 10, lines 1 and 2, by striking the words  
35 “or attempt to purchase”.

36 5. Page 10, by inserting after line 9 the  
37 following:

38 “Sec. \_\_\_\_ . NEW SECTION. 321.213B REVOCATION FOR  
39 FAILURE TO ATTEND.”

40 The department shall establish procedures by rule  
41 for revoking the license of a juvenile who is in  
42 violation of section 299.1B or issuing the juvenile a  
43 temporary restricted license under section 321.215 if

44 the juvenile is employed at least twenty hours per  
45 week."

46 6. Page 11, by inserting after line 19 the  
47 following:

48 "Sec. \_\_\_\_ . NEW SECTION. 724.4A WEAPONS FREE  
49 ZONES -- ENHANCED PENALTIES.

50 1. As used in this section, "weapons free zone"

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1 means the area in or on, or within one thousand feet  
2 of, the real property comprising a public or private  
3 elementary or secondary school, or in or on the real  
4 property comprising a public park. A weapons free  
5 zone shall not include that portion of a public park  
6 designated as a hunting area under section 461A.42.

7 2. Notwithstanding sections 902.9 and 903.1, a  
8 person who commits a public offense involving a  
9 firearm or offensive weapon, within a weapons free  
10 zone, in violation of this or any other chapter shall  
11 be subject to a fine of twice the maximum amount which  
12 may otherwise be imposed for the public offense."

13 7. Page 16, by striking lines 24 through 26 and  
14 inserting the following: "to the division of criminal  
15 and juvenile justice planning of the department of  
16 human rights for youthful offender programs in two or  
17 more cities:"

18 8. Page 17, by inserting after line 18 the  
19 following:

20 "Sec. \_\_\_\_ . STUDY. The division of criminal and  
21 juvenile justice planning of the department of human  
22 rights shall study and compare rates of recidivism and  
23 rehabilitation for similar offenses in juveniles  
24 adjudicated delinquent versus juveniles waived to and  
25 convicted of an offense in the district court and the  
26 frequency and severity of sanctions imposed upon  
27 juveniles by the juvenile court versus those imposed  
28 by the district court for juveniles waived to the  
29 district court for similar offenses. The division  
30 shall report the results of its study to the general  
31 assembly by January 15, 1995."

32 9. By renumbering as necessary.

RALPH ROSENBERG  
O. GENE MADDOX

S-5415

1 Amend Senate File 2319, as follows:

2 1. Page 11, by inserting before line 20 the

3 following:

4 "Sec. \_\_\_\_ . NEW SECTION. 692A.1 DEFINITIONS.

5 As used in this chapter, unless the context

6 otherwise requires:

7 1. "Bureau" means the department of public safety,

8 division of criminal investigation and bureau of

9 identification.

10 2. "Criminal justice agency" means an agency or

11 department of federal, state, or local government or

12 an entity which is wholly owned, financed, or

13 controlled by one or more agencies or departments of

14 federal, state, or local government, which performs as

15 its principal function the apprehension, prosecution,

16 adjudication, incarceration, or rehabilitation of

17 criminal offenders.

18 3. "Department" means the department of public

19 safety.

20 4. "Individually identified" means criminal

21 history data which relates to a specific person by one

22 or more of the following means of identification:

23 a. Name and alias if any.

24 b. Social security number.

25 c. Fingerprints.

26 5. "Sex crime" means the commission of any of the

27 following public offenses:

28 a. Commission of an act prohibited under chapter

29 709.

30 b. Kidnapping, which is accompanied by the intent

31 to subject the person kidnapped to sexual abuse, as

32 defined under section 710.1, subsection 3.

33 c. Burglary or attempted burglary accompanied by

34 the intent to commit sexual abuse under chapter 713.

35 d. Incest as defined under section 726.2.

36 e. Dissemination and exhibition of obscene

37 material to minors in violation of section 728.2.

38 f. Admitting minors to premises where obscene

39 material is exhibited in violation of section 728.3.

40 g. Sexual exploitation of a minor in violation of

41 section 728.12.

42 h. Telephone dissemination of obscene material to

43 minors in violation of section 728.15.

44 i. A public offense committed under any

45 predecessor statutes to the public offenses specified

46 under paragraphs "a" through "h".

47 j. A public offense committed in another

48 jurisdiction which would constitute a public offense

49 under paragraphs "a" through "h" if committed in this

50 state.



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1 6. "Sex crimes analysis information" means  
2 information and analysis of information provided to  
3 and used by the sex crimes analysis unit of the  
4 department of public safety that relates to sex crimes  
5 and sex offenders.

6 7. "Sex offender" means any person who has been  
7 convicted of or adjudicated delinquent for commission  
8 of an act which constitutes a sex crime.

9 8. "Sex offender registry" means the centralized  
10 information base maintained by the department of  
11 public safety.

12 Sec. \_\_\_\_ . **NEW SECTION. 692A.2 WHO MUST REGISTER**  
13 **-- FREQUENCY OF REGISTRATION -- NOTICE OF DUTY TO**  
14 **REGISTER.**

15 1. A person who is found guilty, pleads guilty, is  
16 adjudicated delinquent, or is sentenced for a sex  
17 crime shall register in the manner provided in this  
18 chapter. If a person's conviction of or delinquency  
19 adjudication for commission of an act which would  
20 constitute a sex crime is subsequently set aside or  
21 overturned, the person shall not be required to  
22 register as a sex offender due to the former  
23 conviction or adjudication.

24 2. The department may require a person convicted  
25 of or adjudicated delinquent for commission of an act  
26 which constitutes a sex crime who is incarcerated to  
27 be registered in the county of incarceration. If the  
28 registration of incarcerated sex offenders is  
29 required, the department of corrections in the case of  
30 persons committed to the custody of the director of  
31 the department of corrections, the judicial district  
32 department of correctional services in the case of  
33 persons assigned to the custody of the judicial  
34 district department of correctional services, or the  
35 department of human services in the case of persons  
36 who are incarcerated in an institution subject to the  
37 control of the department of human services, shall,  
38 upon releasing the offender, notify the sheriff of the  
39 county to which the person is released. The  
40 notification does not relieve the person of the duty  
41 to register.

42 3. At the time of adjudication of delinquency or  
43 sentencing or, if the person is to be released from  
44 physical custody prior to adjudication of delinquency  
45 or sentencing, at the time of entry of a guilty plea  
46 or entry of a verdict of guilty, the court shall  
47 notify the sex offender of the person's duty to  
48 register. Failure of the court to notify a person of  
49 the duty to register does not relieve the sex offender  
50 of the duty to register.

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1 4. Upon entry of sentence, adjudication of  
2 delinquency, acceptance of a plea of guilty, or entry  
3 of a verdict of guilty for a sex offense, the clerk  
4 shall forward copies of each court order and other  
5 relevant documents filed or entered in the case to the  
6 department.

7 Sec. — . NEW SECTION. 692A.3 ANNUAL  
8 REGISTRATION REQUIRED.

9 Each sex offender shall, within ten days of release  
10 from physical custody, register initially as a sex  
11 offender with the sheriff of the county in which the  
12 sex offender takes up temporary or permanent  
13 residence. A sex offender shall register annually  
14 with the county sheriff. Renewals of registration  
15 shall be completed no later than January 15.

16 A sex offender who is age eighteen or older at the  
17 time of conviction of the sex crime shall register  
18 annually during the ten-year period which begins  
19 either with the date of conviction for the sex crime  
20 or the date of the person's release from custody,  
21 whichever date occurs later. Sex offenders who are  
22 under the age of eighteen at the time of their  
23 adjudication of delinquency for an act which  
24 constitutes a sex crime shall register annually until  
25 the person reaches the age of twenty-five.

26 If a sex offender maintains more than one  
27 residence, the sex offender shall register in each  
28 county of residence in the manner required by the  
29 department. If the sex offender maintains a mobile  
30 residence, the sex offender shall register any address  
31 at which the offender resides for more than ten days  
32 and include the vehicle identification number of the  
33 mobile residence in the offender's registration  
34 information. If a sex offender who is required to  
35 register under this chapter changes the offender's  
36 temporary or permanent residence, the person shall  
37 register with the sheriff of the county in which the  
38 new residence is located, within ten days of the date  
39 on which the offender's residence changes. The  
40 sheriff shall transmit the registration information to  
41 the department in the manner provided by rules adopted  
42 by the department.

43 Sec. — . NEW SECTION. 692A.4 REGISTRATION  
44 PROCEDURES.

45 The department shall adopt rules and develop  
46 appropriate forms regarding the registration of sex  
47 offenders which include, but are not limited to, all  
48 of the following:

49 1. REGISTRATION FORM AND CONTENTS. The department  
50 shall develop a standard registration form for use in

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1 offender registration. Forms developed shall include  
2 information regarding the sex offender's specific  
3 address, including the street name, house, apartment  
4 or lot number, any post office box, and plat number;  
5 and a current telephone number. Forms developed shall  
6 permit the addition of other relevant information,  
7 such as, but not limited to, fingerprints,  
8 photographs, and other relevant information.

9 2. AVAILABILITY OF FORMS. Rules adopted shall  
10 provide that registration forms shall be available in  
11 each county sheriff's office, and at each facility in  
12 which sex offenders are incarcerated if the  
13 registration of incarcerated sex offenders is  
14 required. Copies of the form shall be available to  
15 any person upon request.

16 3. REGISTRATION PROCEDURES. Rules adopted shall  
17 establish procedures for the registration of  
18 offenders. The procedures shall include provisions  
19 for adding, deleting, and changing registration  
20 information, and for renewing registrations as  
21 necessary.

22 4. DUTIES OF THE SHERIFF. Rules shall establish  
23 the duties of the sheriff regarding registration forms  
24 and information and shall include a duty to transmit  
25 all information received to the department.

26 Sec. — . NEW SECTION. 692A.5 REGISTRY  
27 CONFIDENTIAL.

28 1. The sex offender registry is a confidential  
29 record under section 22.7, subsection 9, and shall  
30 only be used for legitimate law enforcement purposes.  
31 In cases in which members of the department are  
32 participating in an investigation or arrest, or where  
33 the department has entered into an agreement with  
34 officers of other criminal justice agencies regarding  
35 dissemination of information, the department may  
36 disseminate sex offender registry information and sex  
37 crimes analysis information in the manner provided in  
38 section 692A.6.

39 2. Except in cases in which members of the  
40 department are participating in an investigation or  
41 arrest, the department and bureau may provide copies  
42 or communicate information from the sex offender  
43 registry to the following:

- 44 a. Criminal justice agencies.
- 45 b. Other public agencies, as authorized by the

46 commissioner of public safety.

47 c. The Iowa department of human services for the  
48 purposes of carrying out the duties or requirements of  
49 section 218.13, section 232.71, subsection 1, section  
50 232.142, section 237.8, subsection 2, sections 237A.5

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1 and 237A.20, and section 600.8, subsections 1 and 2.

2 d. The Iowa department of public health for the  
3 purposes of screening employees and applicants for  
4 positions of employment in health care facilities or  
5 in substance abuse treatment programs which admit  
6 juveniles and are licensed under chapter 125.

7 e. Licensed private child care and child placement  
8 agencies and certified adoption investigators for  
9 purposes of carrying out the requirements of section  
10 237.8, subsection 2, and section 600.8, subsections 1  
11 and 2.

12 f. A psychiatric medical institution for children  
13 licensed under chapter 135H for purposes of meeting  
14 the requirements specified in section 237.8,  
15 subsection 2, and section 600.8, subsections 1 and 2.

16 g. The board of educational examiners for purposes  
17 of carrying out duties imposed under section 272.2,  
18 subsection 14.

19 3. The bureau shall maintain a list showing the  
20 individual or agency to whom the information is  
21 disseminated and the date of dissemination.

22 4. A person authorized to receive sex offender  
23 registry information shall request and may receive the  
24 information only when both of the following conditions  
25 apply:

26 a. The information is for official purposes and is  
27 in connection with prescribed duties or required  
28 pursuant to section 237.8, subsection 2, or section  
29 237A.5.

30 b. The request for information is based upon a  
31 name, fingerprints, or other individual identifying  
32 characteristics.

33 5. Notwithstanding provisions of this section to  
34 the contrary, the department may provide copies or  
35 communicate information from the sex offender registry  
36 to any youth service agency approved by the  
37 commissioner of public safety. Sex offender registry  
38 information provided by the department or bureau to  
39 authorized youth service agencies shall be limited to  
40 information regarding applicants for paid or voluntary  
41 positions, if those positions would place the  
42 applicant in direct contact with children. The

43 department shall adopt rules that establish criteria  
44 for the qualification and approval of youth service  
45 agencies that may receive sex offender registry  
46 information.

47 6. The department may charge a fee to any non-law  
48 enforcement agency for conducting sex offender  
49 registry checks and otherwise performing duties  
50 related to providing access to sex offender registry

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1 information. The amount of the fee shall be set by  
2 the commissioner of public safety, but shall be equal  
3 to the lesser of either the cost incurred in providing  
4 the information or twenty dollars for each individual  
5 check requested. Notwithstanding any other provision  
6 to the contrary, the department may use moneys from  
7 the fee to employ clerical personnel to process sex  
8 offender registry checks for non-law enforcement  
9 purposes.

10 7. Information contained in the registry may be  
11 disseminated to law enforcement agencies in Iowa and  
12 other jurisdictions.

13 The department shall adopt rules to administer this  
14 section.

15 Sec. — . NEW SECTION. 692A.6 REDISSEMINATION OF  
16 SEX OFFENDER REGISTRY INFORMATION.

17 1. Except as otherwise provided in this section, a  
18 person or agency receiving sex offender registry  
19 information from the department or bureau shall not  
20 redisseminate the information, unless all of the  
21 following apply:

22 a. The information is for official purposes in  
23 connection with prescribed duties of a criminal  
24 justice agency.

25 b. The agency maintains a list of the persons  
26 receiving the information and the date and purpose of  
27 the dissemination.

28 c. The request for information is based upon a  
29 name, fingerprints, or other individual identifying  
30 characteristics.

31 2. The department of human services may  
32 redisseminate sex offender registry information  
33 obtained pursuant to section 692A.5, to persons  
34 licensed, registered, or certified under chapters 237,  
35 237A, 238, and 600 for the purposes of section 237.8,  
36 subsection 2, and section 237A.5. A person who  
37 receives information pursuant to this subsection shall  
38 not use the information other than for purposes of  
39 section 237.8, subsection 2, section 237A.5, or

40 section 600.8, subsections 1 and 2. A person who  
41 receives sex offender registry information pursuant to  
42 this subsection and who uses the information for  
43 purposes other than those permitted by this subsection  
44 or who communicates the information to another person  
45 except for the purposes permitted by this subsection  
46 is guilty of an aggravated misdemeanor.  
47 3. The Iowa department of public health may  
48 disseminate sex offender registry information  
49 obtained pursuant to section 692A.5, subsection 1, to  
50 administrators of facilities licensed under chapter

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1 125 which admit juveniles. Persons who receive sex  
2 offender registry information pursuant to this  
3 subsection shall not use the information other than  
4 for the purpose of screening employees and applicants  
5 for employment in substance abuse programs which admit  
6 juveniles and are licensed under chapter 125. A  
7 person who receives sex offender registry information  
8 pursuant to this subsection and who uses it for any  
9 other purposes or who communicates the information to  
10 any other person other than for the purposes permitted  
11 by this subsection is guilty of an aggravated  
12 misdemeanor.

13 4. A peace officer, criminal justice agency, or  
14 state or federal regulatory agency shall not  
15 disseminate sex crimes analysis information outside  
16 the agency, received from the department or bureau or  
17 from any other source, except as provided in  
18 subsection 1, paragraphs "a" through "c".

19 Sec. \_\_\_\_ . NEW SECTION. 692A.7 FAILURE TO COMPLY.

20 Failure to register as required under this chapter  
21 is a serious misdemeanor for a first offense, an  
22 aggravated misdemeanor for a second offense, and a  
23 class "D" felony for a third or subsequent offense.  
24 Any fine imposed for a second or subsequent offense  
25 shall not be suspended. The court shall not defer the  
26 judgment or sentence for any violation of this  
27 chapter. The failure of a sex offender who is on  
28 probation or parole to register as required under this  
29 chapter shall result in the automatic revocation of  
30 the sex offender's probation or parole.

31 A conviction for, deferred judgment for, or plea of  
32 guilty to, a violation of this section which occurred  
33 more than ten years prior to the date of the violation  
34 charged shall not be considered in determining that  
35 the violation charged is a second, third, or  
36 subsequent offense. For purposes of determining if a

37 violation is a second or subsequent offense, deferred  
 38 judgments entered pursuant to section 907.3 for  
 39 violations of this section and convictions or the  
 40 equivalent of deferred judgments entered for  
 41 violations in any other states under sex offender  
 42 registry provisions that are substantially similar to  
 43 those contained in this section shall be counted as  
 44 previous offenses. The court shall judicially notice  
 45 the statutes of other states which establish offenses  
 46 substantially equivalent to this section. Each  
 47 violation for which a conviction or deferral judgment  
 48 is entered prior to the date of the violation charged  
 49 shall be considered and counted as a separate previous  
 50 offense.

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1 Sec. \_\_\_\_ . NEW SECTION. 692A.8 ACQUITTALS BY  
 2 REASON OF INSANITY - PSYCHIATRIC EVALUATION.

3 If a person is found not guilty by reason of  
 4 insanity of any sex crime, the court shall order that  
 5 the person undergo an independent psychiatric  
 6 evaluation in order to determine whether the offender  
 7 suffers from a permanent psychiatric disorder, and  
 8 whether the disorder can be treated. The results of  
 9 the examination shall be reported to the court.

10 Sec. \_\_\_\_ . NEW SECTION. 692A.9 SEX CRIMES  
 11 ANALYSIS UNIT.

12 If the commissioner of public safety determines  
 13 that sufficient funds are appropriated or received,  
 14 the department shall establish a sex crimes analysis  
 15 unit to maintain the sex offender registry, to conduct  
 16 research and analysis related to sex crimes and sex  
 17 offenders, and to perform other duties required under  
 18 this chapter.

19 Sec. \_\_\_\_ . NEW SECTION. 692A.10 REDISSEMINATION  
 20 OF SEX CRIMES ANALYSIS INFORMATION.

21 1. Information obtained by the sex crimes analysis  
 22 unit is a confidential record under section 22.7,  
 23 subsection 9. The department or bureau may compile  
 24 and disseminate sex crimes analysis information to  
 25 criminal justice agencies for official law enforcement  
 26 purposes. The department may compile and disseminate  
 27 sex crimes analysis information in the form of  
 28 statistical or law enforcement reports derived from  
 29 sex crimes analysis information or as the basis of  
 30 further study if individual identities are not  
 31 ascertainable.

32 The bureau may, with the approval of the  
 33 commissioner of public safety, disseminate sex crimes

34 analysis information to persons conducting bona fide  
35 research, if the data is not individually identified.  
36 2. The department may compile and disseminate sex  
37 crimes analysis information that may aid in the  
38 investigation, apprehension, or prosecution of a  
39 criminal case to criminal justice agencies. The  
40 information shall not be redisseminated unless the  
41 redissemination is to aid in the investigation,  
42 apprehension, or prosecution of a suspect."

43 2. Page 13, by inserting after line 14 the  
44 following:

45 "Sec. \_\_\_\_ . Section 728.14, Code 1993, is amended  
46 to read as follows:

47 728.14 COMMERCIAL FILM AND PHOTOGRAPHIC PRINT  
48 PROCESSOR REPORTS OF DEPICTIONS OF MINORS ENGAGED IN  
49 PROHIBITED SEXUAL ACTS.

50 1. A commercial film and photographic print

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1 processor who has knowledge of or observes, within the  
2 scope of the processor's professional capacity or  
3 employment, a film, photograph, video tape, negative,  
4 or slide which depicts a minor whom the processor  
5 knows or reasonably should know to be under the age of  
6 eighteen, engaged in a prohibited sexual act or in the  
7 simulation of a prohibited sexual act, shall report  
8 the depiction to the county attorney immediately or as  
9 soon as possible as required in this section. The  
10 processor shall not report to the county attorney  
11 depictions involving mere nudity of the minor, but  
12 shall report depictions involving a prohibited sexual  
13 act. This section shall not be construed to require a  
14 processor to review all films, photographs, video  
15 tapes, negatives, or slides delivered to the processor  
16 within the processor's professional capacity or  
17 employment.

18 For purposes of this section, "prohibited sexual  
19 act" means any of the following:

20 a. A sex act as defined in section 702.17.

21 b. An act of bestiality involving a minor.

22 c. Fondling or touching the pubes or genitals of a  
23 minor for the purpose of arousing or satisfying the  
24 sexual desires of a person who may view a depiction of  
25 the act.

26 d. Fondling or touching the pubes or genitals of a  
27 person by a minor for the purpose of arousing or  
28 satisfying the sexual desires of a person who may view  
29 a depiction of the act.

30 e. Sadomasochistic abuse of a minor for the



31 purpose of arousing or satisfying the sexual desires  
 32 of a person who may view a depiction of the abuse.  
 33 f. Sadomasochistic abuse of a person by a minor  
 34 for the purpose of arousing or satisfying the sexual  
 35 desires of a person who may view a depiction of the  
 36 abuse.

37 2: A person who violates this section is guilty of  
 38 a simple misdemeanor."

39 3. Page 14, by inserting after line 8 the  
 40 following:

41 "Sec. \_\_\_\_ . NEW SECTION. 901.11 CIVIL PENALTY FOR  
 42 SEX OFFENDERS.

43 1. In addition to any other applicable penalty, a  
 44 person who is found guilty, pleads guilty, or is  
 45 sentenced for any of the following crimes, shall be  
 46 assessed a civil penalty of one hundred dollars:

47 a. A crime under chapter 709.

48 b. Kidnapping, which is accompanied by the intent  
 49 to subject the person kidnapped to sexual abuse, as  
 50 defined in section 710.1.

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1 c. Burglary or attempted burglary accompanied by  
 2 the intent to commit sexual abuse under chapter 713.

3 d. Incest as defined under section 726.2.

4 e. Dissemination and exhibition of obscene  
 5 material to minors in violation of section 728.2.

6 f. Admitting minor to premises where obscene  
 7 material is exhibited in violation of section 728.3.

8 g. Sexual exploitation of a minor in violation of  
 9 section 728.12.

10 h. Telephone dissemination of obscene material to  
 11 a minor in violation of section 728.15.

12 2. Money collected under this section shall be  
 13 transmitted to the treasurer of state who shall  
 14 deposit the money in the general fund of the state.

15 Sec. \_\_\_\_ . Section 907.3, subsection 1, Code  
 16 Supplement 1993, is amended by adding the following  
 17 new paragraph:

18 NEW PARAGRAPH. j. The offense is a failure to  
 19 register in violation of chapter 692A.

20 Sec. \_\_\_\_ . Section 907.3, subsection 2, Code  
 21 Supplement 1993, is amended to read as follows:

22 2. At the time of or after pronouncing judgment  
 23 and with the consent of the defendant, the court may  
 24 defer the sentence and assign the defendant to the  
 25 judicial district department of correctional services.  
 26 However, the court shall not defer the sentence for a  
 27 violation of section 708.2A if the defendant has

28 previously received a deferred judgment or sentence  
29 for a violation of section 708.2 or 708.2A which was  
30 issued on a domestic abuse assault, or if similar  
31 relief was granted anywhere in the United States  
32 concerning that jurisdiction's statutes which  
33 substantially correspond to domestic abuse assault as  
34 provided in section 708.2A. In addition, the court  
35 shall not defer a sentence if it is imposed for  
36 contempt pursuant to section 236.8 or 236.14, or if it  
37 is imposed for a violation of chapter 692A. Upon a  
38 showing that the defendant is not fulfilling the  
39 conditions of probation, the court may revoke  
40 probation and impose any sentence authorized by law.  
41 Before taking such action, the court shall give the  
42 defendant an opportunity to be heard on any matter  
43 relevant to the proposed action. Upon violation of  
44 the conditions of probation, the court may proceed as  
45 provided in chapter 908."

46 4. Title, page 2, line 11, by inserting after  
47 the word "children;" the following: "relating to sex  
48 acts and sex offenders, establishment of a sex  
49 offender registry, and providing penalties;"  
50 5. By renumbering as necessary.

TONY BISIGNANO

S-5416

1 Amend House File 2350, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 28, by inserting before line 10 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 607A.5, Code 1993, is amended  
6 to read as follows:  
7 607A.5 AUTOMATIC EXCUSE FROM JURY SERVICE.  
8 A person shall be excused from jury service if the  
9 person submits written documentation verifying, to the  
10 court's satisfaction, that the person is solely  
11 responsible for the daily care of a permanently  
12 disabled person living in the person's household and  
13 that the performance of juror service would cause  
14 substantial risk of injury to the health of the  
15 disabled person, or that the person is the mother of a  
16 breastfed child and is responsible for the daily care  
17 of the child. However, if the person is regularly  
18 employed at a location other than the person's  
19 household, the person shall not be excused under this  
20 section."

21 2. By renumbering and correcting internal  
22 references as necessary.

MERLIN E. BARTZ

S-5417

1 Amend House File 2411, as amended, passed, and  
2 reprinted by the House as follows:

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

5 "Sec. \_\_\_\_ . Section 257.11, subsection 5,  
6 unnumbered paragraph 2, Code Supplement 1993, is  
7 amended to read as follows:

8 If a district was receiving additional weighting  
9 for superintendent sharing or administrator sharing  
10 under section 442.39, subsection 4, Code 1989, the  
11 district shall continue to be assigned additional  
12 weighting for superintendent sharing or administrator  
13 sharing by the school budget review committee under  
14 this subsection so that the district is assigned the  
15 additional weighting for sharing for a total period of  
16 five years. However, if a school district reorganized  
17 prior to July 1, 1994, was receiving supplementary  
18 weighting under this subsection prior to July 1, 1994,  
19 that school district may apply to the school budget  
20 review committee for additional allowable growth in an  
21 amount equal to the amount generated by the  
22 supplementary weighting as calculated under section  
23 257.11, subsection 5, Code Supplement 1993."

24 2. By renumbering as necessary.

O. GENE MADDOX

S-5418

1 Amend Senate File 2319 as follows:

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

4 "Sec. \_\_\_\_ . **NEW SECTION. 124.406A USE OF PERSONS**  
5 **UNDER AGE EIGHTEEN IN THE DRUG TRADE.**

6 It is unlawful for a person who is eighteen years  
7 of age or older to act with, enter into a common  
8 scheme or design with, conspire with, recruit, or use  
9 a person under the age of eighteen for the purpose of  
10 delivering or manufacturing a controlled substance  
11 classified in schedule I through V. A person  
12 violating this section commits a class "C" felony and  
13 shall serve a minimum term of five years of  
14 confinement and no part of the judgment or sentence

- 15 shall be suspended or deferred, notwithstanding  
 16 section 907.3."  
 17 2. By renumbering as necessary.

MAGGIE TINSMAN  
 SHELDON RITTMER  
 DERRYL McLAREN

S-5419

- 1 Amend Senate File 2319 as follows:  
 2 1. Page 1, line 16, by inserting after the word  
 3 "purchase" the following: "or attempt to purchase".

ALLEN BORLAUG  
 MAGGIE TINSMAN  
 JOHN P. KIBBIE

S-5420

- 1 Amend the House amendment, S-5349, to Senate File  
 2 2217, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by inserting after line 16 the  
 5 following:  
 6 "The money that is raised from the sale of Iowa  
 7 patrol post number 12, located in Davenport, shall be  
 8 deposited in the road use tax fund."  
 9 2. By striking page 2, line 5 through page 16,  
 10 line 12.  
 11 3. By renumbering as necessary.

EUGENE FRAISE

S-5421

- 1 Amend House File 2325, as passed by the House, as  
 2 follows:  
 3 1. Page 1, line 21, by inserting after the word  
 4 "felony," the following: "If, however, the board of  
 5 parole determines that the Iowa medical and  
 6 classification center reception report for a class "A"  
 7 felon is inadequate, the board may request and shall  
 8 be provided with additional information from the  
 9 appropriate judicial district department of  
 10 correctional services."

RANDAL J. GIANNETTO

S-5422

- 1 Amend Senate File 2319 as follows:
- 2 1. Page 12, by striking lines 1 through 9.

ALLEN BORLAUG

S-5423

- 1 Amend House File 2230, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 "The licensee shall meet all other requirements for
- 6 licensees under section 99B.2 and 99B.7. In addition,
- 7 the licensee shall keep the receipts from the raffle
- 8 in a separate financial account and shall file a
- 9 cumulative report for the raffle by January 15, 1995,
- 10 with the department of inspections and appeals in a
- 11 form determined by the department.
- 12 The department of inspections and appeals shall
- 13 conduct a special audit of the raffle by January 30,
- 14 1995, to verify compliance with the appropriate
- 15 requirements of chapter 99B and this Act, except as
- 16 otherwise provided in this Act. The department of
- 17 inspections and appeals shall file a copy of the audit
- 18 report with the governor and the general assembly on
- 19 or before February 15, 1995."

JOE J. WELSH  
TONY BISIGNANO  
BERL E. PRIEBE

S-5424

- 1 Amend Senate File 2319 as follows:
- 2 1. Page 14, by striking lines 9 through 19 and
- 3 inserting the following:
- 4 "Sec. \_\_\_\_ . Section 914.7, Code 1993, is amended by
- 5 adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
- 7 provision of this chapter, a person seventeen years of
- 8 age or younger who commits a public offense involving
- 9 a firearm which is an aggravated misdemeanor against a
- 10 person or a felony shall not have the person's rights
- 11 of citizenship restored to the extent of allowing the
- 12 person to receive, transport, or possess firearms."
- 13 2. By renumbering as necessary.

RALPH ROSENBERG  
O. GENE MADDOX

S-5425

- 1 Amend Senate File 2319 as follows:  
2 1. Page 12, line 18, by inserting after the word  
3 "felony." the following: "This section shall not  
4 apply to ammunition that is commonly used in a rifle  
5 or shotgun."

RANDAL GIANNETTO

S-5426

- 1 Amend the amendment, S-5418, to Senate File 2319 as  
2 follows:  
3 1. Page 1, line 12, by striking the words "felony  
4 and" and inserting the following: "felony."  
5 2. Page 1, by striking lines 13 through 16.

MICHAEL E. GRONSTAL

S-5427

- 1 Amend House File 2410, as amended, passed, and re-  
2 printed by the House, as follows:  
3 1. Page 41, by inserting after line 30 the  
4 following:  
5 "Sec. 101. Section 598.21, Code Supplement 1993,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 4A. If, during an action  
8 initiated under this chapter or any other chapter in  
9 which a child or medical support obligation may be  
10 established based upon a prior determination of  
11 paternity, a party wishes to contest the paternity of  
12 the child or children involved, all of the following  
13 apply:  
14 a. (1) If the prior determination of paternity is  
15 based on an affidavit of paternity filed pursuant to  
16 section 252A.3A, or a court or administrative order  
17 entered in this state, or by operation of law when the  
18 mother and established father are or were married to  
19 each other, the provisions of section 600B.41A apply.  
20 (2) If following the proceedings under section  
21 600B.41A the court determines that the prior  
22 determination of paternity should not be overcome, and  
23 that the established father has a duty to provide  
24 support, the court shall enter an order establishing  
25 the monthly child support payment and the amount of

26 the support debt accrued and accruing pursuant to  
 27 subsection 4, or the medical support obligation  
 28 pursuant to chapter 252E, or both.  
 29 b. If a determination of paternity is based on an  
 30 administrative or court order or other means pursuant  
 31 to the laws of a foreign jurisdiction, any action to  
 32 overcome the prior determination of paternity shall be  
 33 filed in that jurisdiction. Unless a stay of the  
 34 action initiated in this state to establish child or  
 35 medical support is requested and granted by the court,  
 36 pending a resolution of the contested paternity issue  
 37 by the foreign jurisdiction, the action shall proceed.  
 38 Sec. 102. Section 598.21, subsection 8, paragraph  
 39 k, Code Supplement 1993, is amended by striking the  
 40 paragraph."  
 41 2. Page 44, by inserting after line 9 the  
 42 following:  
 43 "Sec. 103. Section 600B.41, subsection 7, Code  
 44 Supplement 1993, is amended by striking the  
 45 subsection.  
 46 Sec. 104. Section 600B.41, subsection 8, Code  
 47 Supplement 1993, is amended to read as follows:  
 48 8. All costs shall be paid by the parties or  
 49 parents in proportions and at times determined by the  
 50 court, except as otherwise provided pursuant to

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1 section 600B.41A.  
 2 Sec. 105. NEW SECTION. 600B.41A ACTIONS TO  
 3 OVERCOME PATERNITY -- APPLICABILITY -- CONDITIONS.  
 4 1. Paternity which is legally established may be  
 5 overcome as provided in this section if subsequent  
 6 blood or genetic testing indicates that the previously  
 7 established father of a child is not the biological  
 8 father of the child. Unless otherwise provided in  
 9 this section, this section applies to the overcoming  
 10 of paternity which has been established according to  
 11 any of the means provided in section 252A.3,  
 12 subsection 9, by operation of law when the established  
 13 father and the mother of the child are or were married  
 14 to each other, or as determined by a court of this  
 15 state under any other applicable chapter.  
 16 2. This section does not apply to any of the  
 17 following:  
 18 a. A paternity determination made in or by a  
 19 foreign jurisdiction and, notwithstanding section  
 20 252A.20, a paternity determination which has been made  
 21 in or by a foreign jurisdiction and registered in this  
 22 state in accordance with section 252A.18.

23 b. A paternity determination based upon a court or  
24 administrative order if the order was entered based  
25 upon blood or genetic test results which demonstrate  
26 that the alleged father was not excluded and that the  
27 probability of the alleged father's paternity was  
28 ninety-five percent or higher, unless the tests were  
29 conducted prior to July 1, 1992.

30 3. Establishment of paternity may be overcome  
31 under this section if all of the following conditions  
32 are met:

33 a. The action to overcome paternity is filed with  
34 the court prior to the child reaching majority.

35 (1) A petition to overcome paternity may be filed  
36 only by the mother of the child, the established  
37 father of the child, the child, or the legal  
38 representative of any of these parties.

39 (2) If paternity was established by court or  
40 administrative order, a petition to overcome paternity  
41 shall be filed in the county in which the order is  
42 filed.

43 (3) In all other determinations of paternity, a  
44 petition to overcome paternity shall be filed in an  
45 appropriate county in accordance with the rules of  
46 civil procedure.

47 b. The petition contains, at a minimum, all of the  
48 following:

49 (1) The legal name, age, and domicile, if any, of  
50 the child.

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1 (2) The names, residences, and domicile of the  
2 following:

3 (a) Living parents of the child.

4 (b) Guardian of the child.

5 (c) Custodian of the child.

6 (d) Guardian ad litem of the child.

7 (e) Petitioner.

8 (f) Person standing in the place of the parents of  
9 the child.

10 (3) A plain statement that the petitioner believes  
11 that the established father is not the biological  
12 father of the child, any reasons for this belief, and  
13 that the petitioner wishes to have the paternity  
14 determination set aside.

15 (4) A plain statement explaining why the  
16 petitioner does not know any of the information  
17 required under subparagraphs (1) and (2).

18 c. Notice of the action to overcome paternity is  
19 served on any parent of the child not initiating the



20 action and any assignee of the support obligation, in  
21 accordance with the rules of civil procedure and in  
22 accordance with the following:

23 (1) If enforcement services are being provided by  
24 the child support recovery unit pursuant to chapter  
25 252B, notice shall also be served on the child support  
26 recovery unit.

27 (2) The responding party shall have twenty days  
28 from the date of the service of the notice to file a  
29 written response with the court.

30 d. A guardian ad litem is appointed for the child.

31 e. Blood or genetic testing is conducted in  
32 accordance with section 600B.41 or chapter 252F.

33 (1) Unless otherwise specified pursuant to  
34 subsection 2 or 8, blood or genetic testing shall be  
35 conducted in all cases prior to the determination by  
36 the court of the best interest of the child in an  
37 action to overcome the establishment of paternity.

38 (2) Unless otherwise specified in this section,  
39 section 600B.41 applies to blood or genetic tests  
40 conducted as the result of an action brought to  
41 overcome paternity.

42 (3) The court may order additional testing to be  
43 conducted by the expert or an independent expert in  
44 order to confirm a test upon which an expert concludes  
45 that the established father is not the biological  
46 father of the child.

47 f. The court finds that the conclusion of the  
48 expert as disclosed by the evidence based upon blood  
49 or genetic testing demonstrates that the established  
50 father is not the biological father of the child.

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1 g. The court finds that it is in the best interest  
2 of the child to overcome the establishment of  
3 paternity. In determining the best interest of the  
4 child, the court shall consider all of the following:

5 (1) The age of the child.

6 (2) The length of time since the establishment of  
7 paternity.

8 (3) The previous relationship between the child  
9 and the established father, including but not limited  
10 to the duration and frequency of any time periods  
11 during which the child and established father resided  
12 in the same household or engaged in a parent-child  
13 relationship as defined in section 600A.2.

14 (4) The possibility of establishing actual  
15 paternity of the child.

16 (5) Additional factors which the court determines

17 are relevant to the individual situation.

18 4. If the court finds that the establishment of  
19 paternity is overcome, in accordance with all of the  
20 conditions prescribed, the established father is  
21 relieved of all future support obligations owed on  
22 behalf of the child.

23 a. The effective date of termination of any future  
24 support obligation is the date on which an order  
25 determining that the established father is not the  
26 biological father is filed with the court.

27 b. Any periodic support payment, due prior to the  
28 date the order determining that the established father  
29 is not the biological father is filed, is unaffected  
30 by this action and remains a judgment subject to  
31 enforcement.

32 5. An action brought under this section shall be  
33 heard and decided by the court, and shall not be  
34 subject to a jury trial.

35 6. If the court determines that test results  
36 conducted in accordance with section 600B.41 or  
37 chapter 252F exclude the established father as the  
38 biological father, but the court dismisses the action  
39 to overcome paternity, the court may enter an order  
40 relieving the established father of any or all future  
41 support obligations owed on behalf of the child,  
42 while preserving the paternity determination. The  
43 court's determination and the effective date of the  
44 determination shall be in accordance with subsection  
45 4, paragraphs "a" and "b", and shall be made based  
46 upon the unique circumstances of each case and the  
47 interests of all parties.

48 7. The costs of testing, the fee of the guardian  
49 ad litem, and all court costs shall be paid by the  
50 person bringing the action to overcome paternity.

#### Page 5

1 8. This section shall not be construed as a basis  
2 for termination of an adoption decree or for  
3 discharging the obligation of an adoptive father to an  
4 adoptive child pursuant to section 600B.5.

5 9. Unless specifically addressed in an order  
6 entered pursuant to this section, provisions  
7 previously established by the court order regarding  
8 custody or visitation of the child are unaffected by  
9 an action brought under this section.

10 10. Participation of the child support recovery  
11 unit created in section 252B.2 in an action brought

12 under this section shall be limited as follows:

13 a. The unit shall only participate in actions if  
14 services are being provided by the unit pursuant to  
15 chapter 252B.

16 b. When services are being provided by the unit  
17 under chapter 252B, the unit may enter an  
18 administrative order for blood and genetic tests  
19 pursuant to chapter 252F.

20 c. The unit is not responsible for or required to  
21 provide for or assist in obtaining blood or genetic  
22 tests in any case in which services are not being  
23 provided by the unit.

24 d. The unit is not responsible for the costs of  
25 blood or genetic testing conducted pursuant to an  
26 action brought under this section.

27 e. Pursuant to section 252B.7, subsection 4, an  
28 attorney employed by the unit represents the state in  
29 any action under this section. The unit's attorney is  
30 not the legal representative of the mother, the  
31 established father, or the child in any action brought  
32 under this section."

33 3. Page 45, by inserting after line 30 the  
34 following:

35 " — . Sections 101 through 105 of this Act, being  
36 deemed of immediate importance, take effect upon  
37 enactment.

38 — . Sections 101 through 105 of this Act apply to  
39 any action to overcome paternity, including any  
40 paternity determination made prior to the effective  
41 date of sections 101 through 105 of this Act, with the  
42 exception of the following actions:

43 a. The action to overcome paternity, based upon  
44 grounds that the established father is not the  
45 biological father, was previously dismissed, whether  
46 or not the dismissal was due to the expiration of the  
47 statute of limitations period for bringing the action.

48 b. The action to relieve the established father of  
49 any future support obligation, based upon the grounds  
50 that the established father is not the biological

Page 6

1 father, was previously dismissed, whether or not the  
2 dismissal was due to the expiration of the statute of  
3 limitations period for bringing the action."

4 4. By renumbering as necessary.

ELAINE SZYMONIAK

S-5428

- 1 Amend the House amendment, S-5349, to Senate File
- 2 2217, as amended, passed, and reprinted by the House
- 3 as follows:
- 4 1. Page 1, by striking lines 23 through 34.
- 5 2. By striking page 2, line 5 through paged 16,
- 6 line 12.
- 7 3. By renumbering as necessary.

EUGENE FRAISE

S-5429

- 1 Amend the House amendment, S-5349, to Senate File
- 2 2217, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 16 the
- 5 following:
- 6 "The money that is raised from the sale of Iowa
- 7 patrol post number 12, located in Davenport, shall be
- 8 deposited in the road use tax fund."
- 9 2. By renumbering as necessary.

EUGENE FRAISE

S-5430

- 1 Amend Senate File 2319 as follows:
- 2 1. Page 15, by inserting after line 33 the
- 3 following:
- 4 "No sooner than one year after the establishment of
- 5 the highly structured facilities, all youth who are
- 6 adjudicated delinquent for acts involving possession
- 7 of a firearm on the premises of or transportation of a
- 8 firearm to a school shall be placed in the facilities.
- 9 Prior to placement of the adjudicated delinquents in
- 10 the facilities for possession or transportation of
- 11 firearms to or on school premises the department of
- 12 human services, in cooperation with the department of
- 13 education and the office of attorney general, shall
- 14 advertise, through use of radio, television, print,
- 15 and other media, the consequences of possession of
- 16 firearms on or transportation of firearms to school
- 17 premises."

BRAD BANKS

S-5431

- 1 Amend Senate File 2319 as follows:
- 2 1. Page 2, by inserting after line 13 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 232.2, subsection 6, Code
- 5 Supplement 1993, is amended by adding the following
- 6 new paragraph:
- 7 NEW PARAGRAPH. p. Who is a truant as defined in
- 8 section 299.8.
- 9 Sec. \_\_\_\_ . Section 232.2, subsection 12, Code
- 10 Supplement 1993, is amended by adding the following
- 11 new paragraph:
- 12 NEW PARAGRAPH. c. The violation of the statutory
- 13 compulsory attendance age requirement or the
- 14 attendance policy of a public school, an accredited
- 15 nonpublic school, or competent private instruction
- 16 which results in the child being deemed a truant
- 17 pursuant to section 299.8."
- 18 2. Page 9, by striking lines 24 through 28 and
- 19 inserting the following:
- 20 "Sec. \_\_\_\_ . Section 299.8, Code 1993, is amended to
- 21 read as follows:
- 22 299.8 "TRUANT" DEFINED.
- 23 Any child of compulsory attendance age who fails to
- 24 attend school as provided in this chapter, or as
- 25 required by the school board's or school governing
- 26 body's attendance policy, or who fails to attend
- 27 competent private instruction under chapter 299A,
- 28 without reasonable excuse for the absence, shall be
- 29 deemed to be a truant. ~~A finding that a child is~~
- 30 ~~truant, however, shall not by itself mean that the~~
- 31 ~~child is a child in need of assistance within the~~
- 32 ~~meaning of chapter 232 and shall not be the sole basis~~
- 33 ~~for a child in need of assistance petition."~~
- 34 3. By renumbering as necessary.

AL STURGEON  
TONY BISIGNANO

S-5432

- 1 Amend the amendment, S-5427, to House File 2410 as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 37 the
- 5 following:
- 6 "c. Notwithstanding paragraph "a", a prior
- 7 determination of paternity by operation of law through
- 8 the marriage of the established father and mother of

9 the child may be overcome under this chapter if the  
 10 established father and mother of the child submit a  
 11 statement that both parties agree that the established  
 12 father is not the biological father of the child and  
 13 the court finds that it is in the best interest of the  
 14 child to overcome the established paternity. In  
 15 determining the best interest of the child, the court  
 16 shall consider the criteria provided in section  
 17 600B.41A, subsection 3, paragraph "g".

MERLIN E. BARTZ

S-5433

1 Amend the amendment, S-5406, to House File 2410, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 4, by striking line 26 and inserting the  
 5 following:  
 6 "All communications relating to".  
 7 2. Page 5, by striking lines 15 and 16 and  
 8 inserting the following: "shall pay a fee to defray  
 9 the costs, including the administrative costs of  
 10 family mediation services."

JEAN LLOYD-JONES

S-5434

1 Amend Senate File 2319 as follows:  
 2 1. Page 12, by inserting before line 35 the  
 3 following:  
 4 "Sec. —. NEW SECTION. 724.30 RECKLESS USE OF A  
 5 FIREARM.  
 6 A person who intentionally discharges a firearm  
 7 commits the following:  
 8 1. A class "C" felony if a serious injury or over  
 9 one thousand dollars of property damage occurs.  
 10 2. A class "D" felony if a bodily injury which is  
 11 not a serious injury or property damage of one  
 12 thousand dollars or less occurs.  
 13 3. A simple misdemeanor if no injury to a person  
 14 or damage to property occurs.  
 15 Sec. —. NEW SECTION. 724.31 GUN BUY-BACK --  
 16 EXCEPTIONS.  
 17 Firearms bought through a gun buy-back program  
 18 shall be screened through the national crime  
 19 information center to determine if the firearms are  
 20 stolen. If a firearm was stolen, it shall be returned  
 21 to its owner or to the insurance company which paid a

22 claim for the stolen firearm. Section 724.16A does  
 23 not apply to a person who purchases stolen firearms  
 24 through a buy-back program approved by the department  
 25 of public safety if the firearms are destroyed or  
 26 returned to their rightful owners."  
 27 2. By renumbering as necessary.

JOE WELSH

S-5435

1 Amend the amendment, S-5418, to Senate File 2319,  
 2 as follows:  
 3 1. Page 1, by striking lines 7 and 8, and  
 4 inserting the following: "of age or older to conspire  
 5 with or recruit".  
 6 2. Page 1, line 11, by striking the figure "V"  
 7 and inserting the following: "IV".

MAGGIE TINSMAN  
 O. GENE MADDOX  
 RALPH ROSENBERG

S-5436

1 Amend Senate File 2319 as follows:  
 2 1. Page 7, by inserting after line 30 the  
 3 following:  
 4 "Sec. \_\_\_\_ NEW SECTION. 233A.18 POPULATION.  
 5 The number of beds available at the training school  
 6 shall not exceed one hundred."  
 7 2. Page 17, by inserting after line 18 the  
 8 following:  
 9 "Sec. \_\_\_\_ . The department of human services shall  
 10 transfer to the judicial department the difference  
 11 between the amount of funds appropriated to the  
 12 department for the fiscal year beginning July 1, 1994,  
 13 and ending June 30, 1995, for the purpose of funding  
 14 one hundred and eighty-five beds at the state training  
 15 school and the amount needed to fund one hundred beds  
 16 at the state training school. The judicial department  
 17 shall utilize the funds transferred for a truancy  
 18 reduction program through the juvenile court."  
 19 3. By renumbering as necessary.

AL STURGEON

S-5437

1 Amend Senate File 2319 as follows:

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

4 "Sec. \_\_\_\_ . Section 232.2, subsection 6, Code  
5 Supplement 1993, is amended by adding the following  
6 new paragraph:

7 NEW PARAGRAPH. p. Who is a truant as defined in  
8 section 299.8.

9 Sec. \_\_\_\_ . Section 232.2, subsection 12, Code  
10 Supplement 1993, is amended by adding the following  
11 new paragraph:

12 NEW PARAGRAPH. c. The violation of the statutory  
13 compulsory attendance age requirement or the  
14 attendance policy of a public school, an accredited  
15 nonpublic school, or competent private instruction  
16 which results in the child being deemed a truant  
17 pursuant to section 299.8."

18 2. Page 9, by striking lines 26 through 28 and  
19 inserting the following:

20 "NEW UNNUMBERED PARAGRAPH. If the mediation does  
21 not result in the child returning to school within  
22 thirty days, the chief administrative officer of the  
23 school at which the student should be in attendance  
24 shall request the county attorney to file a petition  
25 under division II of chapter 232 or request the  
26 department of human services, a juvenile court  
27 officer, or the county attorney to file a petition  
28 under division III of chapter 232.

29 Sec. \_\_\_\_ . Section 299.8, Code 1993, is amended to  
30 read as follows:

31 299.8 "TRUANT" DEFINED.

32 Any child of compulsory attendance age who fails to  
33 attend school as provided in this chapter, or as  
34 required by the school board's or school governing  
35 body's attendance policy, or who fails to attend  
36 competent private instruction under chapter 299A,  
37 without reasonable excuse for the absence, shall be  
38 deemed to be a truant. ~~A finding that a child is~~  
39 ~~truant, however, shall not by itself mean that the~~  
40 ~~child is a child in need of assistance within the~~  
41 ~~meaning of chapter 232 and shall not be the sole basis~~  
42 ~~for a child in need of assistance petition."~~

43 3. By renumbering as necessary.

AL STURGEON  
TONY BISIGNANO



S-5438

- 1 Amend the amendment, S-5406, to House File 2410, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 4, by striking line 26 and inserting the
- 5 following:
- 6 "All communications relating to".
- 7 2. Page 5, by striking lines 15 through 22 and
- 8 inserting the following: "shall pay a fee to defray
- 9 the costs, including the administrative costs of
- 10 family mediation services."

JEAN LLOYD-JONES

S-5439

- 1 Amend Senate File 2319 as follows:
- 2 1. Page 14, by inserting after line 8 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 902.7, Code 1993, is amended to
- 5 read as follows:
- 6 902.7 MINIMUM SENTENCE -- USE OF A FIREARM.
- 7 At the trial of a person, including a juvenile over
- 8 whom juvenile court jurisdiction has been waived
- 9 pursuant to section 232.45 or 232.45A, charged with
- 10 participating in a forcible felony, if the trier of
- 11 fact finds beyond a reasonable doubt that the person
- 12 is guilty of a forcible felony and that the person
- 13 represented that the person was in the immediate
- 14 possession and control of a firearm, displayed a
- 15 firearm in a threatening manner, or was armed with a
- 16 firearm while participating in the forcible felony the
- 17 convicted person over whom juvenile court jurisdiction
- 18 has been waived shall serve a minimum of five twenty
- 19 years of the sentence imposed by law. A person,
- 20 including a juvenile over whom juvenile court
- 21 jurisdiction has been waived, sentenced pursuant to
- 22 this section shall not be eligible for parole until
- 23 the person has served the minimum sentence of
- 24 confinement imposed by this section."
- 25 2. By renumbering as necessary.

ALLEN BORLAUG  
JOHN W. JENSEN  
BERL E. PRIEBE  
H. KAY HEDGE  
MERLIN E. BARTZ

S-5440

1 Amend Senate File 2316 as follows:

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

4 "Section 1. Section 10A.104, subsection 9, Code  
5 Supplement 1993, is amended to read as follows:

6 9. Administer and enforce this chapter, and  
7 chapters 99B, 135B, 135C, 137A, 137B, 137C, ~~137D~~; and  
8 137E.

9 Sec. \_\_\_\_ . Section 137A.1, subsection 5, paragraph  
10 b, Code 1993, is amended by striking the paragraph.

11 Sec. \_\_\_\_ . Section 137A.1, Code 1993, is amended by  
12 adding the following new subsections:

13 NEW SUBSECTION. 7. "Home food establishment"  
14 means a business on the premises of a residence in  
15 which prepared food is created for sale or resale, for  
16 consumption off the premises, if the business has  
17 gross annual sales of prepared food of less than  
18 twenty thousand dollars. However, a home food  
19 establishment does not include a residence in which  
20 food is prepared to be used or sold by churches,  
21 fraternal societies, charitable organizations, or  
22 civic organizations.

23 NEW SUBSECTION. 8. "Prepared food" means soft  
24 pies, bakery products with a custard or cream filling,  
25 or any other potentially hazardous baked goods.  
26 "Prepared food" does not mean nonhazardous baked  
27 goods, including but not limited to breads, fruit  
28 pies, cakes, or other nonhazardous pastries.

29 Sec. \_\_\_\_ . Section 137A.2, subsection 1, Code 1993,  
30 is amended to read as follows:

31 1. 2-101 shall be amended to allow food licensed  
32 ~~under chapter 137D or food~~ specified under section  
33 137A.1, subsection 5, paragraph "d", to be used or  
34 offered for sale.

35 Sec. \_\_\_\_ . Section 137A.5, Code 1993, is amended by  
36 adding the following new unnumbered paragraph:

37 NEW UNNUMBERED PARAGRAPH. The department or a  
38 municipal corporation shall not regulate, inspect, or  
39 license a home food establishment."

40 2. Page 2, by inserting after line 10 the  
41 following:

42 "Sec. \_\_\_\_ . Section 137B.3, subsection 6, Code  
43 1993, is amended to read as follows:

44 6. 2-101 shall be amended to allow food licensed  
45 ~~under chapter 137D and food~~ specified under section  
46 137A.1, subsection 5, paragraph "d", to be used or  
47 offered for sale."

48 3. By striking page 5, line 7 through page 6,

49 line 5.

50 4. Page 6, by inserting after line 27 the

Page 2

1 following:

2 "Sec. \_\_\_\_ . REPEAL. Chapter 137D, Code 1993, is

3 repealed."

MERLIN E. BARTZ  
BERL E. PRIEBE  
WILLIAM D. PALMER  
DERRYL McLAREN

S-5441

1 Amend House File 121, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 1, line 14, by inserting after the word

4 "age" the following: "or not later than four years

5 after the discovery of the offense, whichever occurs

6 later".

MERLIN E. BARTZ

S-5442

1 Amend the amendment, S-5437, to Senate File 2319 as

2 follows:

3 1. Page 1, by striking lines 32 through 42 and

4 inserting the following:

5 "Any child of compulsory attendance age who fails

6 to attend school as provided in this chapter, or as

7 required by the school board's or school governing

8 body's attendance policy, or ~~who fails to attend~~

9 ~~competent private instruction under chapter 299A,~~

10 without reasonable excuse for the absence, shall be

11 ~~deemed to be a truant. A finding that a child is~~

12 ~~truant, however, shall not by itself mean that the~~

13 ~~child is a child in need of assistance within the~~

14 ~~meaning of chapter 232 and shall not be the sole basis~~

15 ~~for a child in need of assistance petition. A child~~

16 of compulsory attendance age who fails to attend

17 competent private instruction under chapter 299A,

18 without reasonable excuse for the absence, shall be

19 deemed to be a truant. A finding that a child is

20 truant by reason of failing to attend competent

21 private instruction under chapter 299A, however, shall

22 not by itself mean that the child is a child in need

23 of assistance within the meaning of chapter 232 and

- 24 shall not be the sole basis for a child in need of  
 25 assistance petition."  
 26 3. By renumbering as necessary.

AL STURGEON  
 RAY TAYLOR

S-5443

- 1 Amend the House amendment, S-5317, to Senate File  
 2 2218, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. By striking page 1, line 38 through page 2,  
 5 line 7.  
 6 2. By renumbering as necessary.

TONY BISIGNANO  
 AL STURGEON  
 RICHARD DRAKE

S-5444

- 1 Amend Senate File 2318 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "DIVISION \_\_\_\_  
 5 REVERSIONS".  
 6 2. Page 1, line 9, by inserting before the word  
 7 "providing" the following: "from the general fund of  
 8 the state".  
 9 3. Page 1, by inserting after line 32 the  
 10 following:  
 11 "Sec. \_\_\_\_ . CONTINGENCY PROVISION FOR USE OF  
 12 REVERSIONS. For the fiscal year beginning July 1,  
 13 1994, and ending June 30, 1995, if the sum of the  
 14 moneys that agencies would encumber under section 8.62  
 15 as enacted by this Act would cause a deficit in the  
 16 general fund of the the state, the department of  
 17 management shall determine the amount of that sum  
 18 which is necessary to eliminate the potential deficit.  
 19 The department shall prorate the determined amount  
 20 among the agencies and moneys encumbered by an agency  
 21 under section 8.62 shall be reduced to the extent of  
 22 that proration.  
 23 DIVISION \_\_\_\_  
 24 STRATEGIC PLANNING  
 25 Sec. \_\_\_\_ . NEW SECTION. 8.63 STRATEGIC PLANNING.  
 26 1. The governor, supreme court, and general  
 27 assembly shall each develop a five-year strategic plan  
 28 for their respective branch of government. The

29 governor and general assembly shall also develop a  
30 five-year strategic plan providing long-term goals and  
31 objectives for the state. The strategic plans shall  
32 be annually updated and new five-year plans developed  
33 for each succeeding five-year period.

34 2. Following presentation of the initial executive  
35 branch strategic plan, yearly updates of the plan  
36 shall be submitted as part of the governor's annual  
37 budget proposal to the general assembly under section  
38 8.22. The plan shall utilize information obtained  
39 pursuant to section 8.52, include all relevant budget  
40 projections, and include the plans developed by each  
41 department and establishment of government for that  
42 department or establishment in accordance with this  
43 section. The governor shall provide an overall  
44 compilation of the plans and identify the governor's  
45 top five priorities for the ensuing fiscal year in the  
46 annual budget message required under section 8.22.  
47 The plan by each department or establishment shall be  
48 submitted to the governor at the same time and with  
49 the budget materials required under section 8.23 and  
50 shall be considered at the public hearing required

Page 2

1 pursuant to section 8.26. A department's or  
2 establishment's plan shall be submitted to the general  
3 assembly at the same time it is submitted to the  
4 governor. The plan for each department and  
5 establishment shall provide budget projections and  
6 requirements, long-term and short-term goals, and  
7 other information relating to implementation of the  
8 plan, including but not limited to all of the  
9 following:

- 10 a. Identifying and providing a time line for the  
11 critical goals and objectives to be accomplished  
12 during the five-year period.
  - 13 b. Providing detailed estimates of the related  
14 costs.
  - 15 c. Identifying the other resources, policy  
16 considerations, and any cooperative involvement by  
17 other departments and agencies of state government  
18 necessary to attain the critical goals and objectives.
  - 19 d. Identifying performance indicators for  
20 measuring the accomplishment of the critical goals and  
21 objectives.
  - 22 e. Submitting an annual progress report based upon  
23 the performance indicators.
- 24 3. The strategic planning elements required in  
25 subsection 2, paragraphs "a" through "e", shall be

26 addressed in the strategic plans developed by the  
27 legislative and judicial branches of state government.  
28 The supreme court's plan shall be submitted to the  
29 general assembly on or before the first business day  
30 in January. The general assembly's strategic plan  
31 shall be considered in a concurrent resolution and is  
32 subject to approval by a constitutional majority of  
33 the members of each chamber.

34 4. The initial strategic plans required by this  
35 section shall apply to the 1995-1996 fiscal year and  
36 shall be submitted by the executive and judicial  
37 branches in December 1994.

38 DIVISION \_\_\_\_

39 EXPENDITURE LIMITATION

40 Sec. \_\_\_\_ . Section 8.22A, Code 1993, is amended by  
41 adding the following new subsection:

42 NEW SUBSECTION. 4. At the meeting in which the  
43 conference agrees to the revenue estimate for the  
44 following fiscal year in accordance with the  
45 provisions of subsection 3, the conference shall agree  
46 to an estimate for tax refunds payable from that  
47 estimated revenue. Within fourteen days of the  
48 transmission of the governor's budget to the general  
49 assembly pursuant to section 8.21, the conference  
50 shall meet and agree to an estimate for any revenue

Page 3

1 provision included in the governor's budget which  
2 would be a new revenue if the provision was to be  
3 enacted. If a new revenue is enacted which has not  
4 been previously estimated by the conference and the  
5 general assembly remains in session, the conference  
6 shall meet and agree to an estimate for the new  
7 revenue within fourteen days of the date of enactment.  
8 The estimates required by this subsection shall be  
9 used in determining the adjusted revenue estimate  
10 under section 8.54.

11 Sec. \_\_\_\_ . Section 8.54, subsection 1, unnumbered  
12 paragraph 1, and paragraph a, Code 1993, are amended  
13 to read as follows:

14 For the purposes of section 8.22A, this section,  
15 and sections 8.55 through 8.57:

16 a. "Adjusted revenue estimate" means the  
17 appropriate revenue estimate for the general fund for  
18 the following fiscal year as determined by the revenue  
19 estimating conference under section 8.22A, subsection  
20 3, adjusted by subtracting estimated tax refunds  
21 payable from that estimated revenue and as determined  
22 by the conference, adding any new revenues which may

23 be considered to be eligible for deposit in the  
24 general fund.

25 Sec. \_\_\_\_ . Section 8.54, subsection 6, Code 1993,  
26 is amended to read as follows:

27 6. The scope of the expenditure limitation under  
28 subsection 3 shall not encompass federal funds,  
29 donations, constitutionally dedicated moneys, and  
30 moneys in expenditures from state retirement system  
31 moneys, and does not encompass an appropriation to the  
32 Iowa economic emergency fund created in section 8.55,  
33 an appropriation to the cash reserve fund created in  
34 section 8.56, or an appropriation to eliminate the  
35 GAAP deficit in accordance with section 8.57."

36 4. By renumbering as necessary.

LARRY MURPHY

S-5445

1 Amend the House amendment, S-5349, to Senate File  
2 2217, as amended, passed, and reprinted by the Senate  
3 as follows:

4 1. Page 1, by inserting after line 34 the  
5 following:

6 " \_\_\_\_ . Page 12, by inserting after line 28 the  
7 following:

8 "Sec. \_\_\_\_ . Notwithstanding section 34A.2,  
9 subsection 6, paragraph "e", unnumbered paragraph 2,  
10 funds deposited in an E911 service fund for the fiscal  
11 year beginning July 1, 1994, and ending June 30, 1995,  
12 shall be appropriated and used for the payment of  
13 costs which are limited to nonrecurring and recurring  
14 costs directly attributable to the provision of 911  
15 emergency telephone communication service and may  
16 include costs for portable and vehicle radios,  
17 communication towers, and other radios and equipment.  
18 Costs do not include expenditures for any other  
19 purpose, and specifically exclude costs attributable  
20 to other emergency services or expenditures for  
21 buildings or personnel, except for the costs of  
22 personnel for database management and personnel  
23 directly associated with addressing."

24 2. By renumbering as necessary.

JOE WELSH  
JIM LIND  
TONY BISIGNANO

S-5446

1 Amend the amendment, S-5406, to House File 2410, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 3, by striking lines 2 through 10 and  
5 inserting the following:

6 "1. Matters which may be the subject of mediation  
7 under this chapter may include any of the following:  
8 property division; maintenance; child support;  
9 physical care; custody; visitation; or any other issue  
10 agreed to by the parties or directed by the court,  
11 unless otherwise precluded by state or federal law.

12 2. A referral or request for or receipt of  
13 mediation services as provided under this chapter  
14 shall not do either of the following:

15 a. Affect any existing provisions of a court or  
16 administrative order previously established. Such  
17 provisions shall remain in full force and effect until  
18 otherwise modified by the court or other  
19 administrative agency having authority to make a  
20 modification, and shall be enforceable by any means  
21 allowed by state or federal law during the time period  
22 that mediation services are received.

23 b. Prevent, preclude, or otherwise delay the child  
24 support recovery unit created under chapter 252B, or a  
25 similar agency of another state or foreign  
26 jurisdiction, from providing enforcement services as  
27 authorized under chapter 252B or a comparable statute  
28 of another state or foreign jurisdiction. These  
29 services include but are not limited to any of the  
30 following: establishment of paternity; establishment  
31 of a child or medical support obligation; adjustment  
32 or modification of a support order; or enforcement of  
33 a child or medical support obligation, and spousal  
34 support when in conjunction with support for a child.

35 3. If the child support recovery unit created  
36 under chapter 252B is providing services to a party to  
37 mediation services all of the following provisions  
38 shall apply:

39 a. The child support recovery unit shall not  
40 participate in mediation services provided under this  
41 chapter.

42 b. If support payments have been assigned to the  
43 department of human services, the child support  
44 recovery unit shall be considered a party to the  
45 support order and shall be provided with notice of any  
46 action to modify the order, including any  
47 recommendations resulting from mediation services  
48 provided under this chapter.



49 c. In all other instances where the child support  
50 recovery unit is providing services, the unit shall

Page 2

1 not be considered a party to the support order, but  
2 shall be provided with notice of any action to modify  
3 the order, including any recommendations resulting  
4 from mediation services provided under this chapter."

JEAN LLOYD-JONES  
ELAINE SZYMONIAK

S-5447

1 Amend House File 2261, as passed by the House, as  
2 follows:

3 1. Page 5, by inserting after line 29 the  
4 following:

5 **DIVISION V**  
6 **CHILD OR DEPENDENT ADULT ABUSE**  
7 **INFORMATION - USE AND ACCESS**

8 "Sec. \_\_\_\_ Section 125.14A, Code 1993, is amended  
9 by adding the following new subsections:

10 **NEW SUBSECTION. 5.** In addition to the record  
11 checks required under this section, the department of  
12 human services may conduct dependent adult abuse  
13 record checks in this state and may conduct these  
14 checks in other states, on a random basis. The  
15 provisions of this section, relative to an evaluation  
16 following a determination that a person has been  
17 convicted of a crime or has a record of founded child  
18 abuse, shall also apply to a random check conducted  
19 under this subsection.

20 **NEW SUBSECTION. 6.** Beginning July 1, 1994, a  
21 program or facility shall inform all new applicants  
22 for employment of the possibility of the performance  
23 of a record check and shall obtain, from the  
24 applicant, a signed acknowledgment of the receipt of  
25 the information.

26 **NEW SUBSECTION. 7.** On or after July 1, 1994, a  
27 program or facility shall include the following  
28 inquiry in an application for employment: "Do you  
29 have a record of founded child or dependent adult  
30 abuse or have you ever been convicted of a crime in  
31 this state or any other state?"

32 Sec. \_\_\_\_ **NEW SECTION. 135C.33 CHILD OR**  
33 **DEPENDENT ADULT ABUSE INFORMATION AND CRIMINAL**  
34 **RECORDS - EVALUATIONS.**

35 1. On or after July 1, 1994, with regard to new

36 applicants for licensure or employment, if a person is  
37 being considered for licensure under this chapter, or  
38 for employment involving direct responsibility for a  
39 resident or with access to a resident when the  
40 resident is alone, or if the person considered for  
41 licensure or employment under this chapter will reside  
42 in a facility, the facility may request that the  
43 department of human services conduct criminal and  
44 child and dependent adult abuse record checks in this  
45 state and in other states, on a random basis.  
46 Beginning July 1, 1994, a facility shall inform all  
47 new applicants for employment of the possibility of  
48 the performance of a record check and shall obtain,  
49 from the applicant, a signed acknowledgment of the  
50 receipt of the information. Additionally, on or after

**Page 2**

1 July 1, 1994, a facility shall include the following  
2 inquiry in an application for employment: "Do you  
3 have a record of founded child or dependent adult  
4 abuse or have you ever been convicted of a crime, in  
5 this state or any other state?" If the person has  
6 been convicted of a crime under a law of any state or  
7 has a record of founded child or dependent adult  
8 abuse, the department of human services shall perform  
9 an evaluation to determine whether the crime or  
10 founded child or dependent adult abuse warrants  
11 prohibition of licensure, employment, or residence in  
12 the facility. The evaluation shall be performed in  
13 accordance with procedures adopted for this purpose by  
14 the department of human services.

15 2. If the department of human services determines  
16 that a person has committed a crime or has a record of  
17 founded child or dependent adult abuse and is  
18 licensed, employed by a facility licensed under this  
19 chapter, or resides in a licensed facility, the  
20 department shall notify the licensee that an  
21 evaluation will be conducted to determine whether  
22 prohibition of the person's licensure, employment, or  
23 residence is warranted.

24 3. In an evaluation, the department of human  
25 services shall consider the nature and seriousness of  
26 the crime or founded child or dependent adult abuse in  
27 relation to the position sought or held, the time  
28 elapsed since the commission of the crime or founded  
29 child or dependent adult abuse, the circumstances  
30 under which the crime or founded child or dependent  
31 adult abuse was committed, the degree of  
32 rehabilitation, the likelihood that the person will

33 commit the crime or founded child or dependent adult  
34 abuse again, and the number of crimes or founded child  
35 or dependent adult abuses committed by the person  
36 involved. The department of human services has final  
37 authority in determining whether prohibition of the  
38 person's licensure, employment, or residence is  
39 warranted.

40 4. If the department of human services determines  
41 that the person has committed a crime or has a record  
42 of founded child or dependent adult abuse which  
43 warrants prohibition of licensure, employment, or  
44 residence, the person shall not be licensed under this  
45 chapter and shall not be employed by a facility or  
46 reside in a facility licensed under this chapter.

47 Sec. \_\_\_\_ . Section 135H.7, Code 1993, is amended by  
48 adding the following new subsections:

49 **NEW SUBSECTION. 4.** In addition to the record  
50 checks required under subsection 2, the department of

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1 human services may conduct dependent adult abuse  
2 record checks in this state and may conduct these  
3 checks in other states, on a random basis. The  
4 provisions of subsections 2 and 3, relative to an  
5 evaluation following a determination that a person has  
6 been convicted of a crime or has a record of founded  
7 child abuse, shall also apply to a random dependent  
8 adult abuse record check conducted under this  
9 subsection.

10 **NEW SUBSECTION. 5.** Beginning July 1, 1994, a  
11 licensee shall inform all new applicants for  
12 employment of the possibility of the performance of a  
13 record check and shall obtain, from the applicant, a  
14 signed acknowledgment of the receipt of the  
15 information.

16 **NEW SUBSECTION. 6.** On or after July 1, 1994, a  
17 licensee shall include the following inquiry in an  
18 application for employment: "Do you have a record of  
19 founded child or dependent adult abuse or have you  
20 ever been convicted of a crime, in this state or any  
21 other state?"

22 Sec. \_\_\_\_ . Section 237.8, Code 1993, is amended by  
23 adding the following new subsections:

24 **NEW SUBSECTION. 3.** In addition to the record  
25 checks required under subsection 2, the department of  
26 human services may conduct dependent adult abuse  
27 record checks in this state and may conduct these  
28 checks in other states, on a random basis. The  
29 provisions of subsection 2, relative to an evaluation

30 following a determination that a person has been  
31 convicted of a crime or has a record of founded child  
32 abuse, shall also apply to a random check conducted  
33 under this subsection.

34 NEW SUBSECTION. 4. On or after July 1, 1994, a  
35 licensee shall inform all new applicants for  
36 employment of the possibility of the performance of a  
37 record check and shall obtain, from the applicant, a  
38 signed acknowledgment of the receipt of the  
39 information.

40 NEW SUBSECTION. 5. On or after July 1, 1994, a  
41 licensee shall include the following inquiry in an  
42 application for employment: "Do you have a record of  
43 founded child or dependent adult abuse or have you  
44 ever been convicted of a crime, in this state or any  
45 other state?"

46 Sec. \_\_\_\_ . Section 237A.5, Code 1993, is amended by  
47 adding the following new subsections:

48 NEW SUBSECTION. 3. In addition to the record  
49 checks required under subsection 2, the department of  
50 human services may conduct dependent adult abuse

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1 record checks in this state and may conduct these  
2 checks in other states, on a random basis. The  
3 provisions of subsection 2, relative to an evaluation  
4 following a determination that a person has been  
5 convicted of a crime or has a record of founded child  
6 abuse, shall also apply to a random dependent adult  
7 abuse record check conducted under this subsection.

8 NEW SUBSECTION. 4. On or after July 1, 1994, a  
9 licensee or registrant shall inform all new applicants  
10 for employment of the possibility of the performance  
11 of a record check and shall obtain, from the  
12 applicant, a signed acknowledgment of the receipt of  
13 the information.

14 NEW SUBSECTION. 5. On or after July 1, 1994, a  
15 licensee or registrant shall include the following  
16 inquiry in an application for employment: "Do you  
17 have a record of founded child or dependent adult  
18 abuse or have you ever been convicted of a crime, in  
19 this state or any other state?"

20 Sec. \_\_\_\_ . Section 692.2, subsection 1, paragraph  
21 c, Code Supplement 1993, is amended to read as  
22 follows:

23 c. The department of human services for the  
24 purposes of section 135C.33, section 218.13, section  
25 232.71, subsection 16, section 232.142, section 237.8,  
26 subsection 2, section 237A.5, section 237A.20, and

27 section 600.8, subsections 1 and 2.

28 Sec. \_\_\_\_ . Section 692.2, subsection 1, Code

29 Supplement 1993, is amended by adding the following  
30 new paragraph:

31 NEW PARAGRAPH. 1. Health care facilities licensed  
32 pursuant to chapter 135C for the purposes of section  
33 135C.33.

34 Sec. \_\_\_\_ . Section 692.3, subsection 2, Code 1993,  
35 is amended to read as follows:

36 2. Notwithstanding subsection 1, paragraph "a",  
37 the department of human services may disseminate  
38 criminal history data obtained pursuant to section  
39 692.2, subsection 1, paragraph "c", to persons  
40 licensed, registered, or certified under chapters  
41 135C, 237, 237A, 238 and 600 for the purposes of  
42 section 135C.33, section 237.8, subsection 2 and  
43 section 237A.5. A person who receives information  
44 pursuant to this subsection shall not use the  
45 information other than for purposes of section  
46 135C.33, section 237.8, subsection 2, section 237A.5,  
47 or section 600.8, subsections 1 and 2. A person who  
48 receives criminal history data pursuant to this  
49 subsection who uses the information for purposes other  
50 than those permitted by this subsection or who

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1 communicates the information to another person except  
2 for the purposes permitted by this subsection is  
3 guilty of an aggravated misdemeanor."

4 2. By renumbering as necessary.

MARY E. KRAMER  
ROBERT E. DVORSKY

HOUSE AMENDMENT TO  
SENATE FILE 2244

S-5448

1 Amend Senate File 2244, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 24 and 25.

S-5449

1 Amend Senate File 2318 as follows:

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

4 "Sec. \_\_\_\_ . Section 8.6, Code 1993, is amended by

5 adding the following new subsection:

6 NEW SUBSECTION. 9A. MANAGEMENT REVIEW. To  
7 prepare a management review as provided in sections  
8 8.63 through 8.73."

9 2. Page 1, by inserting after line 32 the  
10 following:

11 "Sec. \_\_\_\_ . NEW SECTION. 8.63 MANAGEMENT REVIEW  
12 OF EXECUTIVE BRANCH PROGRAMS AND FUNCTIONS --  
13 AUTHORIZATION AND PURPOSE.

14 1. The director shall biennially prepare a  
15 management review schedule with input from the  
16 legislative fiscal bureau detailing the periodic  
17 functional review of the programs and functions of the  
18 executive branch of state government. This periodic  
19 review is intended to assure the cost-effective  
20 delivery and quality performance of state services, in  
21 order to maintain a balanced state budget, a healthy  
22 state economy, and the confidence of Iowa citizens in  
23 government. The primary purpose of the management  
24 review is to determine whether or not there is a  
25 continuing, genuine public need for the program or  
26 function under review and, if so, to determine whether  
27 or not the public need is served. The management  
28 review is also intended to assure statutory,  
29 administrative, and fiscal efficiency in the executive  
30 branch of state government. The management review  
31 shall be submitted to the governor and the general  
32 assembly in the second year of each legislative  
33 biennium.

34 2. The purpose of the management review is to  
35 provide a mechanism designed to increase the  
36 accountability and efficiency of state government  
37 through increased managerial oversight and scrutiny of  
38 programs, functions, and performance. The director is  
39 granted broad authority to recommend termination,  
40 reduction, or reorganization of programs or functions  
41 unless the responsible agency implements reforms  
42 specified by the director and the general assembly.  
43 3. The director shall have the powers and duties  
44 to prepare and implement the annual management review  
45 as provided in sections 8.64 through 8.73.

46 Sec. \_\_\_\_ . NEW SECTION. 8.64 DEFINITIONS.

47 As used in section 8.63, this section, and sections  
48 8.65 through 8.73, unless the context otherwise  
49 requires:

50 1. "Management review" means the review of a

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1 department's program conducted under the director's  
2 authority as provided by sections 8.65 through 8.73.

3 2. "Program" means a program or function of an  
4 executive branch agency, whether the program is  
5 created by statute, administrative rule, or internal  
6 procedure.

7 Sec. — . NEW SECTION. 8.65 MANAGEMENT REVIEW  
8 RULES.

9 The director shall adopt rules pursuant to chapter  
10 17A to implement sections 8.63 and 8.64, this section,  
11 and sections 8.66 through 8.73. The rules shall  
12 include, but are not limited to, the following:

13 1. A schedule assigning an automatic repeal date  
14 to each department's programs as identified by the  
15 director, once within a ten-year cycle. A

16 department's programs may be subdivided by the  
17 director, and the parts of a program may be subject to  
18 automatic repeal in different legislative bienniums,  
19 with particular programs or functions exempted, to  
20 facilitate the director's review.

21 2. The information required to be submitted by a  
22 department in connection with a management review of  
23 its organization or programs.

24 3. Additional standards, methodologies, or  
25 criteria for review of programs, consistent with the  
26 requirements of this chapter.

27 4. A mechanism to implement recommendations  
28 contained in a management review report.

29 Sec. — . NEW SECTION. 8.66 DIRECTOR'S  
30 MANAGEMENT REVIEW RESPONSIBILITIES AND DUTIES.

31 1. The director shall perform the following  
32 duties.

33 a. Conduct a thorough review of all information  
34 furnished by each department administering a program  
35 under management review.

36 b. Obtain, verify, and review any reports, audits,  
37 or actions taken by other departments concerning the  
38 program under management review, including, but not  
39 limited to, recent reports prepared by:

40 (1) The auditor of state.

41 (2) A legislative interim study or standing  
42 committee.

43 (3) The legislative fiscal bureau or legislative  
44 service bureau.

45 (4) The treasurer of state.

46 (5) Special governmental task forces or  
47 committees.

48 c. Submit the final management review report to

49 the governor and the general assembly, on or before  
50 January 1 of the second year of a legislative

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1 biennium. The report shall contain at least the  
2 following elements:

3 (1) Evaluation of each program reviewed.

4 (2) Recommendations regarding each program  
5 reviewed, including any conditions for reauthorization  
6 suggested by the director.

7 2. A department administering a program subject to  
8 management review shall provide all assistance and  
9 information reasonably required by the director.  
10 Information provided to the director shall also be  
11 submitted to the legislative fiscal bureau. The  
12 director shall cooperate with the legislative fiscal  
13 bureau to facilitate, to the greatest extent possible,  
14 requests for information made by the legislative  
15 fiscal bureau in connection with a management review.

16 Sec. \_\_\_\_ . NEW SECTION. 8.67 MANAGEMENT REVIEW  
17 EXPENSES.

18 The department of management may adopt rules  
19 providing for the payment of management review  
20 expenses by the department responsible for  
21 administering a program under management review.

22 Sec. \_\_\_\_ . NEW SECTION. 8.68 CRITERIA FOR REVIEW.

23 The director shall not presume that a genuine  
24 public need continues for a program, or that the  
25 program is serving the identified public need. The  
26 administering department must show, through the  
27 criteria for review, that there is a continuing public  
28 need, and that the program is serving that public need  
29 in an administratively or fiscally effective manner.  
30 The criteria shall include but are not limited to all  
31 of the following:

32 1. The purpose of the statute, administrative  
33 rule, or internal procedure establishing a program,  
34 and the manner of operation of the program designed to  
35 achieve this purpose.

36 2. The extent to which the purpose for which the  
37 program was created remains a continuing public need.

38 3. The extent to which the program has succeeded  
39 in serving the public need or furthering the public  
40 purpose for which the program was created.

41 4. An independent determination or citizen input,  
42 apart from information supplied by the administering  
43 department or by persons having a direct interest in  
44 the continued existence of the program, that the  
45 absence of the program would be detrimental to the



46 public health, safety, or welfare.

47 5. An assessment of the program's administrative  
48 and fiscal efficiency, including alternative methods  
49 of achieving the stated or implicit objectives of the  
50 statute, administrative rule, or internal procedure

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1 establishing the program, and a determination whether  
2 or not these alternative methods would achieve the  
3 objectives.

4 6. Determination as to whether the statute,  
5 administrative rule, or internal procedure provides a  
6 clear mandate to the department administering the  
7 program, and that the department has complied with  
8 this mandate through its administration of the  
9 program.

10 7. Determination as to whether other programs,  
11 activities, or departments of state government have  
12 the same or similar objectives. If so, a comparison  
13 of the costs and effectiveness between programs,  
14 activities, or departments and identification of  
15 unnecessary duplication with the program under review  
16 shall be included.

17 8. Determination as to whether services provided  
18 or purposes served by the program are in competition  
19 with the private sector or may be better provided by  
20 the private sector, either without governmental  
21 assistance or under contract to the government.

22 9. Determination as to whether applications and  
23 formal public complaints filed with the administering  
24 department have been processed effectively and fairly.

25 10. Determination as to whether the program has  
26 been operated by the administering department in an  
27 open and accountable manner, with public access to  
28 records and meetings, and with safeguards against  
29 possible conflicts of interest.

30 11. Identification of the potential impact in  
31 terms of federal intervention or loss of federal funds  
32 if the program is terminated.

33 Sec. \_\_\_\_ . **NEW SECTION. 8.69 MANAGEMENT REVIEW**  
34 **REPORT.**

35 1. The management review report shall contain all  
36 of the following material for each program reviewed:

37 a. A complete description of the program and its  
38 administering department, including the program's  
39 objectives and a detailed outline of the management of  
40 the program by the administering department.

41 b. A review of all relevant material obtained in  
42 the course of the review.

- 43 c. A determination of whether a continuing public  
44 need for the program exists, and whether the program  
45 is appropriately serving that public need.  
46 d. An evaluation of the program under the review  
47 criteria of section 8.68.  
48 e. A recommendation concerning the program's  
49 reauthorization. If the director recommends  
50 reauthorization, the reauthorization shall be

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- 1 submitted to the general assembly as part of the  
2 governor's legislative package.  
3 2. If the general assembly enacts legislation  
4 reauthorizing a program, the program shall not be  
5 subject to termination pursuant to a rule adopted  
6 under section 8.65 for at least ten years. However,  
7 the program may be subject to management review in the  
8 fifth biennium following the program's  
9 reauthorization.  
10 3. The final report shall contain the management  
11 review schedule for the programs subject to  
12 termination on June 30 of the second calendar year  
13 following the year in which the report is submitted.  
14 The schedule shall be adopted in rule in accordance  
15 with section 8.65.  
16 4. The director may recommend any or all of the  
17 following:  
18 a. Continuance of a program.  
19 b. Termination of a program or abolishment of the  
20 program's administering department.  
21 c. The consolidation, merger, or transfer of a  
22 program or department unit from one department to  
23 another.  
24 d. The termination of a program, unless certain  
25 conditions are met or modifications made within a  
26 specified period of time.  
27 e. Budget limitations for a program.  
28 f. Changes in fees to assure that the costs of a  
29 regulatory program are borne by the regulated industry  
30 or group.  
31 g. Other managerial changes to assure service  
32 delivery in an administratively and fiscally efficient  
33 manner.  
34 h. Legislation to implement a recommendation,  
35 concerning a program, other than termination.  
36 i. Legislation relating to an administering  
37 department, program, related agency or department, or  
38 a program's underlying public need.  
39 Sec. \_\_\_\_ . NEW SECTION. 8.70 TERMINATION OF A

## 40 PROGRAM.

41 1. If the director recommends the termination of a  
42 program, and the program is not reestablished by an  
43 Act of the general assembly, the program shall be  
44 automatically terminated and the relevant portions of  
45 its authorizing Act repealed effective June 30  
46 following the submission of the director's report,  
47 unless reauthorized by an Act of the general assembly.  
48 A program which is reauthorized by legislative  
49 enactment shall not be subject to automatic  
50 termination for at least ten years. However, the

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1 program may be subject to management review in the  
2 fifth biennium following the program's  
3 reauthorization.

4 2. If in the course of terminating a program or  
5 transferring a program to another agency, its  
6 administrative department is terminated, each lesser  
7 included board, council, agency, or other subdivision  
8 is also automatically terminated at the same time and  
9 under the same conditions, unless the lesser included  
10 agency is specifically exempted from termination by  
11 the director or by affirmative action of the general  
12 assembly prior to June 30 immediately following the  
13 biennial submission of the final management review  
14 report.

15 Sec. \_\_\_\_ . NEW SECTION. 8.71 PROPOSED TRANSITION  
16 PLAN.

17 1. If a program is recommended by the director for  
18 termination, the administering department shall submit  
19 a transition plan for the review of the director. If  
20 the department fails to submit an acceptable  
21 transition plan, the director shall prepare the  
22 transition plan. A transition plan must be approved  
23 by the director.

24 2. The director shall adopt rules pursuant to  
25 chapter 17A establishing criteria which a transition  
26 plan must address. The rules shall include, but are  
27 not limited to, all of the following: conclusion of  
28 operations, operating funds, transfer of property and  
29 records, and repayment of outstanding bonded  
30 indebtedness.

31 3. All statutory references to the terminated  
32 program shall be invalid upon expiration of that  
33 agency's concluding fiscal year, unless specifically  
34 retained by affirmative action of the general  
35 assembly.

36 Sec. \_\_\_\_ . NEW SECTION. 8.72 CODE EDITOR TO

## 37 CONFORM CODE TO MANAGEMENT REVIEW RESULTS.

38 If a rule of the director adopted pursuant to  
39 sections 8.65 through 8.71 and section 8.73 has the  
40 effect of repealing a section of the Code in whole or  
41 in part, the Code editor shall conform the Code to  
42 reflect the reorganization of state government as  
43 implemented by a management review rule. The Code  
44 editor shall annually prepare a separate Code editor's  
45 bill to reflect changes made pursuant to the  
46 management review report of two years preceding.

47 Sec. \_\_\_\_ . NEW SECTION. 8.73 MERIT SYSTEM  
48 EMPLOYEES.

49 If the termination of a program pursuant to this  
50 chapter results in unemployment for a merit system

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1 employee, the employee shall receive first preference  
2 in all other state employment opportunities which  
3 subsequently arise for which the displaced employee is  
4 qualified. In addition, the employee shall have right  
5 of first refusal of such opportunities until the  
6 employee is permanently employed.

7 Sec. \_\_\_\_ . INTENT. It is contemplated by the  
8 governor and the general assembly that this Act may in  
9 the future entail wide-ranging effects on the  
10 operations of state government, including, but not  
11 limited to, the organization, structure, and authority  
12 of, and appropriations to any and all executive branch  
13 programs. However, because maintaining the continuing  
14 regulatory, administrative, and fiscal efficiency and  
15 effectiveness of all programs is of critical  
16 importance, it is the intent of this Act that such  
17 effects be deemed to have the full force and effect of  
18 law, and take priority over inconsistent provisions of  
19 law or practice.

20 Sec. \_\_\_\_ . DEPARTMENT OF MANAGEMENT -- REVIEW. The  
21 department of management shall be subject to  
22 management review in the first year of the ten-year  
23 review cycle."

24 3. By numbering, renumbering, and changing  
25 internal references as necessary.

BRAD BANKS

S-5450

1 Amend House File 2410 as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 12, by inserting after line 31, the

4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 252B.22 ACCRUED SUPPORT  
6 -- LICENSEES, BOARDS, OR COMMISSION MEMBERS.

7 The child support recovery unit shall compile a  
8 listing of all persons licensed, certified, or  
9 registered in the state of Iowa to conduct a trade or  
10 business and of all persons who are members of any  
11 board or commission as defined in section 7E.4. The  
12 unit shall search the listing for the names of any  
13 persons with accrued child support obligations and  
14 shall notify each person, in a confidential manner, of  
15 the accrued obligation. The unit shall also inform  
16 the person that the person is required to repay the  
17 obligation within six months of the date of the notice  
18 or establish a repayment schedule that is agreed to by  
19 all parties. If the person does not comply with the  
20 repayment requirements, the unit shall inform the  
21 licensing authority of the noncompliance and the  
22 licensing authority, after providing the person with  
23 an opportunity for a hearing, shall revoke the  
24 person's license. If the person is a member of a  
25 board or commission, the unit shall inform the  
26 appointing body of the noncompliance and the  
27 appointing authority, after providing the person with  
28 an opportunity to respond, shall dismiss the person  
29 from the board or commission. All information  
30 compiled by the unit shall be collected in compliance  
31 with section 252B.9. However, notwithstanding section  
32 252B.9, information relating to the final revocation  
33 of licensure or dismissal from a board or commission  
34 may be released, at the discretion of the licensing or  
35 appointing authority."

36 2. By renumbering as necessary.

JOE WELSH

S-5451

1 Amend House File 2410, as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 41, by inserting after line 30 the

4 following:

5 "Sec. \_\_\_\_ . Section 598.21, Code Supplement 1993,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 4A. If an action to overcome  
8 paternity, based upon a prior determination of  
9 paternity by operation of law through the marriage of  
10 the established father and mother of the child, is  
11 brought, the court shall appoint a guardian ad litem

- 12 for the child for the pendency of the proceedings.”  
13 2. By renumbering as necessary.

MERLIN E. BARTZ

S-5452

- 1 Amend Senate File 2215 as follows:  
2 1. Page 3, by inserting after line 6 the  
3 following:  
4 “Sec. \_\_\_\_ . Section 422.73, Code 1993, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 8. Notwithstanding subsection 2,  
7 a claim for credit or refund of individual income tax  
8 paid for any tax year beginning on or after January 1,  
9 1985, and before January 1, 1989, is considered timely  
10 if filed with the department on or before April 30,  
11 1995, if the taxpayer's claim is the result of the  
12 unconstitutional taxation of federal pension benefits  
13 based upon the decision in Davis v. Michigan  
14 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500  
15 (1989).  
16 A taxpayer entitled to a credit or refund of tax  
17 paid under this subsection shall receive the credit or  
18 refund within four years. The amount of credit or  
19 refund shall be equally spread over those four years.  
20 Any claims for refund shall be payable from the  
21 special refund account established in section 422.105.  
22 The department shall state on the actual tax form for  
23 the next four tax years a notice that federal retirees  
24 may be entitled to a credit or refund under the  
25 provisions of this subsection.  
26 Sec. \_\_\_\_ . NEW SECTION. 422.105 SPECIAL REFUND  
27 ACCOUNT.  
28 The department shall establish a special refund  
29 account for the purpose of paying the refund claims of  
30 federal retirees pursuant to section 422.73,  
31 subsection 8. Beginning with the fiscal year  
32 beginning July 1, 1994, there is appropriated annually  
33 from the general fund of the state an amount  
34 sufficient to pay the refund claims of these federal  
35 retirees.”  
36 2. Title page, line 5, by inserting after the  
37 word “expenses,” the following: “allowing credit or  
38 refund for certain federal retirement benefits taxed  
39 and providing an appropriation”.

ALBERT SORENSEN

S-5453

- 1 Amend House File 2410, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 41, by inserting after line 30 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 598.21, Code Supplement 1993,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 4B. If an action to overcome  
8 paternity is brought pursuant to subsection 4A,  
9 paragraph "c", the court shall appoint a guardian ad  
10 litem for the child for the pendency of the  
11 proceedings."  
12 2. By renumbering as necessary.

MERLIN E. BARTZ

S-5454

- 1 Amend House File 121, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 2 through 5 and  
4 inserting the following: "subparagraph (4), Code  
5 1993, is amended to read as follows:  
6 (4) The person is ~~six~~ five or more years older  
7 than the other participant."  
8 2. Page 1, by striking lines 15 through 26.  
9 3. By renumbering as necessary.

AL STURGEON

HOUSE AMENDMENT TO  
SENATE FILE 2038

S-5455

- 1 Amend Senate File 2038, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 22.7, Code Supplement 1993, is  
6 amended by adding the following new subsection:  
7 NEW SUBSECTION. 31. Personal information  
8 contained in state department of transportation and  
9 county motor vehicle records relating to motor vehicle  
10 registration, other than commercial motor vehicle  
11 records. Personal information includes, but is not  
12 limited to the name, address, and social security  
13 number of the owner of the vehicle. However, this  
14 subsection does not apply to release of personal in-

15 formation to state department of transportation  
16 employees; law enforcement, fire department, or  
17 emergency medical services personnel; tow truck and  
18 auto storage operators holding operating authority  
19 from the state department of transportation; insurers  
20 of motor vehicles; and members of neighborhood watch  
21 groups who are approved by the chief of police of the  
22 city in which the members reside. The state  
23 department of transportation shall adopt rules which  
24 provide a procedure for release of personal  
25 information to persons not subject to this subsection  
26 but which otherwise insures that personal information  
27 remains confidential.

28 Sec. \_\_\_\_ . Section 321.11, Code 1993, is amended by  
29 adding the following new unnumbered paragraph:  
30 NEW UNNUMBERED PARAGRAPH. However, personal  
31 information contained in records relating to motor  
32 vehicle registration, other than commercial motor  
33 vehicle records, shall be for the confidential use of  
34 the department; law enforcement, fire department, or  
35 emergency medical services personnel; tow truck and  
36 auto storage operators holding operating authority  
37 from the state department of transportation; insurers  
38 of motor vehicles; and members of neighborhood watch  
39 groups who are approved by the chief of police of the  
40 city in which the members reside. Personal  
41 information includes, but is not limited to the name,  
42 address, and social security number of the owner of  
43 the vehicle."

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

46 "Sec. \_\_\_\_ . Section 321.12, Code 1993, is amended  
47 to read as follows:

48 321.12 OBSOLETE RECORDS DESTROYED.

49 The director may destroy any records of the  
50 department which have been maintained on file for

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1 three years which the director deems obsolete and of  
2 no further service in carrying out the powers and  
3 duties of the department. However, operating records  
4 relating to a person who has been issued a commercial  
5 driver's license shall be maintained on file in  
6 accordance with rules adopted by the department.  
7 Records concerning suspensions authorized under  
8 section 321.210, subsection 1, paragraph "g", and  
9 section 321.210A may be destroyed six months after the  
10 suspension is terminated and the requirements of  
11 section 321.191 have been satisfied. Records



12 concerning suspensions and surrender of licenses or  
13 registrations required under section 321A.31 for  
14 failing to maintain proof of financial responsibility  
15 as defined in section 321A.1, may be destroyed six  
16 months after the requirements of sections 321.191 and  
17 321A.29, have been satisfied."

18 3. Page 1, lines 9 and 10, by striking the words  
19 "of holders of commercial drivers licenses".

20 4. Page 1, line 12, by inserting after the word  
21 "years" the following: "when the motor vehicle being  
22 operated was a commercial motor vehicle".

23 5. Page 1, by inserting after line 12 the  
24 following:

25 "Sec. \_\_\_\_ . Section 515D.4, subsection 5, Code  
26 1993, is amended to read as follows:

27 5. The named insured or any operator who either  
28 resides in the same household or customarily operates  
29 an automobile insured under the policy has that  
30 person's driver's license suspended or revoked during  
31 the policy term or, if the policy is a renewal, during  
32 its term or the one hundred eighty days immediately  
33 preceding its effective date. Notice of cancellation,  
34 for reasons stated in this subsection, shall include a  
35 copy of the driving record, as maintained by the state  
36 department of transportation, of the named insured or  
37 any operator who either resides in the same household  
38 or customarily operates an automobile insured under  
39 the policy whose driver's license was suspended or  
40 revoked.

41 Sec. \_\_\_\_ . Section 515D.7, Code 1993, is amended by  
42 adding the following new unnumbered paragraphs after  
43 unnumbered paragraph 2:

44 NEW UNNUMBERED PARAGRAPH. When intent not to renew  
45 is based upon revocation or suspension of the  
46 insured's driver's license, notice under this section  
47 shall include a copy of the insured's driving record  
48 as maintained by the state department of  
49 transportation.

50 NEW UNNUMBERED PARAGRAPH. An intent to renew made

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1 contingent upon acceptance of a significant change in  
2 the insured's insurance coverage or rates based in  
3 part on the insured's driving record shall constitute  
4 an intent not to renew for purposes of requiring  
5 notice as provided in this section and the notice  
6 shall include a copy of the insured's driving record  
7 as maintained by the state department of  
8 transportation.

- 9 Sec. \_\_\_\_ . Section 516B.3, Code 1993, is amended by  
 10 adding the following new subsection:  
 11 NEW SUBSECTION. 3. If an insurer refuses to issue  
 12 a policy based upon the driving record of the person  
 13 seeking automobile liability insurance, the insurer  
 14 shall include in the letter of denial a copy of the  
 15 person's driving record as maintained by the state  
 16 department of transportation upon which the denial was  
 17 based."  
 18 6. Title page, by striking lines 1 through 3 and  
 19 inserting the following: "An Act relating to motor  
 20 vehicle records."  
 21 7. By renumbering, relettering, or redesignating  
 22 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 2092

S-5456

- 1 Amend Senate File 2092, as passed by the Senate, as  
 2 follows:  
 3 1. Page 2, line 6, by inserting after the word  
 4 "residents." the following: "However, the commission  
 5 shall seek and receive prior authorization from the  
 6 United States department of education prior to  
 7 expending funds in the reserve account for purposes  
 8 not specifically authorized under applicable federal  
 9 law or regulations."

S-5457

- 1 Amend the House amendment, S-5358, to Senate File  
 2 2242, as passed by the Senate, as follows:  
 3 1. Page 1, by striking lines 24 through 35.  
 4 2. By renumbering as necessary.

RALPH ROSENBERG  
 RICHARD F. DRAKE  
 DON GETTINGS

S-5458

- 1 Amend House File 2149, 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 80.9, subsection 2, paragraph  
 6 d, Code 1993, is amended to read as follows:  
 7 d. To collect and classify, and keep at all times

8 available, complete information useful for the  
9 detection of crime, and the identification and  
10 apprehension of criminals. Such information shall be  
11 available for all peace officers within the state,  
12 under such regulations as the commissioner may  
13 prescribe. The provisions of chapter 141 do not  
14 apply to the entry of human immunodeficiency virus-  
15 related information by criminal justice agencies, as  
16 defined in section 692.1, into the Iowa criminal  
17 justice information system or the national crime  
18 information center system. The provisions of chapter  
19 141 also do not apply to the transmission of the same  
20 information from either or both information systems to  
21 criminal justice agencies. The provisions of chapter  
22 141 also do not apply to the transmission of the same  
23 information from either or both information systems to  
24 employees of state correctional institutions subject  
25 to the jurisdiction of the department of corrections,  
26 employees of secure facilities for juveniles subject  
27 to the jurisdiction of the department of human  
28 services, and employees of city and county jails, if  
29 those employees have direct physical supervision over  
30 inmates of those facilities or institutions. Human  
31 immunodeficiency virus-related information shall not  
32 be transmitted over the police radio broadcasting  
33 system under chapter 693 or any other radio-based  
34 communications system. An employee of an agency  
35 receiving human immunodeficiency virus-related  
36 information under this section who communicates the  
37 information to another employee who does not have  
38 direct physical supervision over inmates, other than  
39 to a supervisor of an employee who has direct physical  
40 supervision over inmates for the purpose of conveying  
41 the information to such an employee, or who  
42 communicates the information to any person not  
43 employed by the agency or uses the information outside  
44 the agency is guilty of a class "D" felony. The  
45 commissioner shall adopt rules regarding the  
46 transmission of human immunodeficiency virus-related  
47 information including provisions for maintaining  
48 confidentiality of the information. The rules shall  
49 include a requirement that persons receiving  
50 information from the Iowa criminal justice information

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1 system or the national crime information center system  
2 receive training regarding confidentiality standards  
3 applicable to the information received from the  
4 system. The commissioner shall develop and establish,

5 in cooperation with the department of corrections and  
6 the Iowa department of public health, training  
7 programs and program criteria for persons receiving  
8 human immunodeficiency virus-related information  
9 through the Iowa criminal justice information system  
10 or the national crime information center system.

11 Sec. 2. Section 141.6, Code 1993, is amended by  
12 adding the following new subsection:

13 **NEW SUBSECTION. 7.** In addition to the provisions  
14 for partner notification provided under this section  
15 and notwithstanding any provision to the contrary, a  
16 county medical examiner or deputy medical examiner  
17 performing official duties pursuant to sections  
18 331.801 through 331.805 or the state medical examiner  
19 or deputy medical examiner performing official duties  
20 pursuant to chapter 691, who determines through an  
21 investigation that a deceased person was infected with  
22 the human immunodeficiency virus, may notify the  
23 immediate family and any identified partners of the  
24 deceased of the finding.

25 Sec. 3. Section 141.23, subsection 1, Code  
26 Supplement 1993, is amended by adding the following  
27 new paragraph:

28 **NEW PARAGRAPH. j.** Employees of state correctional  
29 institutions subject to the jurisdiction of the  
30 department of corrections, employees of secure  
31 facilities for juveniles subject to the department of  
32 human services, and employees of city and county  
33 jails, if the employees have direct supervision over  
34 inmates of those facilities or institutions, in the  
35 exercise of the duties prescribed pursuant to section  
36 80.9, subsection 2, paragraph "d".

37 2. By renumbering as necessary.

JOE WELSH

S-5459

1 Amend Senate File 2251 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 97A.1, subsection 13, Code  
5 1993, is amended to read as follows:  
6 13. "Peace officer" or "peace officers" shall mean  
7 all members of the divisions of highway safety and  
8 uniformed force and criminal investigation and bureau  
9 of identification in the department of public safety,  
10 except clerical workers, including but not limited to  
11 gaming enforcement officers employed by the division  
12 of criminal investigation for excursion boat gambling

13 enforcement activities, who have passed a satisfactory  
14 physical and mental examination and have been duly  
15 appointed as members of the state department of public  
16 safety in accordance with section 80.15, and the  
17 division of drug law enforcement, and arson  
18 investigators and fire prevention inspector peace  
19 officers in the department of public safety hired  
20 prior to July 1, 1988, except clerical workers,  
21 employees of the division of capitol police, except  
22 clerical workers, and the division of beer and liquor  
23 law enforcement of the department of public safety,  
24 except clerical workers.

25 Sec. 2. Section 97A.3, Code 1993, is amended to  
26 read as follows:

27 97A.3 MEMBERSHIP IN SYSTEM.

28 1. All members of the division of highway safety,  
29 uniformed force, and radio communications and the  
30 division of criminal investigation and bureau of  
31 identification in the department of public safety,  
32 excepting the members of the clerical force, who are  
33 employed by the state of Iowa when this chapter  
34 becomes effective, and all persons thereafter employed  
35 as members of such divisions in the department of  
36 public safety or division of drug law enforcement and  
37 arson investigators, except the members of the  
38 clerical force, shall be members of this system,  
39 except as otherwise provided in subsection 3.

40 Effective July 1, 1994, gaming enforcement officers  
41 employed by the division of criminal investigation for  
42 excursion boat gambling enforcement activities, fire  
43 prevention inspector peace officers employed by the  
44 department of public safety, and employees of the  
45 division of capitol police, except clerical workers,  
46 shall be members of this system, except as otherwise  
47 provided in subsection 3 or section 97B.42B. Such  
48 members shall not be required to make contributions  
49 under any other pension or retirement system of the  
50 state of Iowa, anything to the contrary

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1 notwithstanding.

2 2. Should any member in any period of five  
3 consecutive years after last becoming a member, be  
4 absent from service for more than four years, or  
5 should a member become a beneficiary or die, the  
6 person shall thereupon cease to be a member of this  
7 system.

8 3. a. As used in this section, unless the context  
9 otherwise requires, "reemployed" or "reemployment"

10 means the employment of a person in a position which  
11 would otherwise be included as a membership position  
12 under subsection 1, after the person has commenced  
13 receiving a service retirement allowance under section  
14 97A.6.

15 b. If a person is reemployed, the person shall not  
16 become an active member of the system upon  
17 reemployment, and the person so reemployed and the  
18 state of Iowa shall not make contributions to the  
19 system based upon the person's compensation for  
20 reemployment. A person who is so reemployed shall  
21 continue to receive the service retirement allowance,  
22 and the service retirement allowance shall not be  
23 recalculated based upon the person's reemployment.  
24 Notwithstanding section 97B.41 or any other provision  
25 of law to the contrary, a person reemployed as  
26 provided in this subsection shall be exempt from  
27 chapter 97B.

28 § 4. Effective July 1, 1979, a person shall not  
29 become a member of the system unless that person has  
30 passed the physical and mental examination given under  
31 the provisions of section 80.15 and unless that person  
32 has received a diploma for satisfactory completion of  
33 a training school held pursuant to the provisions of  
34 section 80.13.

35 Sec. 3. Section 97A.5, subsection 8, Code  
36 Supplement 1993, is amended to read as follows:

37 8. MEDICAL BOARD. The board of trustees shall  
38 designate a medical board to be composed of three  
39 physicians who shall arrange for and pass upon the  
40 medical examinations required under the provisions of  
41 this chapter and shall report in writing to the board  
42 of trustees, its conclusions and recommendations upon  
43 all matters duly referred to it. Each report of a  
44 medical examination under section 97A.6, subsections 3  
45 and 5, shall include the medical board's rating  
46 findings in accordance with section 97A.6 as to the  
47 extent of the member's physical impairment.

48 Sec. 4. Section 97A.5, Code Supplement 1993, is  
49 amended by adding the following new subsection:

50 NEW SUBSECTION. 13. REQUIREMENTS RELATED TO THE

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1 INTERNAL REVENUE CODE.

2 a. As used in this subsection, unless the context  
3 otherwise requires, "Internal Revenue Code" means the  
4 Internal Revenue Code as defined in section 422.3.

5 b. The funds established in section 97A.8 shall be  
6 held in trust for the benefit of the members of the

7 system and the members' beneficiaries. No part of the  
8 corpus or income of the funds shall be used for, or  
9 diverted to, purposes other than for the exclusive  
10 benefit of the members or the members' beneficiaries  
11 or for expenses incurred in the operation of the  
12 funds. A person shall not have any interest in, or  
13 right to, any part of the corpus or income of the  
14 funds except as otherwise expressly provided.

15 c. Notwithstanding any provision of this chapter  
16 to the contrary, in the event of a complete  
17 discontinuance of contributions, for reasons other  
18 than achieving fully funded status upon an actuarially  
19 determined basis, or upon termination of the funds  
20 established in section 97A.8, a member shall be  
21 vested, to the extent then funded, in the benefits  
22 which the member has accrued at the date of the  
23 discontinuance or termination.

24 d. Benefits payable from the funds established in  
25 section 97A.8 to members and members' beneficiaries  
26 shall not be increased due to forfeitures from other  
27 members. Forfeitures shall be used as soon as  
28 possible to reduce future contributions by the state  
29 to the pension accumulation fund, except that the rate  
30 shall not be less than the minimum rate established in  
31 section 97A.8.

32 e. Notwithstanding any provision of this chapter  
33 to the contrary, a member's service retirement  
34 allowance shall commence on or before the later of the  
35 following:

36 (1) April 1 of the calendar year following the  
37 calendar year in which the member attains the age of  
38 seventy and one-half years.

39 (2) April 1 of the calendar year following the  
40 calendar year in which the member retires.

41 f. The maximum annual benefit payable to a member  
42 by the system shall be subject to the limitations set  
43 forth in section 415 of the Internal Revenue Code, and  
44 any regulations promulgated pursuant to that section.

45 g. The annual compensation of a member taken in  
46 account for any purpose under this chapter shall not  
47 exceed the applicable amount set forth in section  
48 401(a)(17) of the Internal Revenue Code, and any  
49 regulations promulgated pursuant to that section.

50 Sec. 5. Section 97A.6, subsection 1, Code 1993, is

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1 amended by adding the following new paragraph:  
2 NEW PARAGRAPH. c. Once a person commences  
3 receiving a service retirement allowance pursuant to

4 this section, if the person is reemployed, as defined  
5 in section 97A.3, the service retirement allowance  
6 shall not be recalculated based upon the person's  
7 reemployment.

8 Sec. 6. Section 97A.6, subsection 2, paragraph d,  
9 subparagraph (2), Code 1993, is amended to read as  
10 follows:

11 (2) For a member who terminates service, other  
12 than by death or disability, on or after July 1, 1991,  
13 but before October 16, 1992, and who does not withdraw  
14 the member's contributions pursuant to section 97A.16,  
15 upon the member's retirement there shall be added six-  
16 tenths percent of the member's average final  
17 compensation for each year of service over twenty-two  
18 years, excluding years of service after the member's  
19 fifty-fifth birthday. However, this subparagraph does  
20 not apply to more than eight additional years of  
21 service.

22 Sec. 7. Section 97A.6, subsection 2, paragraph d,  
23 Code 1993, is amended by adding the following new  
24 subparagraph:

25 NEW SUBPARAGRAPH. (3) For a member who terminates  
26 service, other than by death or disability, on or  
27 after October 16, 1992, and who does not withdraw the  
28 member's contributions pursuant to section 97A.16,  
29 upon the member's retirement there shall be added six-  
30 tenths percent of the member's average final  
31 compensation for each year of service over twenty-two  
32 years. However, this subparagraph does not apply to  
33 more than eight additional years of service.

34 Sec. 8. NEW SECTION. 97A.6B ROLLOVERS OF  
35 MEMBERS' ACCOUNTS.

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

38 a. "Direct rollover" means a payment by the system  
39 to the eligible retirement plan specified by the  
40 member or the member's surviving spouse.

41 b. "Eligible retirement plan" means either of the  
42 following that accepts an eligible rollover  
43 distribution from a member or a member's surviving  
44 spouse:

45 (1) An individual retirement account in accordance  
46 with section 408(a) of the federal Internal Revenue  
47 Code.

48 (2) An individual retirement annuity in accordance  
49 with section 408(b) of the federal Internal Revenue  
50 Code.



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1 In addition, an "eligible retirement plan" includes  
2 an annuity plan in accordance with section 403(a) of  
3 the federal Internal Revenue Code, or a qualified  
4 trust in accordance with section 401(a) of the federal  
5 Internal Revenue Code, that accepts an eligible  
6 rollover distribution from a member.

7 c. "Eligible rollover distribution" means all or  
8 any portion of a member's account, except that an  
9 eligible rollover distribution does not include any of  
10 the following:

11 (1) A distribution that is one of a series of  
12 substantially equal periodic payments, which occur  
13 annually or more frequently, made for the life or life  
14 expectancy of the distributee or the joint lives or  
15 joint life expectancies of the distributee and the  
16 distributee's designated beneficiary, or made for a  
17 specified period of ten years or more.

18 (2) A distribution to the extent that the  
19 distribution is required pursuant to section 401(a)(9)  
20 of the federal Internal Revenue Code.

21 (3) The portion of any distribution that is not  
22 includible in the gross income of the distributee,  
23 determined without regard to the exclusion for net  
24 unrealized appreciation with respect to employer  
25 securities.

26 (4) A distribution of less than two hundred  
27 dollars of taxable income.

28 2. Effective January 1, 1993, a member or a  
29 member's surviving spouse may elect, at the time and  
30 in the manner prescribed in rules adopted by the board  
31 of trustees, to have the system pay all or a portion  
32 of an eligible rollover distribution directly to an  
33 eligible retirement plan, specified by the member or  
34 the member's surviving spouse, in a direct rollover.  
35 If a member or a member's surviving spouse elects a  
36 partial direct rollover, the amount of funds elected  
37 for the partial direct rollover must equal or exceed  
38 five hundred dollars.

39 Sec. 9. Section 97A.8, subsection 1, paragraph f,  
40 subparagraphs (6) and (7), Code 1993, are amended to  
41 read as follows:

42 (6) An amount equal to eight and one-tenth percent  
43 of each member's compensation from the earnable  
44 compensation of the member shall be paid to the  
45 pension accumulation fund for the fiscal year period  
46 beginning July 1, 1994, through December 31, 1994, and  
47 an amount equal to eight and thirty-five hundredths  
48 percent of each member's compensation from the

49 earnable compensation of the member shall be paid to  
50 the pension accumulation fund for the fiscal period

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1 beginning January 1, 1995, through June 30, 1995.

2 (7) An amount equal to nine and ~~one-tenth~~ thirty-  
3 five hundredths percent of each member's compensation  
4 from the earnable compensation of the member shall be  
5 paid to the pension accumulation fund for the fiscal  
6 year beginning July 1, 1995.

7 Sec. 10. Section 97A.8, subsection 1, paragraph h,  
8 Code 1993, is amended to read as follows:

9 h. Notwithstanding the provisions of paragraph  
10 "f", the following transition percentages apply to  
11 members' contributions as specified:

12 (1) For members who on July 1, 1990, have attained  
13 the age of forty-nine years or more, an amount equal  
14 to nine and one-tenth percent of each member's  
15 compensation from the earnable compensation of the  
16 member shall be paid to the pension accumulation fund  
17 for the fiscal year period beginning July 1, 1990,  
18 through October 15, 1992, and commencing October 16,  
19 1992, and for each subsequent fiscal year thereafter  
20 period, the rates specified in paragraph "f",  
21 subparagraphs (4) through (8), shall apply.

22 (2) For members who on July 1, 1990, have attained  
23 the age of forty-eight years but have not attained the  
24 age of forty-nine years, an amount equal to eight and  
25 one-tenth percent shall be paid for the fiscal year  
26 beginning July 1, 1990, and an amount equal to nine  
27 and one-tenth percent shall be paid for the fiscal  
28 year period beginning July 1, 1991, through October  
29 15, 1992, and commencing October 16, 1992, and for  
30 each subsequent fiscal year thereafter period, the  
31 rates specified in paragraph "f", subparagraphs (4)  
32 through (8), shall apply.

33 (3) For members who on July 1, 1990, have attained  
34 the age of forty-seven years but have not attained the  
35 age of forty-eight years, an amount equal to seven and  
36 one-tenth percent shall be paid for the fiscal year  
37 beginning July 1, 1990, an amount equal to eight and  
38 one-tenth percent shall be paid for the fiscal year  
39 beginning July 1, 1991, and an amount equal to nine  
40 and one-tenth percent shall be paid for the fiscal  
41 year period beginning July 1, 1992, through October  
42 15, 1992, and commencing October 16, 1992, and for  
43 each subsequent fiscal year thereafter period, the  
44 rates specified in paragraph "f", subparagraphs (4)  
45 through (8), shall apply.

46 (4) For members who on July 1, 1990, have attained  
47 the age of forty-six years but have not attained the  
48 age of forty-seven years, an amount equal to six and  
49 one-tenth percent shall be paid for the fiscal year  
50 beginning July 1, 1990, an amount equal to seven and

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1 one-tenth percent shall be paid for the fiscal year  
2 beginning July 1, 1991, an amount equal to eight and  
3 one-tenth percent shall be paid for the fiscal year  
4 period beginning July 1, 1992, and an amount equal to  
5 nine and one-tenth percent shall be paid for the  
6 fiscal year beginning July 1, 1993, through October  
7 15, 1992, and commencing October 16, 1992, and for  
8 each subsequent fiscal year thereafter period, the  
9 rates specified in paragraph "f", subparagraphs (4)  
10 through (8), shall apply.

11 (5) For members who on July 1, 1990, have attained  
12 the age of forty-five years but have not attained the  
13 age of forty-six years, an amount equal to five and  
14 one-tenth percent shall be paid for the fiscal year  
15 beginning July 1, 1990, an amount equal to six and  
16 one-tenth percent shall be paid for the fiscal year  
17 beginning July 1, 1991, and an amount equal to seven  
18 and one-tenth percent shall be paid for the fiscal  
19 year period beginning July 1, 1992, an amount equal to  
20 eight and one-tenth percent shall be paid for the  
21 fiscal year beginning July 1, 1993, and an amount  
22 equal to nine and one-tenth percent shall be paid for  
23 the fiscal year beginning July 1, 1994, and each  
24 fiscal year thereafter through October 15, 1992.  
25 Commencing October 16, 1992, and for each subsequent  
26 fiscal period, the rates specified in paragraph "f",  
27 subparagraphs (4) through (8), shall apply.

28 Sec. 11. Section 97A.8, subsection 1, Code 1993,  
29 is amended by adding the following new paragraph:  
30 **NEW PARAGRAPH.** i. (1) Notwithstanding paragraph  
31 "g" or other provisions of this chapter, beginning  
32 January 1, 1995, member contributions required under  
33 paragraph "f" or "h" which are picked up by the  
34 department shall be considered employer contributions  
35 for federal income tax purposes, and the department  
36 shall pick up the member contributions to be made  
37 under paragraph "f" or "h" by its employees. The  
38 department shall pick up these contributions by  
39 reducing the salary of each of its employees covered  
40 by this chapter by the amount which each employee is  
41 required to contribute under paragraph "f" or "h" and  
42 shall certify the amount picked up in lieu of the

43 member contributions to the department of revenue and  
44 finance. The department of revenue and finance shall  
45 forward the amount of the contributions picked up to  
46 the board of trustees for recording and deposit in the  
47 pension accumulation fund.

48 (2) Member contributions picked up by the  
49 department under subparagraph (1) shall be treated as  
50 employer contributions for federal income tax purposes

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1 only and for all other purposes of this chapter and  
2 the laws of this state shall be treated as employee  
3 contributions and deemed part of the employee's  
4 earnable compensation or salary.

### 5 Sec. 12. NEW SECTION. 97B.11A PICKUP OF EMPLOYEE 6 CONTRIBUTIONS.

7 1. Notwithstanding section 97B.11 or other  
8 provisions of this chapter, beginning January 1, 1995,  
9 member contributions required under section 97B.11  
10 which are picked up by the employer shall be  
11 considered employer contributions for federal income  
12 tax purposes, and each employer shall pick up the  
13 member contributions to be made under section 97B.11  
14 by its employees. Each employer shall pick up these  
15 contributions by reducing the salary of each of its  
16 employees covered by this chapter by the amount which  
17 each employee is required to contribute under section  
18 97B.11 and shall pay the amount picked up in lieu of  
19 the member contributions as provided in section  
20 97B.14.

21 2. Member contributions picked up by each employer  
22 under subsection 1 shall be treated as employer  
23 contributions for federal income tax purposes only and  
24 for all other purposes of this chapter and the laws of  
25 this state shall be treated as employee contributions  
26 and deemed part of the employee's wages or salary.

27 Sec. 13. Section 97B.14, Code 1993, is amended to  
28 read as follows:

### 29 97B.14 CONTRIBUTIONS FORWARDED.

30 Contributions deducted from the wages of the member  
31 or member contributions picked up by the employer  
32 under section 97B.11A and the employer's contribution  
33 shall be forwarded to the department for recording and  
34 deposited with the treasurer of the state to the  
35 credit of the Iowa public employees' retirement fund.  
36 Contributions shall be remitted monthly, if total  
37 contributions by both employee and employer amount to  
38 one hundred dollars or more each month, and shall be  
39 otherwise paid in such manner, at such times and under

40 such conditions, either by copies of payrolls or other  
41 methods necessary or helpful in securing proper  
42 identification of the member, as may be prescribed by  
43 the department.

44 Sec. 14. Section 97B.25, Code 1993, is amended to  
45 read as follows:

46 97B.25 APPLICATIONS FOR BENEFITS.

47 A representative designated by the ~~administrator~~  
48 chief benefits officer and referred to in this chapter  
49 as a retirement benefits specialist; shall promptly  
50 examine applications for retirement benefits and on

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1 the basis of facts found shall determine whether or  
2 not the claim is valid and if valid, the month with  
3 respect to which benefits shall commence, the monthly  
4 benefit amount payable, and the maximum duration. The  
5 retirement benefits specialist shall promptly notify  
6 the applicant and any other interested party of the  
7 decision and the reasons. Unless the applicant or  
8 other interested party, within thirty calendar days  
9 after the notification was mailed to the applicant's  
10 or party's last known address, files an appeal as  
11 provided in section 97B.20A, the decision is final and  
12 benefits shall be paid or denied in accord with the  
13 decision.

14 Sec. 15. Section 97B.41, subsection 8, paragraph  
15 a, unnumbered paragraph 1, Code Supplement 1993, is  
16 amended to read as follows:

17 "Employer" means the state of Iowa, the counties,  
18 municipalities, agencies, public school districts, all  
19 political subdivisions, and all of their departments  
20 and instrumentalities, including area agencies on  
21 aging, other than those employing persons as specified  
22 in paragraph "b", subparagraph (19), and joint  
23 planning commissions created under chapter 28E or 28I.

24 Sec. 16. Section 97B.41, subsection 8, paragraph  
25 b, subparagraph (1), Code Supplement 1993, is amended  
26 to read as follows:

27 (1) Elective officials in positions for which the  
28 compensation is on a fee basis, elective officials of  
29 school districts, elective officials of townships, and  
30 elective officials of other political subdivisions who  
31 are in part-time positions, unless the elective  
32 official makes an application to the department to be  
33 covered under this chapter. An elective official who  
34 made an application to the department to be covered  
35 under this chapter may terminate membership under this  
36 chapter by informing the department in writing of the

37 expiration of the member's term of office termination  
38 from covered employment. A county attorney is an  
39 employee for purposes of this chapter whether that  
40 county attorney is employed on a full-time or part-  
41 time basis.

42 Sec. 17. Section 97B.41, subsection 8, paragraph  
43 b, subparagraph (4), unnumbered paragraph 1, Code  
44 Supplement 1993, is amended to read as follows:  
45 Members of the general assembly of Iowa and  
46 temporary employees of the general assembly of Iowa,  
47 unless such members or employees make an application  
48 to the department to be covered under this chapter. A  
49 member of the general assembly who made an application  
50 to the department to be covered under this chapter may

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1 terminate membership under this chapter by informing  
2 the department in writing of the member's intent to  
3 terminate termination from covered employment.

4 Sec. 18. Section 97B.41, subsection 8, paragraph  
5 b, Code Supplement 1993, is amended by adding the  
6 following new subparagraph:

7 NEW SUBPARAGRAPH. (19) Employees of an area  
8 agency on aging, if as of July 1, 1994, the agency  
9 provides for participation by all of its employees in  
10 an alternative qualified plan pursuant to the  
11 requirements of the federal Internal Revenue Code.

12 Sec. 19. Section 97B.41, subsection 12, Code  
13 Supplement 1993, is amended to read as follows:

14 12. "Membership service" means service rendered by  
15 a member after July 4, 1953. Years of membership  
16 service shall be counted to the complete quarter  
17 calendar year. However, membership service for a  
18 calendar year shall not include more than four  
19 quarters. In determining a member's period of  
20 membership service, the department shall combine all  
21 periods of service for which the member has made  
22 contributions. If the department has not maintained  
23 the accumulated contribution account of the member for  
24 a period of service, as provided pursuant to section  
25 97B.53, subsection 6, the department shall credit the  
26 member for the service if the member submits  
27 satisfactory proof to the department that the member  
28 did make the contributions for the period of service  
29 and did not take a refund for the period of service.  
30 However, the department shall not implement the  
31 amendments to this subsection, as enacted in this Act,  
32 unless and until the department determines that the  
33 most recent annual actuarial valuation of the

34 retirement system indicates that the employer and  
35 employee contribution rates in effect under section  
36 97B.11 can absorb the amendments to this subsection  
37 and to section 97B.53, subsections 3 and 7, section  
38 97B.53, subsection 6, unnumbered paragraph 1, and  
39 section 97B.70, by enacting a new subsection 4,  
40 contained in this Act, after meeting the other  
41 established priorities of the system. Until the  
42 amendments are implemented, the department shall  
43 continue to implement the provisions of section  
44 97B.41, subsection 12, Code Supplement 1993. As used  
45 in this subsection, unless the context otherwise  
46 requires, "other established priorities of the system"  
47 means that commencing January 1 following the most  
48 recent annual actuarial valuation of the system, the  
49 department has increased the covered wage limitation  
50 from the previous year by three thousand dollars, in

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1 accordance with section 97B.41, subsection 20,  
2 paragraph "b", subparagraph (1), and that the  
3 department has implemented the amendments to section  
4 97B.66, unnumbered paragraphs 1 and 2, section 97B.72,  
5 unnumbered paragraphs 1 and 2, section 97B.72A,  
6 subsection 1, unnumbered paragraph 1, section 97B.73A,  
7 unnumbered paragraph 1, and section 97B.74, unnumbered  
8 paragraphs 1 and 2, contained in this Act.

9 Sec. 20. Section 97B.41, subsection 15, paragraph  
10 a, Code Supplement 1993, is amended to read as  
11 follows:

12 a. Service in the armed forces of the United  
13 States during a period of war or national emergency,  
14 if the employee was employed by the employer  
15 immediately prior to entry into the armed forces, and  
16 if the employee was released from service and returns  
17 to covered employment with the employer within twelve  
18 months of the date on which the employee has the right  
19 of release from service or within a longer period as  
20 provided by the applicable laws of the United States.

21 Sec. 21. Section 97B.41, subsection 18, Code  
22 Supplement 1993, is amended to read as follows:

23 18. "Three-year average covered wage" means a  
24 member's covered wages averaged for the highest three  
25 years of the member's service, except as otherwise  
26 provided in this subsection. The highest three years  
27 of a member's covered wages shall be determined using  
28 calendar years. However, if a member's final quarter  
29 of a year of employment does not occur at the end of a  
30 calendar year, the department may determine the wages

31 for the third year by combining the wages from the  
32 highest quarter or quarters of the member's service  
33 not being used in the selection of the two highest  
34 years with the final quarter or quarters of the  
35 member's service to create a full year. However, the  
36 department shall not use the member's final quarter of  
37 wages if using that quarter would reduce the member's  
38 three-year average covered wage. If the three-year  
39 average covered wage of a member exceeds the highest  
40 maximum covered wages in effect for a calendar year  
41 during the member's period of service, the three-year  
42 average covered wage of the member shall be reduced to  
43 the highest maximum covered wages in effect during the  
44 member's period of service.

45 Sec. 22. Section 97B.42, unnumbered paragraph 1,  
46 Code 1993, is amended to read as follows:

47 Each employee whose employment commences after July  
48 4, 1953, or who has not qualified for credit for prior  
49 service rendered prior to July 4, 1953, or any  
50 publicly elected official of the state or any of its

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1 political subdivisions shall become a member upon the  
2 first day in which such employee is employed. The  
3 employee shall continue to be ~~a~~ an active member so  
4 long as the employee continues in public covered  
5 employment. The employee shall cease to be ~~a~~ an  
6 active member if the employee joins another retirement  
7 system in the state which is maintained in whole or in  
8 part by public contributions or payments. If an  
9 employee joins another publicly maintained retirement  
10 system, the employee may elect to leave the employee's  
11 accumulated contributions in the retirement fund or  
12 receive a refund of the employee's accumulated  
13 contributions in the manner provided for members who  
14 are terminating covered employment pursuant to section  
15 97B.53. However, if an employee joins another  
16 publicly maintained retirement system and leaves the  
17 employee's accumulated contributions in the retirement  
18 fund, the employee shall not be eligible to receive  
19 retirement benefits until the employee has a bona fide  
20 retirement from employment with a covered employer as  
21 provided in section 97B.52A, or until the employee  
22 would otherwise be eligible to receive benefits upon  
23 attaining the age of seventy years as provided in  
24 section 97B.46.  
25 Employment shall not be covered under this chapter  
26 until the employment is covered under the federal  
27 Social Security Act and any agreements which are



28 required pursuant to chapter 97C are effective.

29 Sec. 23. Section 97B.42, unnumbered paragraph 5,  
30 Code 1993, is amended to read as follows:

31 Notwithstanding any other provision of this  
32 section, commencing July 1, 1994, a member who is  
33 employed by a community college may elect coverage  
34 under an alternative retirement benefits system, which  
35 is issued by or through a nonprofit corporation  
36 issuing retirement annuities exclusively to  
37 educational institutions and their employees, in lieu  
38 of continuing or commencing contributions to the Iowa  
39 public employees' retirement system, if the board of  
40 directors of the community college has approved the  
41 alternative system pursuant to section 260C.23.

42 However, the employer's annual contribution in dollars  
43 to the alternative retirement benefits system shall  
44 not exceed the annual contribution in dollars which  
45 the employer would contribute if the employee had  
46 elected to remain an active member under this chapter,  
47 as set forth in section 97B.11. A member employed by  
48 a community college who elects coverage under an  
49 alternative retirement benefits system may withdraw  
50 the member's accumulated contributions effective when

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1 coverage under the alternative benefits system  
2 commences. A member who is employed by a community  
3 college prior to July 1, 1994, must file an election  
4 for coverage under the alternative retirement benefits  
5 system with the department and the employing community  
6 college within one year of the first day on which  
7 coverage commences under the community college's  
8 alternative retirement benefits system, or the  
9 employee shall remain a member under this chapter and  
10 shall not be eligible to elect to participate in that  
11 community college's alternative retirement benefits  
12 system at a later date. Employees of a community  
13 college hired on or after July 1, 1994, must file an  
14 election for coverage under the alternative retirement  
15 benefits system with the department and the employing  
16 community college within sixty days of commencing  
17 employment, or the employee shall remain a member  
18 under this chapter and shall not be eligible to elect  
19 to participate in that community college's alternative  
20 retirement benefits system at a later date. The  
21 department shall cooperate with the boards of  
22 directors of the community colleges to facilitate the  
23 implementation of this provision.

24 Sec. 24. NEW SECTION. 97B.42A OPTIONAL

**25 MEMBERSHIP.**

26 Commencing July 1, 1994, a person who is newly  
 27 hired in a position in which the person may elect  
 28 coverage by filing an application under section  
 29 97B.41, subsection 8, paragraph "b", must file an  
 30 application within sixty days of employment in the  
 31 position in order to be covered under this chapter. A  
 32 person who is employed in a position in which the  
 33 person may elect coverage under section 97B.41,  
 34 subsection 8, paragraph "b", prior to July 1, 1994,  
 35 but who has not filed an application prior to that  
 36 date, must file an application on or before July 1,  
 37 1995, in order to be covered under this chapter.  
 38 Coverage will begin when the election has been  
 39 approved by the department and shall apply  
 40 prospectively from that date. If an application is  
 41 approved pursuant to section 97B.41, subsection 8,  
 42 paragraph "b", or this section, the member shall not  
 43 terminate active membership until the member  
 44 terminates covered employment.

45 **Sec. 25. NEW SECTION. 97B.42B OPTIONAL**  
 46 **MEMBERSHIP FOR CERTAIN PUBLIC SAFETY EMPLOYEES.**

47 1. Commencing July 1, 1994, a person who is newly  
 48 hired in the following positions in the department of  
 49 public safety shall be a member of the Iowa department  
 50 of public safety peace officers' retirement, accident

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1 and disability system established in chapter 97A:  
 2 a. Gaming enforcement officers employed by the  
 3 division of criminal investigation for excursion boat  
 4 gambling enforcement activities.  
 5 b. Fire prevention inspector peace officers.  
 6 c. Employees of the division of capitol police,  
 7 except clerical workers.  
 8 2. Commencing July 1, 1994, notwithstanding any  
 9 other provision of law to the contrary, a member who  
 10 is employed in a position specified in subsection 1  
 11 prior to July 1, 1994, may elect coverage under the  
 12 Iowa department of public safety peace officers'  
 13 retirement, accident and disability system established  
 14 in chapter 97A, in lieu of continuing contributions to  
 15 the Iowa public employees' retirement system, or may  
 16 remain a member of the Iowa public employees'  
 17 retirement system. A member who is employed in a  
 18 position specified in subsection 1 prior to July 1,  
 19 1994, must file an election for coverage under the  
 20 Iowa department of public safety peace officers'  
 21 retirement, accident and disability system with the

22 board of trustees established in section 97A.5 on or  
23 before July 1, 1995, or the employee shall remain a  
24 member under this chapter and shall not be eligible to  
25 elect to participate in the system established  
26 pursuant to chapter 97A at a later date pursuant to  
27 this section. The board of trustees established in  
28 section 97A.5 shall notify the department of personnel  
29 of elections received pursuant to this section, and  
30 the board of trustees and the department shall  
31 cooperate to facilitate the implementation of this  
32 section. Coverage under chapter 97A shall commence,  
33 and coverage as an active member under this chapter  
34 shall cease, when the election has been approved by  
35 the board of trustees established in section 97A.5.  
36 3. If an employee elects coverage under chapter  
37 97A as provided in subsection 2 and the election is  
38 approved by the board of trustees established in  
39 section 97A.5, membership in the Iowa public  
40 employees' retirement system shall cease, and the  
41 employee shall be transferred to membership in the  
42 Iowa department of public safety peace officers'  
43 retirement, accident and disability system. The  
44 department of personnel shall transfer the accumulated  
45 contributions of these employees to the treasurer of  
46 state for deposit in the pension accumulation fund  
47 established in section 97A.8. However, employer  
48 contributions which were made with respect to the  
49 employees while the employees were members of the Iowa  
50 public employees' retirement system shall remain in

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1 the fund established in section 97B.7, and any costs  
2 pertaining to the payment of employer contributions to  
3 the system established in chapter 97A with respect to  
4 the period of time during which the employees were  
5 members of the Iowa public employees' retirement  
6 system, or any other costs related to the transfer,  
7 shall be borne by the system established in chapter  
8 97A, notwithstanding any other provision of law to the  
9 contrary.  
10 4. Notwithstanding any other provision of law to  
11 the contrary, if the board of trustees established in  
12 section 97A.5 approves an election pursuant to  
13 subsection 2, the employees transferred from coverage  
14 under this chapter to coverage under the system  
15 established in chapter 97A shall receive credit for  
16 years of service under chapter 97A for those years of  
17 service during which the employees were members of the  
18 Iowa public employees' retirement system and employed

19 in positions specified in subsection 1. In addition,  
20 notwithstanding the limitation on covered wages  
21 provided in section 97B.41, subsection 20,  
22 compensation which was paid to an employee in a  
23 position specified in subsection 1 while the employee  
24 was a member pursuant to this chapter shall be  
25 included in determining the average final compensation  
26 of the employee pursuant to chapter 97A, if  
27 applicable. Employees whose membership is transferred  
28 pursuant to this section and the employer, the  
29 department of public safety, shall not be required to  
30 pay the difference in the employee and employer  
31 contributions in effect for the period of time in  
32 which the employees were members pursuant to this  
33 chapter, as compared to the employee and employer  
34 contributions then in effect for members of the system  
35 established in chapter 97A.

36 5. It is the intent of the general assembly that  
37 in administering the provisions of this section, the  
38 board of trustees established in section 97A.5 and the  
39 department of personnel shall interpret this section  
40 in a manner which provides that the employees whose  
41 membership is transferred shall not lose benefits  
42 which would have otherwise accrued had the employees  
43 been members of the system established in chapter 97A  
44 during the period of time in which the employees were  
45 actually members of the Iowa public employees'  
46 retirement system.

47 Sec. 26. Section 97B.45, unnumbered paragraph 2,  
48 Code 1993, is amended to read as follows:

49 A member may retire after the member's sixty-fifth  
50 birthday except as otherwise provided in section

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1 97B.46. A member retiring on or after the normal  
2 retirement date, as provided in section 97B.46, shall  
3 submit a written notice to the department setting  
4 forth the date the retirement is to become effective.  
5 The date shall be after the member's last day of  
6 service and not before the first day of the sixth  
7 calendar month preceding the month in which the notice  
8 is filed, ~~except that credit for service ceases when~~  
9 ~~contributions cease as provided in section 97B.11.~~

10 Sec. 27. Section 97B.46, Code 1993, is amended to  
11 read as follows:

12 97B.46 SERVICE AFTER AGE SIXTY-FIVE.

13 1. A member who is not an active member of any  
14 other retirement system in the state which is  
15 maintained in whole or in part by public contributions

16 may remain in service beyond the date the member  
17 attains the age of sixty-five. ~~The employee shall~~  
18 ~~retire on the first day of the month after the last~~  
19 ~~day of service.~~ The employer shall not consider age  
20 as a factor in determining the continuation of the  
21 member's service.

22 2. A member shall not be employed as a peace  
23 officer or as a fire fighter after attaining the age  
24 of sixty-five.

25 3. ~~Credit for service shall cease when~~  
26 ~~contributions cease as provided by section 97B.11.~~ A  
27 member remaining in service after attaining the age of  
28 seventy years is entitled to receive a retirement  
29 allowance under section 97B.49 as applicable  
30 commencing with payment for the calendar month within  
31 which the written notice is submitted to the  
32 department, except that if the member fails to submit  
33 the notice on a timely basis, retroactive payments  
34 shall be made for no more than six months immediately  
35 preceding the month in which the written notice is  
36 submitted.

37 Sec. 28. Section 97B.48, subsection 1, Code 1993,  
38 is amended to read as follows:

39 1. Retirement allowances shall be paid monthly,  
40 except that an allowance of less than ~~two~~ six hundred  
41 ~~forty~~ dollars a year may, at the member's option, be  
42 paid as a lump sum in an actuarial equivalent amount.  
43 Receipt of the lump-sum payment by a member shall  
44 terminate any and all entitlement for the period of  
45 service covered of the member under this chapter.

46 Sec. 29. Section 97B.49, subsection 13, paragraphs  
47 a and b, Code Supplement 1993, are amended to read as  
48 follows:

49 a. A member who retired from the system between  
50 January 1, 1976, and June 30, 1982, or a contingent

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1 annuitant or beneficiary of such a member, shall  
2 receive with the November ~~1992~~ 1994 and the November  
3 ~~1993~~ 1995 monthly benefit payments a retirement  
4 dividend equal to one hundred ~~forty~~ eighty-one percent  
5 of the monthly benefit payment the member received for  
6 the preceding June, or the most recently received  
7 benefit payment, whichever is greater. The retirement  
8 dividend does not affect the amount of a monthly  
9 benefit payment.

10 b. Each member who retired from the system between  
11 July 4, 1953, and December 31, 1975, or a contingent  
12 annuitant or beneficiary of such a member, shall

13 receive with the November ~~1992~~ 1994 and the November  
14 ~~1993~~ 1995 monthly benefit payments a retirement  
15 dividend equal to ~~one~~ two hundred ~~eighty~~ thirty-six  
16 percent of the monthly benefit payment the member  
17 received for the preceding June, or the most recently  
18 received benefit payment, whichever is greater. The  
19 retirement dividend does not affect the amount of a  
20 monthly benefit payment.

21 Sec. 30. Section 97B.49, subsection 13, paragraph  
22 d, Code Supplement 1993, is amended to read as  
23 follows:

24 d. A member who retired from the system between  
25 July 1, 1982, and June 30, 1986, or a contingent  
26 annuitant or beneficiary of such a member, shall  
27 receive with the November ~~1992~~ 1994 and the November  
28 ~~1993~~ 1995 monthly benefit payments a retirement  
29 dividend equal to ~~twenty-four~~ forty-nine percent of  
30 the monthly benefit payment the member received for  
31 the preceding June, or the most recently received  
32 benefit payment, whichever is greater. The retirement  
33 dividend does not affect the amount of a monthly  
34 benefit payment.

35 Sec. 31. Section 97B.49, subsection 16, paragraph  
36 d, subparagraph (6), Code Supplement 1993, is amended  
37 by striking the subparagraph.

38 Sec. 32. Section 97B.49, subsection 16, paragraph  
39 d, subparagraph (8), Code Supplement 1993, is amended  
40 to read as follows:

41 (8) A fire prevention inspector peace officer  
42 employed by the department of public safety prior to  
43 July 1, 1994, who does not elect coverage under the  
44 Iowa department of public safety peace officers'  
45 retirement, accident and disability system, as  
46 provided in section 97B.42B.

47 Sec. 33. Section 97B.49, subsection 16, paragraph  
48 j, Code Supplement 1993, is amended to read as  
49 follows:

50 j. For the fiscal year commencing July 1, 1988,

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1 and each succeeding fiscal year, there is appropriated  
2 from the general fund of the state to the department  
3 of personnel, from funds not otherwise appropriated,  
4 an amount necessary to pay the employer share of the  
5 cost of the additional benefits provided to employees  
6 covered under paragraph "d", ~~subparagraphs~~  
7 subparagraph (4) and (6).

8 Sec. 34. Section 97B.50, subsection 1, unnumbered  
9 paragraph 1, Code 1993, is amended to read as follows:

10 Except as otherwise provided in this section, a  
11 vested member, upon retirement prior to the normal  
12 retirement date other than that specified in section  
13 97B.45, subsection 4, is entitled to receive a monthly  
14 retirement allowance determined in the same manner as  
15 provided for normal retirement in section 97B.49,  
16 subsections 1, 4, and 5, of ~~section 97B.49~~ reduced as  
17 follows:

18 Sec. 35. Section 97B.50, subsection 2, Code 1993,  
19 is amended to read as follows:

20 2. a. A vested member who retires from the system  
21 due to disability and commences receiving disability  
22 benefits pursuant to the United States federal Social  
23 Security Act, (42 U.S.C.); as amended to July 1, 1978  
24 § 423 et seq., and who has not reached the normal  
25 retirement date, shall receive benefits under section  
26 97B.49 and shall not have benefits reduced upon  
27 retirement as required under subsection 1 regardless  
28 of whether the member has completed thirty or more  
29 years of membership service. However, the benefits  
30 shall be suspended during any period in which the  
31 member returns to covered employment. This section  
32 takes effect July 1, 1990, for a member meeting the  
33 requirements of this paragraph who retired from the  
34 system at any time after July 4, 1953. Eligible  
35 members are entitled to the receipt of retroactive  
36 adjustment payments back to July 1, 1990.

37 b. A vested member who retires from the system due  
38 to disability and commences receiving disability  
39 benefits pursuant to the United States federal  
40 Railroad Retirement Act, (45 U.S.C. § 231 et seq.),  
41 and who has not reached the normal retirement date,  
42 shall receive benefits under section 97B.49 and shall  
43 not have benefits reduced upon retirement as required  
44 under subsection 1 regardless of whether the member  
45 has completed thirty or more years of membership  
46 service. However, the benefits shall be suspended  
47 during any period in which the member returns to  
48 covered employment. This section takes effect July 1,  
49 1990, for a member meeting the requirements of this  
50 paragraph who retired from the system at any time

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1 since July 4, 1953. Eligible members are entitled to  
2 the receipt of retroactive adjustment payments back to  
3 July 1, 1990.

4 Sec. 36. Section 97B.53, subsection 3, Code 1993,  
5 is amended to read as follows:

6 3. The accumulated contributions of a terminated,

7 vested member shall be credited with interest,  
8 including interest dividends, in the manner provided  
9 in section 97B.70. Interest and interest dividends  
10 shall be credited to the accumulated contributions of  
11 members who terminate service and subsequently become  
12 vested in accordance with section 97B.70. However,  
13 the department shall not implement the amendments to  
14 this subsection or to subsection 6, unnumbered  
15 paragraph 1, or to subsection 7, as enacted in this  
16 Act, unless and until the department determines that  
17 the most recent 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 the amendments to these provisions  
21 of this section and the amendments to section 97B.41,  
22 subsection 12, and section 97B.70, by enacting a new  
23 subsection 4, contained in this Act, after meeting the  
24 other established priorities of the system, as defined  
25 in section 97B.41, subsection 12. Until the  
26 amendments are implemented, the department shall  
27 continue to implement the provisions of section  
28 97B.53, subsections 3 and 7, and section 97B.53,  
29 subsection 6, unnumbered paragraph 1, 1993 Code of  
30 Iowa.

31 Sec. 37. Section 97B.53, subsection 6, unnumbered  
32 paragraph 1, Code 1993, is amended to read as follows:  
33 A member who terminates employment before the  
34 member is vested and who does not claim and receive a  
35 refund of the member's accumulated contributions  
36 within five ten years of the date of termination  
37 shall, if the member makes claim for a refund more  
38 than five ten years after the date of termination, be  
39 required to submit proof satisfactory to the  
40 department of the member's entitlement to the refund;  
41 but in no case shall interest be allowed upon the  
42 accumulated contributions for any period in which the  
43 member is not an employee. Interest and interest  
44 dividends on the accumulated contributions shall only  
45 be credited if provided in accordance with section  
46 97B.70. The department is under no obligation to  
47 maintain the accumulated contribution accounts of such  
48 former members for more than five ten years after  
49 their dates of termination.

50 Sec. 38. Section 97B.53, subsection 7, Code 1993,

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1 is amended to read as follows:

2 7. Any member whose employment is terminated after  
3 one year of employment but before the member has



4 accumulated four or more years of employment, either  
5 under the provisions of this chapter or as a result of  
6 prior service credits, may elect to leave the member's  
7 accumulated contributions in the retirement fund. In  
8 the event the member returns to public employment at  
9 any time within four years after this termination of  
10 employment, the member shall be entitled to resume  
11 membership in the system with the same credits for  
12 prior service and accumulated contributions that the  
13 member had earned when the member's original  
14 employment was terminated. No interest shall be  
15 credited on the member's accumulated contributions nor  
16 on the member's employer's accumulated contributions  
17 during the period from the time of the member's  
18 termination of employment to the member's resumption  
19 of employment.

20 Any member who has resumed employment under the  
21 provisions of this subsection shall not be eligible  
22 for any second period of absence from membership as a  
23 result of termination of service.

24 Sec. 39. NEW SECTION. 97B.53B ROLLOVERS OF  
25 MEMBERS' ACCOUNTS.

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

28 a. "Direct rollover" means a payment by the system  
29 to the eligible retirement plan specified by the  
30 member or the member's surviving spouse.

31 b. "Eligible retirement plan" means either of the  
32 following that accepts an eligible rollover  
33 distribution from a member or a member's surviving  
34 spouse:

35 (1) An individual retirement account in accordance  
36 with section 408(a) of the federal Internal Revenue  
37 Code.

38 (2) An individual retirement annuity in accordance  
39 with section 408(b) of the federal Internal Revenue  
40 Code.

41 In addition, an "eligible retirement plan" includes  
42 an annuity plan in accordance with section 403(a) of  
43 the federal Internal Revenue Code, or a qualified  
44 trust in accordance with section 401(a) of the federal  
45 Internal Revenue Code, that accepts an eligible  
46 rollover distribution from a member.

47 c. "Eligible rollover distribution" means all or  
48 any portion of a member's account, except that an  
49 eligible rollover distribution does not include any of  
50 the following:

## Page 21

1 (1) A distribution that is one of a series of  
2 substantially equal periodic payments, which occur  
3 annually or more frequently, made for the life or life  
4 expectancy of the distributee or the joint lives or  
5 joint life expectancies of the distributee and the  
6 distributee's designated beneficiary, or made for a  
7 specified period of ten years or more.

8 (2) A distribution to the extent that the  
9 distribution is required pursuant to section 401(a)(9)  
10 of the federal Internal Revenue Code.

11 (3) The portion of any distribution that is not  
12 includible in the gross income of the distributee,  
13 determined without regard to the exclusion for net  
14 unrealized appreciation with respect to employer  
15 securities.

16 (4) A distribution of less than two hundred  
17 dollars of taxable income.

18 2. Effective January 1, 1993, a member or a  
19 member's surviving spouse may elect, at the time and  
20 in the manner prescribed in rules adopted by the  
21 department, to have the department pay all or a  
22 portion of an eligible rollover distribution directly  
23 to an eligible retirement plan, specified by the  
24 member or the member's surviving spouse, in a direct  
25 rollover. If a member or a member's surviving spouse  
26 elects a partial direct rollover, the amount of funds  
27 elected for the partial direct rollover must equal or  
28 exceed five hundred dollars.

29 Sec. 40. Section 97B.56, Code 1993, is amended to  
30 read as follows:

31 **97B.56 ABOLISHED SYSTEM -- LIQUIDATION FUND.**

32 The assets of the old-age and survivors'  
33 liquidation fund, established by sections 97.50 to  
34 97.53 and any future payments or assets payable to the  
35 old-age and survivors' liquidation fund, are hereby  
36 transferred to the retirement fund, and all payments  
37 hereafter due in accordance with the provisions of  
38 said sections shall be paid from the retirement fund;  
39 and the liability for such payments shall be  
40 considered as allowances arising from prior service as  
41 provided in section 97B.54.

42 Commencing July 1, 1967, and each year thereafter,  
43 the contributions required to fund the actuarial  
44 liabilities from the abolished system shall be  
45 determined in accordance with section 97B.54.

46 Sec. 41. Section 97B.61, unnumbered paragraph 2,  
47 Code 1993, is amended to read as follows:

48 After accepting the actuarial methods and

49 assumptions of the valuation, the department shall  
50 certify to the governor the contribution rates

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1 determined thereby as the rates necessary and  
2 sufficient for members and employers to fully fund the  
3 benefits and retirement allowances being credited for  
4 membership service and to make the accrued liability  
5 contributions in level installments required for prior  
6 service under section 97B.54.

7 Sec. 42. Section 97B.66, unnumbered paragraphs 1  
8 and 2, Code Supplement 1993, are amended to read as  
9 follows:

10 A vested or retired member who was a member of the  
11 teachers insurance and annuity association-college  
12 retirement equity fund at any time between July 1,  
13 1967 and June 30, 1971 and who became a member of the  
14 system on July 1, 1971, upon submitting verification  
15 of service and wages earned during the applicable  
16 period of service under the teachers insurance and  
17 annuity association-college retirement equity fund,  
18 may make employer and employee contributions to the  
19 system based upon the covered wages of the member and  
20 the covered wages and the contribution rates in effect  
21 for all or a portion of that period of service and  
22 receive credit for membership service under this  
23 system equivalent to the number of years applicable  
24 period of membership service in the teachers insurance  
25 and annuity association-college retirement equity fund  
26 for which the contributions have been made. In  
27 addition, a member making employer and employee  
28 contributions because of membership in the teachers  
29 insurance and annuity association-college retirement  
30 equity fund under this section who was a member of the  
31 system on June 30, 1967 and withdrew the member's  
32 accumulated contributions because of membership on  
33 July 1, 1967 in the teachers insurance and annuity  
34 association-college retirement equity fund, may make  
35 employee contributions to the system for all or a  
36 portion of the period of service under the system  
37 prior to July 1, 1967. A member making contributions  
38 pursuant to this section may make the contributions  
39 either for the entire applicable period of service,  
40 or, effective upon the date that the department  
41 determines that the amendments to this paragraph and  
42 unnumbered paragraph 2 contained in this Act shall be  
43 implemented, for portions of the period of service,  
44 and if contributions are made for portions of the  
45 period of service, the contributions shall be in

46 increments of one or more years, as long as the  
 47 increments represent full years and not a portion of a  
 48 year. However, the department shall not implement the  
 49 amendments to this paragraph or unnumbered paragraph  
 50 2, as enacted in this Act, unless and until the

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1 department determines that the most recent annual  
 2 actuarial valuation of the retirement system indicates  
 3 that the employer and employee contribution rates in  
 4 effect under section 97B.11 can absorb the amendments  
 5 to this paragraph and unnumbered paragraph 2 and to  
 6 section 97B.72, unnumbered paragraphs 1 and 2, section  
 7 97B.72A, subsection 1, unnumbered paragraph 1, section  
 8 97B.73A, unnumbered paragraph 1, and section 97B.74,  
 9 unnumbered paragraphs 1 and 2, contained in this Act,  
 10 after meeting the other established priority of the  
 11 system. Until the amendments are implemented, the  
 12 department shall continue to implement the provisions  
 13 of section 97B.66, unnumbered paragraphs 1 and 2, Code  
 14 Supplement 1993. As used in this section, unless the  
 15 context otherwise requires, "other established  
 16 priority of the system" means that commencing January  
 17 1 following the most recent annual actuarial valuation  
 18 of the system, the department has increased the  
 19 covered wage limitation from the previous year by  
 20 three thousand dollars, in accordance with section  
 21 97B.41, subsection 20, paragraph "b", subparagraph  
 22 (11).

23 The contributions paid by the vested or retired  
 24 member shall be equal to the accumulated contributions  
 25 as defined in section 97B.41, subsection 2, by the  
 26 member for ~~that~~ the applicable period of service, and  
 27 the employer contribution for ~~that~~ the applicable  
 28 period of service under the teachers insurance and  
 29 annuity association-college retirement equity fund,  
 30 that would have been or had been contributed by the  
 31 vested or retired member and the employer, if  
 32 applicable, plus interest on the contributions that  
 33 would have accrued for the applicable period from the  
 34 date the previous applicable period of service  
 35 commenced under this system or from the date the  
 36 service of the member in the teachers insurance and  
 37 annuity association-college retirement equity fund  
 38 commenced to the date of payment of the contributions  
 39 by the member equal to two percent plus the interest  
 40 dividend rate applicable for each year.

41 Sec. 43. Section 97B.70, Code 1993, is amended by  
 42 adding the following new subsection:

43 NEW SUBSECTION. 4. Effective upon the date that  
44 the department determines that this subsection shall  
45 be implemented, interest and interest dividends shall  
46 be credited to the contributions of a person who  
47 leaves the contributions in the retirement fund upon  
48 termination from covered employment prior to achieving  
49 vested status, but who subsequently achieves vested  
50 status. The interest and interest dividends shall be

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1 credited to the contributions commencing either upon  
2 the date that the department determines that this  
3 subsection shall be implemented, or the date on which  
4 the person becomes a vested member, whichever is  
5 later. Interest and interest dividends shall cease  
6 upon the first of the month coinciding with or next  
7 following the person's retirement date. If the  
8 department no longer maintains the accumulated  
9 contribution account of the person pursuant to section  
10 97B.53, but the person submits satisfactory proof to  
11 the department that the person did make the  
12 contributions, the department shall credit interest  
13 and interest dividends in the manner provided in this  
14 subsection. However, the department shall not  
15 implement this subsection, unless and until the  
16 department determines that the most recent annual  
17 actuarial valuation of the retirement system indicates  
18 that the employer and employee contribution rates in  
19 effect under section 97B.11 can absorb the enactment  
20 of this subsection and the amendments to section  
21 97B.41, subsection 12, section 97B.53, subsections 3  
22 and 7, and section 97B.53, subsection 6, unnumbered  
23 paragraph 1, contained in this Act, after meeting the  
24 other established priorities of the system, as defined  
25 in section 97B.41, subsection 12.

26 Sec. 44. Section 97B.72, unnumbered paragraphs 1  
27 and 2, Code Supplement 1993, are amended to read as  
28 follows:

29 Persons who are members of the Seventy-first  
30 General Assembly or a succeeding general assembly who  
31 submit proof to the department of membership in the  
32 general assembly during any period beginning July 4,  
33 1953, may make contributions to the system for all or  
34 a portion of the period of service in the general  
35 assembly, and receive credit for the applicable period  
36 for which contributions are made. The contributions  
37 made by the member shall be equal to the accumulated  
38 contributions as defined in section 97B.41, subsection  
39 2, which would have been made if the member of the

40 general assembly had been a member of the system  
41 during the member's service in the general assembly  
42 applicable period. The proof of membership in the  
43 general assembly and payment of accumulated  
44 contributions shall be transmitted to the department.  
45 Persons eligible to receive retirement allowances  
46 under this section shall be eligible to commence  
47 receiving retirement allowances on January 14, 1985.  
48 A member making contributions pursuant to this section  
49 may make the contributions either for the entire  
50 applicable period of service, or, effective upon the

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1 date that the department determines that the  
2 amendments to this paragraph and unnumbered paragraph  
3 2 contained in this Act shall be implemented, for  
4 portions of the period of service, and if  
5 contributions are made for portions of the period of  
6 service, the contributions shall be in increments of  
7 one or more years, as long as the increments represent  
8 full years and not a portion of a year. However, the  
9 department shall not implement the amendments to this  
10 paragraph or unnumbered paragraph 2, as enacted in  
11 this Act, unless and until the department determines  
12 that the most recent annual actuarial valuation of the  
13 retirement system indicates that the employer and  
14 employee contribution rates in effect under section  
15 97B.11 can absorb the amendments to this paragraph and  
16 unnumbered paragraph 2 and to section 97B.66,  
17 unnumbered paragraphs 1 and 2, section 97B.72A,  
18 subsection 1, unnumbered paragraph 1, section 97B.73A,  
19 unnumbered paragraph 1, and section 97B.74, unnumbered  
20 paragraphs 1 and 2, contained in this Act, after  
21 meeting the other established priority of the system,  
22 as defined in section 97B.66. Until the amendments  
23 are implemented, the department shall continue to  
24 implement the provisions of section 97B.72, unnumbered  
25 paragraphs 1 and 2, Code Supplement 1993.

26 There is appropriated from moneys available to the  
27 general assembly under section 2.12 an amount  
28 sufficient to pay the contributions of the employer  
29 based on the period of service of the members for  
30 which the members have paid accumulated contributions  
31 in an amount equal to the contributions which would  
32 have been made if the members of the general assembly  
33 who made employee contributions had been members of  
34 the system during their the applicable period of  
35 service in the general assembly plus two percent  
36 interest plus interest dividends for all completed

37 calendar years and for any completed calendar year for  
38 which the interest dividend has not been declared and  
39 for completed months of partially completed calendar  
40 years at two percent interest plus the interest  
41 dividend rate calculated for the previous year,  
42 compounded annually, from the end of the calendar year  
43 in which contribution was made to the first day of the  
44 month of such date.

45 Sec. 45. Section 97B.72A, subsection 1, unnumbered  
46 paragraph 1, Code Supplement 1993, is amended to read  
47 as follows:

48 An active or vested member of the system who was a  
49 member of the general assembly prior to July 1, 1988,  
50 may make contributions to the system for all or a

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1 portion of the period of service in the general  
2 assembly. The contributions made by the member shall  
3 be equal to the accumulated contributions as defined  
4 in section 97B.41, subsection 2, which would have been  
5 made if the member of the general assembly had been a  
6 member of the system during the applicable period of  
7 service in the general assembly. A member making  
8 contributions pursuant to this section may make the  
9 contributions either for the entire applicable period  
10 of service, or for portions of the period of service,  
11 and, effective upon the date that the department  
12 determines that the amendments to this paragraph  
13 contained in this Act shall be implemented, if  
14 contributions are made for portions of the period of  
15 service, the contributions shall be in increments of  
16 one or more years, as long as the increments represent  
17 full years and not a portion of a year. The member of  
18 the system shall submit proof to the department of  
19 membership in the general assembly. The department  
20 shall credit the member with the period of membership  
21 service for which contributions are made. However,  
22 the department shall not implement the amendments to  
23 this paragraph, as enacted in this Act, unless and  
24 until the department determines that the most recent  
25 annual actuarial valuation of the retirement system  
26 indicates that the employer and employee contribution  
27 rates in effect under section 97B.11 can absorb the  
28 amendments to this paragraph and to section 97B.66,  
29 unnumbered paragraphs 1 and 2, section 97B.72,  
30 unnumbered paragraphs 1 and 2, section 97B.73A,  
31 unnumbered paragraph 1, and section 97B.74, unnumbered  
32 paragraphs 1 and 2, contained in this Act, after  
33 meeting the other established priority of the system.

34 as defined in section 97B.66. Until the amendments  
35 are implemented, the department shall continue to  
36 implement the provisions of section 97B.72A,  
37 subsection 1, unnumbered paragraph 1, Code Supplement  
38 1993.

39 Sec. 46. Section 97B.72A, subsection 2, Code  
40 Supplement 1993, is amended by striking the  
41 subsection.

42 Sec. 47. Section 97B.73, Code Supplement 1993, is  
43 amended by adding the following new unnumbered  
44 paragraph after unnumbered paragraph 2:  
45 NEW UNNUMBERED PARAGRAPH. Notwithstanding any  
46 provision of this section to the contrary, effective  
47 July 1, 1994, a vested or retired member must have  
48 membership service within the current calendar year in  
49 order to make contributions in any manner provided by  
50 this section.

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1 Sec. 48. Section 97B.73A, unnumbered paragraph 1,  
2 Code Supplement 1993, is amended to read as follows:  
3 A part-time county attorney may elect in writing to  
4 the department to make employee contributions to the  
5 system for the county attorney's previous service as a  
6 county attorney and receive credit for membership  
7 service in the system for the applicable period of  
8 service as a part-time county attorney for which  
9 employee contributions are made. The contributions  
10 paid by the member shall be equal to the accumulated  
11 contributions, as defined in section 97B.41,  
12 subsection 2, for ~~that~~ the applicable period of  
13 membership service. A member making contributions  
14 pursuant to this section may make the contributions  
15 either for the entire applicable period of service,  
16 or, effective upon the date that the department  
17 determines that the amendments to this paragraph  
18 contained in this Act shall be implemented, for  
19 portions of the period of service, and if  
20 contributions are made for portions of the period of  
21 service, the contributions shall be in increments of  
22 one or more years, as long as the increments represent  
23 full years and not a portion of a year. A member who  
24 elects to make contributions under this section shall  
25 notify the county board of supervisors of the member's  
26 election, and the county board of supervisors shall  
27 pay to the department the employer contributions that  
28 would have been contributed by the employer under  
29 section 97B.11 plus interest on the contributions that  
30 would have accrued if the county attorney had been a



31 member of the system for ~~that the applicable~~ period of  
32 service. However, the department shall not implement  
33 the amendments to this paragraph, as enacted in this  
34 Act, unless and until the department determines that  
35 the most recent annual actuarial valuation of the  
36 retirement system indicates that the employer and  
37 employee contribution rates in effect under section  
38 97B.11 can absorb the amendments to this paragraph and  
39 to section 97B.66, unnumbered paragraphs 1 and 2,  
40 section 97B.72, unnumbered paragraphs 1 and 2, section  
41 97B.72A, subsection 1, unnumbered paragraph 1, and  
42 section 97B.74, unnumbered paragraphs 1 and 2,  
43 contained in this Act, after meeting the other  
44 established priority of the system, as defined in  
45 section 97B.66. Until the amendments are implemented,  
46 the department shall continue to implement the  
47 provisions of section 97B.73A, unnumbered paragraph 1,  
48 Code Supplement 1993.  
49 Sec. 49. Section 97B.74, unnumbered paragraphs 1  
50 and 2, Code Supplement 1993, are amended to read as

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1 follows:

2 Effective January 1, 1991, an An active, vested, or  
3 retired member who was a member of the system at any  
4 time on or after July 4, 1953, and who received a  
5 refund of the member's contributions for that period  
6 of membership service, may elect in writing to the  
7 department to make contributions to the system for  
8 that all or a portion of the period of membership  
9 service for which a refund of contributions was made,  
10 and receive credit for the period of membership  
11 service for which contributions are made. The  
12 contributions repaid by the member for such service  
13 shall be equal to the accumulated contributions, as  
14 defined in section 97B.41, subsection 2, received by  
15 the member for that the applicable period of  
16 membership service plus interest on the accumulated  
17 contributions for the applicable period from the date  
18 of receipt by the member to the date of repayment  
19 equal to two percent plus the interest dividend rate  
20 applicable for each year compounded annually.  
21 An active member must have at least one quarter's  
22 reportable wages on file and have membership service,  
23 including that period of membership service for which  
24 a refund of contributions was made, sufficient to give  
25 the member vested status. A member making  
26 contributions pursuant to this section may make the  
27 contributions either for the entire applicable period

28 of service, or, effective upon the date that the  
29 department determines that the amendments to this  
30 paragraph and unnumbered paragraph 1 contained in this  
31 Act shall be implemented, for portions of the period  
32 of service, and if contributions are made for portions  
33 of the period of service, the contributions shall be  
34 in increments of one or more years, as long as the  
35 increments represent full years and not a portion of a  
36 year. However, the department shall not implement the  
37 amendments to this paragraph or unnumbered paragraph  
38 1, as enacted in this Act, unless and until the  
39 department determines that the most recent annual  
40 actuarial valuation of the retirement system indicates  
41 that the employer and employee contribution rates in  
42 effect under section 97B.11 can absorb the amendments  
43 to this paragraph and to unnumbered paragraph 1 and to  
44 section 97B.66, unnumbered paragraphs 1 and 2, section  
45 97B.72, unnumbered paragraphs 1 and 2, section  
46 97B.72A, subsection 1, unnumbered paragraph 1, and  
47 section 97B.73A, unnumbered paragraph 1, contained in  
48 this Act, after meeting the other established priority  
49 of the system, as defined in section 97B.66. Until  
50 the amendments are implemented, the department shall

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1 continue to implement the provisions of section  
2 97B.74, unnumbered paragraphs 1 and 2, Code Supplement  
3 1993.

4 Sec. 50. Section 97B.80, Code Supplement 1993, is  
5 amended by adding the following new paragraph after  
6 unnumbered paragraph 1:

7 NEW UNNUMBERED PARAGRAPH. Notwithstanding any  
8 provision of this section to the contrary, effective  
9 July 1, 1994, a vested or retired member must have  
10 membership service within the current calendar year in  
11 order to make contributions in any manner provided by  
12 this section.

13 Sec. 51. Section 260C.23, subsection 9, Code  
14 Supplement 1993, is amended to read as follows:

15 9. At the request of an employee through  
16 contractual agreement the board may arrange for the  
17 purchase of group or individual annuity contracts for  
18 any of its employees, which annuity contracts are  
19 issued by a nonprofit corporation issuing retirement  
20 annuities exclusively for educational institutions and  
21 their employees or are purchased from any company the  
22 employee chooses that is authorized to do business in  
23 this state and through an Iowa-licensed insurance  
24 agent or from a securities dealer, salesperson, or

25 mutual fund registered in this state that the employee  
26 selects, for retirement or other purposes, and may  
27 make payroll deductions in accordance with the  
28 arrangements for the purpose of paying the entire  
29 premium due and to become due under the contract. The  
30 deductions shall be made in the manner which will  
31 qualify the annuity premiums for the benefits under  
32 section 403(b) of the Internal Revenue Code, as  
33 defined in section 422.3. The employee's rights under  
34 the annuity contract are nonforfeitable except for the  
35 failure to pay premiums. If an existing tax-sheltered  
36 annuity contract is to be replaced by a new contract  
37 the agent or representative of the company shall  
38 submit a letter of intent by registered mail to the  
39 company being replaced, to the insurance commissioner  
40 of the state of Iowa, and to the agent's or  
41 representative's own company at least thirty days  
42 prior to any action. This letter of intent shall  
43 contain the policy number and description of the  
44 contract being replaced and a description of the  
45 replacement contract.  
46 Sec. 52. Section 260C.23, subsection 17, Code  
47 Supplement 1993, is amended to read as follows:  
48 17. Commencing July 1, 1994, provide for an  
49 alternative retirement benefits system, which is  
50 issued by or through a nonprofit corporation issuing

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1 retirement annuities exclusively to educational  
2 institutions and their employees, for persons employed  
3 by the community college who are members of the Iowa  
4 public employees' retirement system on July 1, 1994,  
5 or who are new employees, and who elect coverage under  
6 the alternative retirement benefits system pursuant to  
7 section 97B.42, in lieu of continuing or commencing  
8 contributions to the Iowa public employees' retirement  
9 system. The system for employee and employer  
10 contributions under the alternative system shall be  
11 substantially the same as similar to that provided by  
12 the state board of regents under the teachers  
13 insurance annuity association-college retirement  
14 equities fund, and except that the employer's annual  
15 contribution in dollars shall not exceed the  
16 employer's contribution rate established for employees  
17 of the state board of regents who are under that  
18 annual contribution in dollars which the employer  
19 would contribute if the employee had elected to remain  
20 an active member pursuant to the Iowa public  
21 employee's retirement system, as set forth in section

22 97B.11.

23 Sec. 53. NEW SECTION. 294.10A PICKUP OF TEACHER  
24 ASSESSMENTS.

25 1. Notwithstanding section 294.9 or other  
26 provisions of this chapter, beginning January 1,  
27 following the submission by the board of trustees of  
28 an application to the federal internal revenue service  
29 requesting qualification in accordance with the  
30 requirements of the Internal Revenue Code, as defined  
31 in section 422.3, teacher assessments required under  
32 section 294.9 which are picked up by the employing  
33 school district shall be considered employer  
34 contributions for federal income tax purposes, and  
35 each employing school district establishing a pension  
36 and annuity retirement system pursuant to this chapter  
37 shall pick up the teacher assessments to be made under  
38 section 294.9 by its employees. Each employing school  
39 district shall pick up these teacher assessments by  
40 reducing the salary of each of the teachers covered by  
41 this chapter by the amount which each teacher is  
42 required to contribute through assessments under  
43 section 294.9 and shall pay to the board of trustees  
44 the amount picked up in lieu of the teacher  
45 assessments for recording and deposit in the fund.  
46 2. Teacher assessments picked up by each employing  
47 school district under subsection 1 shall be treated as  
48 employer contributions for federal income tax purposes  
49 only and for all other purposes of this chapter and  
50 the laws of this state shall be treated as teacher

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1 assessments and deemed part of the teacher's wages or  
2 salary.

3 Sec. 54. Section 411.3, Code 1993, is amended to  
4 read as follows:

5 411.3 MEMBERSHIP.

6 1. All persons who become police officers or fire  
7 fighters after the date the city is required to come  
8 under the retirement system, shall become members of  
9 the retirement system as a condition of their  
10 employment, except that a police chief or a fire chief  
11 who would not complete twenty-two years of service  
12 under this chapter by the time the chief attains  
13 fifty-five years of age shall, upon written request to  
14 the system, be exempt from this chapter, and except as  
15 otherwise provided in subsection 3. Notwithstanding  
16 section 97B.41, a police chief or fire chief who is  
17 exempt from this chapter is exempt from chapter 97B.  
18 Members of the system established in this chapter

19 shall not be required to make contributions under any  
20 other pension or retirement system of a city, county,  
21 or the state of Iowa, anything to the contrary  
22 notwithstanding.

23 2. Should any member in any period of five  
24 consecutive years after last becoming a member, be  
25 absent from service for more than four years, or  
26 should the member become a beneficiary or die, the  
27 member shall thereupon cease to be a member of the  
28 system.

29 3. a. As used in this section, unless the context  
30 otherwise requires, "reemployed" or "reemployment"  
31 means the employment of a person as a police officer  
32 or firefighter by any participating city after the  
33 person has commenced receiving a service retirement  
34 allowance under section 411.6.

35 b. If a person is reemployed, the person shall not  
36 become an active member of the system upon  
37 reemployment, and the person so reemployed and the  
38 participating city shall not make contributions to the  
39 system based upon the person's compensation for  
40 reemployment. A person who is so reemployed shall  
41 continue to receive the service retirement allowance,  
42 and the service retirement allowance shall not be  
43 recalculated based upon the person's reemployment.  
44 Notwithstanding section 97B.41 or any other provision  
45 of law to the contrary, a person reemployed as  
46 provided in this subsection shall be exempt from  
47 chapter 97B.

48 Sec. 55. Section 411.5, subsection 8, Code  
49 Supplement 1993, is amended to read as follows:

50 8. MEDICAL BOARD. The system shall designate a

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1 medical board to be composed of three physicians who  
2 shall arrange for and pass upon all medical  
3 examinations required under the provisions of this  
4 chapter, except that for examinations required because  
5 of disability three physicians from the University of  
6 Iowa hospitals and clinics who shall pass upon the  
7 medical examinations required for disability  
8 retirements, and shall report to the system in writing  
9 its conclusions and recommendations upon all matters  
10 referred to it. Each report of a medical examination  
11 under section 411.6, subsections 3 and 5, shall  
12 include the medical board's rating findings in  
13 accordance with section 411.6 as to the extent of the  
14 member's physical impairment.  
15 Sec. 56. Section 411.5, Code Supplement 1993, is

16 amended by adding the following new subsection:

17 NEW SUBSECTION. 12. REQUIREMENTS RELATED TO THE  
18 INTERNAL REVENUE CODE.

19 a. As used in this subsection, unless the context  
20 otherwise requires, "Internal Revenue Code" means the  
21 federal Internal Revenue Code as defined in section  
22 422.3.

23 b. The fund established in section 411.8 shall be  
24 held in trust for the benefit of the members of the  
25 system and the members' beneficiaries. No part of the  
26 corpus or income of the fund shall be used for, or  
27 diverted to, purposes other than for the exclusive  
28 benefit of the members or the members' beneficiaries  
29 or for expenses incurred in the operation of the fund.  
30 A person shall not have any interest in, or right to,  
31 any part of the corpus or income of the fund except as  
32 otherwise expressly provided.

33 c. Notwithstanding any provision of this chapter  
34 to the contrary, in the event of a complete  
35 discontinuance of contributions, for reasons other  
36 than achieving fully funded status upon an actuarially  
37 determined basis, or upon termination of the fund  
38 established in section 411.8, a member shall be  
39 vested, to the extent then funded, in the benefits  
40 which the member has accrued at the date of the  
41 discontinuance or termination.

42 d. Benefits payable from the fund established in  
43 section 411.8 to members and members' beneficiaries  
44 shall not be increased due to forfeitures from other  
45 members. Forfeitures shall be used as soon as  
46 possible to reduce future contributions by the cities  
47 to the fund, except that the rate shall not be less  
48 than the minimum rate established in section 411.8.

49 e. Notwithstanding any provision of this chapter  
50 to the contrary, a member's service retirement

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1 allowance shall commence on or before the later of the  
2 following:

3 (1) April 1 of the calendar year following the  
4 calendar year in which the member attains the age of  
5 seventy and one-half years.

6 (2) April 1 of the calendar year following the  
7 calendar year in which the member retires.

8 f. The maximum annual benefit payable to a member  
9 by the system shall be subject to the limitations set  
10 forth in section 415 of the federal Internal Revenue  
11 Code, and any regulations promulgated pursuant to that  
12 section.

13 g. The annual compensation of a member taken in  
14 account for any purpose under this chapter shall not  
15 exceed the applicable amount set forth in section  
16 401(a)(17) of the federal Internal Revenue Code, and  
17 any regulations promulgated pursuant to that section.

18 Sec. 57. Section 411.6, subsection 1, Code 1993,  
19 is amended by adding the following new paragraph:  
20 NEW PARAGRAPH. c. Once a person commences  
21 receiving a service retirement allowance pursuant to  
22 this section, if the person is reemployed, as defined  
23 in section 411.3, the service retirement allowance  
24 shall not be recalculated based upon the person's  
25 reemployment.

26 Sec. 58. Section 411.6, subsection 2, paragraph d,  
27 subparagraph (2), Code 1993, is amended to read as  
28 follows:

29 (2) For a member who terminates service, other  
30 than by death or disability, on or after July 1, 1991,  
31 but before October 16, 1992, and who does not withdraw  
32 the member's contributions pursuant to section 411.23,  
33 upon the member's retirement there shall be added six-  
34 tenths percent of the member's average final  
35 compensation for each year of service over twenty-two  
36 years, excluding years of service after the member's  
37 fifty-fifth birthday. However, this subparagraph does  
38 not apply to more than eight additional years of  
39 service.

40 Sec. 59. Section 411.6, subsection 2, paragraph d,  
41 Code 1993, is amended by adding the following new  
42 subparagraph:

43 NEW SUBPARAGRAPH. (3) For a member who terminates  
44 service, other than by death or disability, on or  
45 after October 16, 1992, and who does not withdraw the  
46 member's contributions pursuant to section 411.23,  
47 upon the member's retirement there shall be added six-  
48 tenths percent of the member's average final  
49 compensation for each year of service over twenty-two  
50 years. However, this subparagraph does not apply to

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1 more than eight additional years of service.

2 Sec. 60. Section 411.6, subsection 10, Code 1993,  
3 is amended to read as follows:

4 10. PENSIONS OFFSET BY COMPENSATION BENEFITS. Any  
5 amounts which may be paid or payable by the said  
6 cities under the provisions of any workers'  
7 compensation or similar law to a member or to the  
8 dependents of a member on account of any disability or  
9 death, shall be offset against and payable in lieu of

10 any benefits payable out of funds provided by the said  
 11 cities under the provisions of this chapter on account  
 12 of the same disability or death. In case the present  
 13 value of the total commuted benefits under said  
 14 workers' compensation or similar law is less than the  
 15 pension reserve on the benefits otherwise payable from  
 16 funds provided by the said cities under this chapter,  
 17 then the present value of the commuted payments shall  
 18 be deducted from the pension reserve and such benefits  
 19 as may be provided by the pension reserve so reduced  
 20 shall be payable under the provisions of this chapter.

21 Sec. 61. NEW SECTION. 411.6B ROLLOVERS OF  
 22 MEMBERS' ACCOUNTS.

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

25 a. "Direct rollover" means a payment by the system  
 26 to the eligible retirement plan specified by the  
 27 member or the member's surviving spouse.

28 b. "Eligible retirement plan" means either of the  
 29 following that accepts an eligible rollover  
 30 distribution from a member or a member's surviving  
 31 spouse:

32 (1) An individual retirement account in accordance  
 33 with section 408(a) of the federal Internal Revenue  
 34 Code.

35 (2) An individual retirement annuity in accordance  
 36 with section 408(b) of the federal Internal Revenue  
 37 Code.

38 In addition, an "eligible retirement plan" includes  
 39 an annuity plan in accordance with section 403(a) of  
 40 the federal Internal Revenue Code, or a qualified  
 41 trust in accordance with section 401(a) of the federal  
 42 Internal Revenue Code, that accepts an eligible  
 43 rollover distribution from a member.

44 c. "Eligible rollover distribution" means all or  
 45 any portion of a member's account, except that an  
 46 eligible rollover distribution does not include any of  
 47 the following:

48 (1) A distribution that is one of a series of  
 49 substantially equal periodic payments, which occur  
 50 annually or more frequently, made for the life or life

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1 expectancy of the distributee or the joint lives or  
 2 joint life expectancies of the distributee and the  
 3 distributee's designated beneficiary, or made for a  
 4 specified period of ten years or more.

5 (2) A distribution to the extent that the  
 6 distribution is required pursuant to section 401(a)(9)



7 of the federal Internal Revenue Code.

8 (3) The portion of any distribution that is not  
9 includible in the gross income of the distributee,  
10 determined without regard to the exclusion for net  
11 unrealized appreciation with respect to employer  
12 securities.

13 (4) A distribution of less than two hundred  
14 dollars of taxable income.

15 2. Effective January 1, 1993, a member or a  
16 member's surviving spouse may elect, at the time and  
17 in the manner prescribed in rules adopted by the board  
18 of trustees, to have the system pay all or a portion  
19 of an eligible rollover distribution directly to an  
20 eligible retirement plan, specified by the member or  
21 the member's surviving spouse, in a direct rollover.  
22 If a member or a member's surviving spouse elects a  
23 partial direct rollover, the amount of funds elected  
24 for the partial direct rollover must equal or exceed  
25 five hundred dollars.

26 Sec. 62. Section 411.8, subsection 1, paragraph f,  
27 subparagraphs (6) through (8), Code 1993, are amended  
28 to read as follows:

29 (6) An amount equal to eight and one-tenth percent  
30 of each member's compensation from the earnable  
31 compensation of the member shall be paid to the fund  
32 for the fiscal ~~year period~~ beginning July 1, 1994,  
33 through December 31, 1994, and an amount equal to  
34 eight and thirty-five hundredths percent of each  
35 member's compensation from the earnable compensation  
36 of the member shall be paid to the fund for the fiscal  
37 period beginning January 1, 1995, through June 30,  
38 1995.

39 (7) An amount equal to nine and ~~one-tenth~~ thirty-  
40 five hundredths percent of each member's compensation  
41 from the earnable compensation of the member shall be  
42 paid to the fund for the fiscal year beginning July 1,  
43 1995.

44 (8) Beginning July 1, 1996, and each fiscal year  
45 thereafter, an amount equal to the member's  
46 contribution rate times each member's compensation  
47 shall be paid to the fund from the earnable  
48 compensation of the member. For the purposes of this  
49 subparagraph, the member's contribution rate shall be  
50 nine and ~~one-tenth~~ thirty-five hundredths percent.

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1 However, the system shall increase the member's  
2 contribution rate as necessary to cover any increase  
3 in cost to the system resulting from statutory changes

4 which are enacted by any session of the general  
5 assembly meeting after January 1, 1991, if the  
6 increase cannot be absorbed within the contribution  
7 rates otherwise established pursuant to this  
8 paragraph, but subject to a maximum employee  
9 contribution rate of eleven and three-tenths percent.  
10 The contribution rate increases specified in this  
11 Act pursuant to this chapter and chapter 97A shall be  
12 the only member contribution rate increases for these  
13 systems resulting from the statutory changes enacted  
14 in this Act, and shall apply only to the fiscal  
15 periods specified in this Act. After the employee  
16 contribution reaches eleven and three-tenths percent,  
17 sixty percent of the additional cost of such statutory  
18 changes shall be paid by employers under paragraph "c"  
19 and forty percent of the additional cost shall be paid  
20 by employees under this paragraph.

21 Sec. 63. Section 411.8, subsection 1, paragraph h,  
22 Code 1993, is amended to read as follows:

23 h. Notwithstanding the provisions of paragraph  
24 "f", the following transition percentages apply to  
25 members' contributions as specified:

26 (1) For members who on July 1, 1990, have attained  
27 the age of forty-nine years or more, an amount equal  
28 to nine and one-tenth percent of each member's  
29 compensation from the earnable compensation of the  
30 member shall be paid to the fund for the fiscal year  
31 period beginning July 1, 1990, through October 15,  
32 1992, and commencing October 16, 1992, and for each  
33 subsequent fiscal year until the fiscal year beginning  
34 July 1, 1996, when period, the rates specified in  
35 paragraph "f", subparagraph subparagraphs (4) through  
36 (8), applies shall apply.

37 (2) For members who on July 1, 1990, have attained  
38 the age of forty-eight years but have not attained the  
39 age of forty-nine years, an amount equal to eight and  
40 one-tenth percent shall be paid for the fiscal year  
41 beginning July 1, 1990, and an amount equal to nine  
42 and one-tenth percent shall be paid for the fiscal  
43 year period beginning July 1, 1991, through October  
44 15, 1992, and commencing October 16, 1992, and for  
45 each subsequent fiscal year thereafter until the  
46 fiscal year beginning July 1, 1996, when period, the  
47 rates specified in paragraph "f", subparagraph  
48 subparagraphs (4) through (8), applies shall apply.

49 (3) For members who on July 1, 1990, have attained  
50 the age of forty-seven years but have not attained the

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1 age of forty-eight years, an amount equal to seven and  
2 one-tenth percent shall be paid for the fiscal year  
3 beginning July 1, 1990, an amount equal to eight and  
4 one-tenth percent shall be paid for the fiscal year  
5 beginning July 1, 1991, and an amount equal to nine  
6 and one-tenth percent shall be paid for the fiscal  
7 year period beginning July 1, 1992, through October  
8 15, 1992, and commencing October 16, 1992, and for  
9 each subsequent fiscal year until the fiscal year  
10 beginning July 1, 1996, when period, the rates  
11 specified in paragraph "f", subparagraph subparagraphs  
12 (4) through (8), applies shall apply.

13 (4) For members who on July 1, 1990, have attained  
14 the age of forty-six years but have not attained the  
15 age of forty-seven years, an amount equal to six and  
16 one-tenth percent shall be paid for the fiscal year  
17 beginning July 1, 1990, an amount equal to seven and  
18 one-tenth percent shall be paid for the fiscal year  
19 beginning July 1, 1991, an amount equal to eight and  
20 one-tenth percent shall be paid for the fiscal year  
21 period beginning July 1, 1992, and an amount equal to  
22 nine and one-tenth percent shall be paid for the  
23 fiscal year beginning July 1, 1993, through October  
24 15, 1992, and commencing October 16, 1992, and for  
25 each subsequent fiscal year until the fiscal year  
26 beginning July 1, 1996, when period, the rates  
27 specified in paragraph "f", subparagraph subparagraphs  
28 (4) through (8), applies shall apply.

29 (5) For members who on July 1, 1990, have attained  
30 the age of forty-five years but have not attained the  
31 age of forty-six years, an amount equal to five and  
32 one-tenth percent shall be paid for the fiscal year  
33 beginning July 1, 1990, an amount equal to six and  
34 one-tenth percent shall be paid for the fiscal year  
35 beginning July 1, 1991, and an amount equal to seven  
36 and one-tenth percent shall be paid for the fiscal  
37 year period beginning July 1, 1992, an amount equal to  
38 eight and one-tenth percent shall be paid for the  
39 fiscal year beginning July 1, 1993, and an amount  
40 equal to nine and one-tenth percent shall be paid for  
41 the fiscal years beginning July 1, 1994, and July 1,  
42 1995 through October 15, 1992. Beginning July 1,  
43 1996, Commencing October 16, 1992, and for each  
44 subsequent fiscal period, the rates specified in  
45 paragraph "f", subparagraph subparagraphs (4) through  
46 (8), applies shall apply.

47 Sec. 64. Section 411.8, subsection 1, Code 1993,  
48 is amended by adding the following new paragraph:

49 NEW PARAGRAPH. i. (1) Notwithstanding paragraph  
50 "g" or other provisions of this chapter, beginning

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1 January 1, 1995, member contributions required under  
2 paragraph "f" or "h" which are picked up by the city  
3 shall be considered employer contributions for federal  
4 income tax purposes, and each city shall pick up the  
5 member contributions to be made under paragraph "f" or  
6 "h" by its employees. Each city shall pick up these  
7 contributions by reducing the salary of each of its  
8 employees covered by this chapter by the amount which  
9 each employee is required to contribute under  
10 paragraph "f" or "h" and shall pay the amount picked  
11 up in lieu of the member contributions to the board of  
12 trustees for recording and deposit in the fund.

13 (2) Member contributions picked up by each city  
14 under subparagraph (1) shall be treated as employer  
15 contributions for federal income tax purposes only and  
16 for all other purposes of this chapter and the laws of  
17 this state shall be treated as employee contributions  
18 and deemed part of the employee's earnable  
19 compensation or salary.

20 Sec. 65. Section 422.7, Code Supplement 1993, is  
21 amended by adding the following new subsection:  
22 NEW SUBSECTION. 29. Add, to the extent not  
23 included, the amount of the taxpayer's employee  
24 contributions picked up by the taxpayer's employer  
25 under chapter 97A or 411. The director shall by rule  
26 provide a formula to exclude income, to the extent  
27 included, from adjusted gross income amounts added  
28 under this subsection which are subsequently returned  
29 to the taxpayer as retirement benefits or otherwise.

30 Sec. 66. Section 422.7, Code Supplement 1993, is  
31 amended by adding the following new subsection:  
32 NEW SUBSECTION. 30. Add, to the extent not  
33 included, the amount of the taxpayer's employee  
34 contributions picked up by the taxpayer's employer  
35 under chapter 97B. The director shall by rule provide  
36 a formula to exclude income, to the extent included,  
37 from adjusted gross income amounts added under this  
38 subsection which are subsequently returned to the  
39 taxpayer as retirement benefits or otherwise.

40 Sec. 67. Section 422.7, Code Supplement 1993, is  
41 amended by adding the following new subsection:  
42 NEW SUBSECTION. 31. Add, to the extent not  
43 included, the amount of the taxpayer's teacher  
44 assessment picked up by the taxpayer's employing  
45 school district under chapter 294. The director shall

46 by rule provide a formula to exclude income, to the  
47 extent included, from adjusted gross income amounts  
48 added under this subsection which are subsequently  
49 returned to the taxpayer as retirement benefits or  
50 otherwise.

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1 Sec. 68. NEW SECTION. 509A.13A CONTINUATION OF  
2 GROUP INSURANCE COVERING SPOUSES.

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

5 a. "Eligible retired state employee" means a  
6 former employee of the government of the state of  
7 Iowa, including but not limited to any departments,  
8 agencies, boards, bureaus, or commissions of the state  
9 of Iowa, who is receiving the minimum level of  
10 retirement benefits for eligibility under this section  
11 and who is participating in a state health or medical  
12 group insurance plan which covers the former employee  
13 and the former employee's spouse at the time of the  
14 death of the former employee.

15 b. "Minimum level of retirement benefits for  
16 eligibility under this section" means any of the  
17 following:

18 (1) The eligible retired state employee has  
19 received retirement benefits under the retirement  
20 system established in chapter 97A based upon the  
21 completion of at least twenty-two years of membership  
22 service.

23 (2) The eligible retired state employee has  
24 received retirement benefits under the retirement  
25 system established in chapter 97B based upon any of  
26 the following:

27 (a) Meeting the requirements for receiving  
28 retirement benefits pursuant to chapter 97B based upon  
29 having attained at least sixty-two years of age and  
30 upon having completed at least thirty years of  
31 membership service.

32 (b) Meeting the requirements for receiving  
33 benefits under section 97B.49, subsection 16, without  
34 a reduction for years of service pursuant to section  
35 97B.49, subsection 16, paragraph "c".

36 (3) The eligible retired state employee has  
37 received retirement benefits under the retirement  
38 system established in chapter 602, article 9, based  
39 upon either of the following:

40 (a) Meeting the requirements for receiving an  
41 annuity which equals fifty percent of the basic annual  
42 salary which the judge was receiving at the time that

43 the judge became separated from service, if the judge  
44 did not participate in the senior judge program.

45 (b) Meeting the requirements for receiving an  
46 annuity which equals or exceeds fifty percent of the  
47 basic annual salary which the judge was receiving at  
48 the time that the judge separated from service prior  
49 to serving as a senior judge.

50 c. "State health or medical group insurance plan"

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1 means a health or medical group insurance plan for  
2 employees of the state.

3 2. Notwithstanding any provision of law to the  
4 contrary, in the event of the death of an eligible  
5 retired state employee, the surviving spouse of the  
6 eligible retired state employee whose insurance would  
7 otherwise terminate because of the death of the  
8 eligible retired state employee may elect to continue  
9 to be a member of the state health or medical group  
10 insurance plan by requesting continuation in writing  
11 to the department of personnel within thirty-one days  
12 after the death of the eligible retired state  
13 employee. The surviving spouse shall pay the total  
14 premium for the state health or medical group  
15 insurance plan and shall have the same rights to  
16 change programs or coverage as state employees.

17 Sec. 69. Section 602.9104, subsection 4, Code  
18 1993, is amended by striking the subsection and  
19 inserting in lieu thereof the following:

20 4. a. As used in this subsection, unless the  
21 context otherwise requires:

22 (1) "Actuarial valuation" means an actuarial  
23 valuation of the judicial retirement system or an  
24 annual actuarial update of an actuarial valuation, as  
25 required pursuant to section 602.9116.

26 (2) "Fully funded status" means that the most  
27 recent actuarial valuation reflects that, using the  
28 aggregate cost method in accordance with generally  
29 recognized and accepted actuarial principles and  
30 practices set forth by the American academy of  
31 actuaries, the funded status of the system is at least  
32 one hundred percent.

33 (3) "Required contribution rate" means that  
34 percentage of the basic salary of all judges covered  
35 under this article which, in addition to the judge's  
36 contribution established in subsection 1, the actuary  
37 of the system determines is necessary to maintain  
38 fully funded status.

39 b. Effective with the fiscal year commencing July

40 1, 1994, and for each subsequent fiscal year until the  
 41 system attains fully funded status, the state shall  
 42 contribute annually to the judicial retirement fund an  
 43 amount equal to at least twenty-three and seven-tenths  
 44 percent of the basic salary of all judges covered  
 45 under this article. Commencing with the first fiscal  
 46 year in which the system attains fully funded status,  
 47 and for each subsequent fiscal year, the state shall  
 48 contribute to the judicial retirement fund the  
 49 required contribution rate. The state's contribution  
 50 shall be appropriated directly to the judicial

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1 retirement fund.

2 Sec. 70. NEW SECTION. 602.9104A MONEYS DEPOSITED  
 3 IN THE JUDICIAL RETIREMENT FUND - LIMITATIONS --  
 4 INTENT.

5 1. As used in this section, unless the context  
 6 otherwise requires, "court revenues" means any court  
 7 costs, fees, fines, penalties, surcharges, forfeited  
 8 bail, or similar charges collected by the court, or  
 9 interest on such amounts.

10 2. Notwithstanding section 602.8105, 602.8106, or  
 11 631.6, or any other provision of law to the contrary,  
 12 court revenues shall not be deposited in the judicial  
 13 retirement fund established in section 602.9104. If a  
 14 provision of law provides for the deposit of court  
 15 revenues in the judicial retirement fund, those court  
 16 revenues shall be deposited in the general fund.

17 3. The judicial retirement fund shall consist of  
 18 the contributions specified in section 602.9104, as  
 19 well as the corpus and income of the fund as provided  
 20 in section 602.9104.

21 4. It is the intent of the general assembly that  
 22 the judicial retirement system be funded from  
 23 contributions based upon the basic salary of the  
 24 judges covered by this article, rather than from court  
 25 revenues.

26 Sec. 71. NEW SECTION. 602.9105 ROLLOVERS OF  
 27 JUDGES' ACCOUNTS.

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

30 a. "Direct rollover" means a payment by the system  
 31 to the eligible retirement plan specified by the judge  
 32 covered under this article or the judge's surviving  
 33 spouse.

34 b. "Eligible retirement plan" means either of the  
 35 following that accepts an eligible rollover  
 36 distribution from a judge covered by this article or a

37 judge's surviving spouse:

38 (1) An individual retirement account in accordance  
39 with section 408(a) of the federal Internal Revenue  
40 Code.

41 (2) An individual retirement annuity in accordance  
42 with section 408(b) of the federal Internal Revenue  
43 Code.

44 In addition, an "eligible retirement plan" includes  
45 an annuity plan in accordance with section 403(a) of  
46 the federal Internal Revenue Code, or a qualified  
47 trust in accordance with section 401(a) of the federal  
48 Internal Revenue Code, that accepts an eligible  
49 rollover distribution from a judge covered by this  
50 article.

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1 c. "Eligible rollover distribution" means all or  
2 any portion of a judge's account, except that an  
3 eligible rollover distribution does not include any of  
4 the following:

5 (1) A distribution that is one of a series of sub-  
6 stantially equal periodic payments, which occur  
7 annually or more frequently, made for the life or life  
8 expectancy of the distributee or the joint lives or  
9 joint life expectancies of the distributee and the  
10 distributee's designated beneficiary, or made for a  
11 specified period of ten years or more.

12 (2) A distribution to the extent that the  
13 distribution is required pursuant to section 401(a)(9)  
14 of the federal Internal Revenue Code.

15 (3) The portion of any distribution that is not  
16 includible in the gross income of the distributee,  
17 determined without regard to the exclusion for net  
18 unrealized appreciation with respect to employer  
19 securities.

20 (4) A distribution of less than two hundred  
21 dollars of taxable income.

22 2. Effective January 1, 1993, a judge covered by  
23 this article or a judge's surviving spouse may elect,  
24 at the time and in the manner prescribed by the state  
25 court administrator, to have the system pay all or a  
26 portion of an eligible rollover distribution directly  
27 to an eligible retirement plan, specified by the judge  
28 or the judge's surviving spouse, in a direct rollover.  
29 If a judge or a judge's surviving spouse elects a  
30 partial direct rollover, the amount of funds elected  
31 for the partial direct rollover must equal or exceed  
32 five hundred dollars.

33 Sec. 72. Section 602.9116, Code 1993, is amended



34 to read as follows:

35 602.9116 ACTUARIAL VALUATION.

36 1. The court administrator shall cause an  
37 actuarial valuation to be made of the assets and  
38 liabilities of the judicial retirement fund at least  
39 once every four years commencing with the fiscal year  
40 beginning July 1, 1981. For each fiscal year in which  
41 an actuarial valuation is not conducted, the court  
42 administrator shall cause an annual actuarial update  
43 to be prepared for the purpose of determining the  
44 adequacy of the contribution rates specified in  
45 section 602.9104, subsection 4. The court  
46 administrator shall adopt mortality tables and other  
47 necessary factors for use in the actuarial  
48 calculations required for the valuation upon the  
49 recommendation of the actuary. Following the  
50 actuarial valuation or annual actuarial update, the

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1 court administrator shall determine the condition of  
2 the system and shall report its findings and  
3 recommendations to the general assembly.

4 2. The cost of the actuarial valuation or annual  
5 actuarial update shall be paid from the judicial  
6 retirement fund.

7 Sec. 73. Section 602.9204, Code 1993, is amended  
8 to read as follows:

9 602.9204 ANNUITY OF SENIOR JUDGE AND RETIRED  
10 SENIOR JUDGE.

11 1. A senior judge or a retired senior judge shall  
12 not be paid a salary. A senior judge or retired  
13 senior judge shall be paid an annuity under the  
14 judicial retirement system in the manner provided in  
15 section 602.9109, but computed under this section in  
16 lieu of section 602.9107, as follows: The annuity  
17 paid to a senior judge or retired senior judge shall  
18 be an amount equal to three percent of the current  
19 basic senior judge salary, as of the time each payment  
20 is made up to and including the twelve-month period  
21 during which the senior judge or retired senior judge  
22 attains seventy-eight years of age, of the office in  
23 which the senior judge last served as a judge before  
24 retirement as a judge or senior judge, multiplied by  
25 the judge's years of service prior to retirement as a  
26 judge of one or more of the courts included under this  
27 article, for which contributions were made to the  
28 system, except the annuity of the senior judge or  
29 retired senior judge shall not exceed fifty percent of  
30 the current basic senior judge salary used in

31 calculating the annuity. However, following the  
32 twelve-month period during which the senior judge or  
33 retired senior judge attains seventy-eight years of  
34 age, the annuity paid to the person shall be an amount  
35 equal to three percent of the basic senior judge  
36 salary cap, multiplied by the judge's years of service  
37 prior to retirement as a judge of one or more of the  
38 courts included under this article, for which  
39 contributions were made to the system, except that the  
40 annuity shall not exceed fifty percent of the basic  
41 senior judge salary cap. A senior judge or retired  
42 senior judge shall not receive benefits calculated  
43 using a basic senior judge salary established after  
44 the twelve-month period in which the senior judge or  
45 retired senior judge attains seventy-eight years of  
46 age. In addition, if a senior judge is under sixty-  
47 five years of age at the time the judge becomes a  
48 senior judge, the state shall pay the state's share of  
49 the senior judge's medical insurance premium until the  
50 judge attains age sixty-five.

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1 2. As used in this section, unless the context  
2 otherwise requires;  
3 a. "Basic senior judge salary" means the average  
4 annual basic salary for the senior judge's or retired  
5 senior judge's last three years as a judge of one or  
6 more of the courts included in this article, as would  
7 be used in computing an annuity pursuant to section  
8 602.9107 without service as a senior judge, plus  
9 seventy-five percent of the escalator.  
10 b. "basic Basic senior judge salary cap" means the  
11 basic senior judge salary, at the end of the twelve-  
12 month period during which the senior judge or retired  
13 senior judge attained seventy-eight years of age, of  
14 the office in which the person last served as a judge  
15 before retirement as a judge or senior judge.  
16 c. "Escalator" means the difference between the  
17 current basic salary, as of the time each payment is  
18 made up to and including the twelve-month period  
19 during which the senior judge or retired senior judge  
20 attains seventy-eight years of age, of the office in  
21 which the senior judge last served as a judge before  
22 retirement as a judge or senior judge, and the average  
23 annual basic salary for the senior judge's or retired  
24 senior judge's last three years as a judge of one or  
25 more of the courts included in this article, as would  
26 be used in computing an annuity pursuant to section  
27 602.9107 without service as a senior judge.

28 Sec. 74. Section 97B.54, Code 1993, is repealed.

29 Sec. 75. DEVELOPMENT OF PROPOSAL FOR COMBINING  
30 TYPES OF SERVICES -- IOWA PUBLIC EMPLOYEES' RETIREMENT  
31 SYSTEM -- REPORT.

32 1. The department of personnel, in consultation  
33 with the public retirement systems committee  
34 established in section 97D.4, shall develop a proposal  
35 concerning the possible establishment of a new benefit  
36 formula under the Iowa public employee's retirement  
37 system created in chapter 97B. The proposed benefit  
38 formula shall provide a method by which a member may  
39 combine the value of the following different types of  
40 membership service:

41 a. Membership service as a sheriff or deputy  
42 sheriff in accordance with section 97B.49, subsection  
43 16, paragraph "b".

44 b. Membership service in a protection occupation,  
45 as provided in section 97B.49, subsection 16,  
46 paragraphs "a" and "d".

47 c. Any other membership service, as defined in  
48 section 97B.41.

49 2. The proposed benefit formula shall not provide  
50 credit for years of membership service in excess of

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1 thirty years, and shall not allow the use of a  
2 percentage multiplier in excess of sixty percent of  
3 the member's three-year average covered wage, as  
4 defined in section 97B.41.

5 3. The department of personnel may develop  
6 alternate proposed benefit formulas which meet the  
7 requirements of this section. On or before September  
8 1, 1995, the department of personnel shall file a  
9 report with the legislative service bureau, for  
10 distribution to the public retirement systems  
11 committee, which contains a proposed benefit formula,  
12 and may include alternate proposed benefit formulas,  
13 as provided in this section. The report shall also  
14 contain actuarial information concerning the costs of  
15 the proposal or proposals.

16 Sec. 76. SENIOR JUDGES -- IMPLEMENTATION.

17 Notwithstanding the amendments to section 602.9204  
18 contained in this Act, all judges whose names are  
19 entered on the roster of senior judges pursuant to  
20 section 602.9203, subsection 3, as of June 30, 1994,  
21 and all persons who are retired senior judges as of  
22 June 30, 1994, shall continue to receive an annuity  
23 calculated pursuant to section 602.9204, 1993 Code of  
24 Iowa, subject to the applicability provisions of 1992

25 Iowa Acts, chapter 1201, section 76, as amended by  
26 1992 Iowa Acts, Second Extraordinary Session, chapter  
27 1001, section 116, and shall not be subject to the  
28 amendments to section 602.9204 contained in this Act.  
29 This Act shall not be construed in a manner which  
30 reduces benefits to persons who participated as senior  
31 judges prior to July 1, 1994.

32 **Sec. 77. SENIOR JUDGE COMPENSATION TASK FORCE.**

33 1. The legislative council is requested to  
34 establish a senior judge compensation task force to  
35 review the services provided and compensation paid to  
36 senior judges pursuant to chapter 602, article 9. In  
37 addition to legislative members, the legislative  
38 council is requested to appoint members who are active  
39 members of the judicial retirement system and who are  
40 not serving as senior judges, attorneys licensed to  
41 practice law in Iowa, and public members who are  
42 knowledgeable concerning employee compensation,  
43 benefits, and pension plans.

44 The members of the committee are entitled to  
45 reimbursement for travel and other necessary expenses  
46 incurred in the performance of official duties. Each  
47 member may also be eligible to receive compensation as  
48 provided in section 7E.6. The expenses for members  
49 who are not judicial officers shall be paid from funds  
50 appropriated pursuant to section 2.12.

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1 2. The task force shall review the services  
2 provided and compensation paid to senior judges,  
3 including the current funding mechanism through the  
4 judicial retirement fund, as well as alternative  
5 funding mechanisms. The task force shall submit a  
6 report to the general assembly, the governor, and the  
7 supreme court on or before February 1, 1995,  
8 containing its findings and recommendations.

9 **Sec. 78. IMPLEMENTATION OF TRANSFER OF CERTAIN**  
10 **ARSON INVESTIGATORS TO CHAPTER 97A.**

11 1. In order to implement the provisions of this  
12 Act which amend section 97A.1, subsection 13; section  
13 97B.49, subsection 16, paragraph "d", subparagraph  
14 (6), by striking the subparagraph; and section 97B.49,  
15 subsection 16, paragraph "j", the department of  
16 personnel and the department of public safety shall  
17 cooperate with each other to effectuate the provisions  
18 of those sections and this section of this Act.

19 2. Effective July 1, 1994, employees who were  
20 members of the protection occupation classification of  
21 the Iowa public employees' retirement system pursuant

22 to section 97B.49, subsection 16, paragraph "d",  
23 subparagraph (6), Code Supplement 1993, shall be  
24 transferred to membership in the Iowa department of  
25 public safety peace officer's retirement, accident,  
26 and disability system established pursuant to chapter  
27 97A. The department of personnel shall transfer the  
28 accumulated contributions of the arson investigators  
29 to the treasurer of state for deposit in the pension  
30 accumulation fund established in section 97A.8.  
31 However, employer contributions which were made with  
32 respect to the arson investigators while the arson  
33 investigators were included as members of the  
34 protection occupation classification pursuant to  
35 section 97B.49, subsection 16, paragraph "d",  
36 subparagraph (6), Code Supplement 1993, shall remain  
37 in the Iowa public employees' retirement fund  
38 established in section 97B.7, and any costs pertaining  
39 to the payment of employer contributions to the system  
40 established in chapter 97A with respect to the period  
41 of time during which the arson investigators were  
42 members of the protection occupation classification  
43 pursuant to section 97B.49, subsection 16, paragraph  
44 "d", subparagraph (6), Code Supplement 1993, or any  
45 other costs related to the transfer of the arson  
46 investigators provided for in this Act, shall be borne  
47 by the system established in chapter 97A,  
48 notwithstanding any other provision of law to the  
49 contrary.  
50 3. Notwithstanding any other provision of law to

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1 the contrary, the arson investigators transferred from  
2 the protection occupation classification to the system  
3 established in chapter 97A shall receive credit for  
4 years of service under chapter 97A for those years of  
5 service during which the members were members of the  
6 protection occupation classification pursuant to  
7 section 97B.49, subsection 16, paragraph "d",  
8 subparagraph (6), Code Supplement 1993. In addition,  
9 notwithstanding the limitation on covered wages in  
10 section 97B.41, subsection 20, if applicable,  
11 compensation which was paid to an arson investigator  
12 while the arson investigator was included in the  
13 protection occupation classification pursuant to  
14 section 97B.49, subsection 16, paragraph "d",  
15 subparagraph (6), 1993 Code Supplement, shall be  
16 included in determining the average final compensation  
17 of the arson investigators. The arson investigators  
18 transferred from the protection occupation

19 classification to the system established in chapter  
20 97A, and the employer of those arson investigators,  
21 the department of public safety, shall not be required  
22 to pay the difference in the employee and employer  
23 contributions in effect for the period of time in  
24 which the arson investigators were included in the  
25 protection occupation classification pursuant to  
26 section 97B.49, subsection 16, paragraph "d",  
27 subparagraph (6), Code Supplement 1993, as compared to  
28 the employee and employer contributions then in effect  
29 for members of the system established in chapter 97A.

30 4. It is the intent of the general assembly that  
31 in administering the implementation provisions of this  
32 section, the board of trustees of the system  
33 established in chapter 97A and the department of  
34 personnel shall interpret this Act in a manner which  
35 provides that the arson investigators shall not lose  
36 benefits which would have otherwise accrued had the  
37 arson investigators been members of the system  
38 established in chapter 97A during the period of time  
39 in which they were actually members of the protection  
40 occupation classification pursuant to section 97B.49,  
41 subsection 16, paragraph "d", subparagraph (6), Code  
42 Supplement 1993.

43 Sec. 79. REPORT CONCERNING POSSIBLE PORTABILITY  
44 BETWEEN SYSTEMS ESTABLISHED IN CHAPTERS 97A AND 411.  
45 The board of trustees of the Iowa department of public  
46 safety peace officers' retirement, accident, and  
47 disability system created in section 97A.5, and the  
48 board of trustees for the statewide fire and police  
49 retirement system created in section 411.36, shall  
50 each file a report with the legislative service bureau

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1 on or before September 1, 1995, for distribution to  
2 the members of the public retirement systems committee  
3 established in section 97D.4, pertaining to possible  
4 portability between the two systems established in  
5 chapters 97A and 411. The reports shall identify  
6 issues pertaining to allowing members to transfer  
7 between the two systems, including but not limited to,  
8 issues pertaining to both employee and employer  
9 contributions, determinations concerning years of  
10 service and average final compensation, costs  
11 associated with portability, any concerns pertaining  
12 to the requirements of the federal Internal Revenue  
13 Code, as defined in section 422.3, any recommendation  
14 by the boards pertaining to portability issues, and  
15 other related matters.

16 Sec. 80. STUDY BY DEPARTMENT OF CORRECTIONS  
17 CONCERNING OCCUPATIONAL INJURIES AND DEATHS.

18 The department of corrections shall conduct a study  
19 and compile information concerning the number of  
20 occupational injuries and deaths to persons employed  
21 by the department within the correctional institutions  
22 specified in section 904.102 who are not members of  
23 the protection occupation classification of the Iowa  
24 public employees' retirement system, as well as to  
25 persons employed by the judicial district departments  
26 of correctional services within community-based  
27 correctional facilities and persons employed as  
28 probation officers I, II, and III, and parole officers  
29 I, II, and III. The study shall specify the  
30 information according to job classification, and shall  
31 include information concerning the numbers of persons  
32 employed within those job classifications during the  
33 relevant time period. The study shall cover a period  
34 of at least ten years. The department of corrections  
35 shall submit a report to the legislative service  
36 bureau, for distribution to the public retirement  
37 systems committee established in section 97D.4, on or  
38 before September 1, 1995, concerning the findings from  
39 the study.

40 Sec. 81. CERTAIN CHANGES PERTAINING TO CHAPTERS  
41 97A AND 411 -- EFFECTIVE AND RETROACTIVE APPLICABILITY  
42 DATES -- IMPLEMENTATION.

43 1. The sections of this Act that amend section  
44 97A.6, subsection 2, paragraph "d", subparagraph (2);  
45 section 97A.6, subsection 2, paragraph "d", by  
46 enacting a new subparagraph (3); section 97A.8,  
47 subsection 1, paragraph "h"; section 411.6, subsection  
48 2, paragraph "d", subparagraph (2); section 411.6,  
49 subsection 2, paragraph "d", by enacting a new  
50 subparagraph (3); and section 411.8, subsection 1,

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1 paragraph "h", being deemed of immediate importance,  
2 take effect upon enactment and apply retroactively to  
3 October 16, 1992.

4 2. In order to implement the sections of this Act  
5 referenced in subsection 1 and to apply those sections  
6 retroactively to October 16, 1992, the board of  
7 trustees of the Iowa department of public safety peace  
8 officers' retirement, accident, and disability system  
9 created in section 97A.5, and the board of trustees  
10 for the statewide fire and police retirement system  
11 created in section 411.36, shall develop and implement  
12 plans to reimburse members for contributions paid to

13 the systems which are contrary to the provisions of  
14 this Act, and shall develop and implement plans to  
15 adjust both past and future benefits paid to members  
16 which are inconsistent with this Act.

17 3. The provisions of this Act that amend section  
18 97A.3, by enacting a new subsection 3, renumbering  
19 section 97A.3, subsection 3, Code 1993, as subsection  
20 4, and adding a reference to the new subsection 3 of  
21 section 97A.3 in the first sentence of subsection 1 of  
22 that section; and amend section 97A.6, subsection 1,  
23 by enacting a new paragraph "c"; section 411.3; and  
24 section 411.6, subsection 1, by enacting a new  
25 paragraph "c", being deemed of immediate importance,  
26 take effect upon enactment, and apply retroactively to  
27 July 1, 1993.

28 4. In order to implement the provisions of this  
29 Act referenced in subsection 3 and to apply those  
30 provisions retroactively to July 1, 1993, the board of  
31 trustees of the Iowa department of public safety peace  
32 officers' retirement, accident, and disability system  
33 created in section 97A.5, and the board of trustees  
34 for the statewide fire and police retirement system  
35 created in section 411.36, shall examine the records  
36 of the respective systems to determine if persons are  
37 being included in active membership of the systems  
38 contrary to the provisions of this Act. If the boards  
39 determine that persons have been included in active  
40 membership in the systems in a manner inconsistent  
41 with the provisions referenced in subsection 3 of this  
42 section, the respective boards shall provide for the  
43 refund of the employer contributions to the respective  
44 employers and employee contributions to the respective  
45 employees and the retroactive payment of service  
46 retirement allowances in order to fully effectuate the  
47 purposes of this Act retroactive to July 1, 1993.

48 5. The sections of this Act which enact new  
49 sections 97A.6B and 411.6B, being deemed of immediate  
50 importance, take effect upon enactment and apply

#### Page 50

1 retroactively to January 1, 1993.

#### 2 Sec. 82. OTHER EFFECTIVE AND RETROACTIVE 3 APPLICABILITY DATES.

4 1. The sections of this Act which amend section  
5 97B.41, subsection 12; section 97B.53, subsections 3  
6 and 7, and subsection 6, unnumbered paragraph 1;  
7 section 97B.66, unnumbered paragraphs 1 and 2; section  
8 97B.70, by enacting a new subsection 4; section  
9 97B.72, unnumbered paragraphs 1 and 2; section



10 97B.72A, subsection 1, unnumbered paragraph 1; section  
 11 97B.73A, unnumbered paragraph 1; and section 97B.74,  
 12 unnumbered paragraphs 1 and 2, take effect July 1,  
 13 1995.

14 2. The section of this Act which amends section  
 15 97B.41, subsection 18, takes effect January 1, 1995.

16 3. The sections of this Act which enact new  
 17 sections 97B.53B and 602.9105, being deemed of  
 18 immediate importance, take effect upon enactment and  
 19 apply retroactively to January 1, 1993.

20 4. The section of this Act which amends section  
 21 422.7 by enacting a new subsection 29 takes effect  
 22 January 1, 1995, and applies to tax years beginning on  
 23 or after January 1, 1995.

24 5. The section of this Act which amends section  
 25 422.7 by enacting a new subsection 30 takes effect  
 26 January 1, 1995, and applies to tax years beginning on  
 27 or after January 1, 1995."

28 2. Title page, by striking lines 3 and 4 and  
 29 inserting the following: "retirement systems for  
 30 certain tax purposes, providing implementation and  
 31 applicability".

JOHN P. KIBBIE

S-5460

1 Amend House File 2256, as passed by the House, as  
 2 follows:

3 1. Page 11, by inserting after line 31 the  
 4 following:

5 "Sec. 200. Section 321.166, subsection 2, Code  
 6 1993, is amended to read as follows:

7 2. Every registration plate or pair of plates  
 8 shall display a registration plate number which shall  
 9 consist of alphabetical or numerical characters or a  
 10 combination thereof and the name of this state, which  
 11 may be abbreviated. Every registration plate issued  
 12 by the county treasurer shall display the name of the  
 13 county, including any plate issued pursuant to section  
 14 321.34, except plates issued for truck tractors,  
 15 motorcycles, motorized bicycles, travel trailers,  
 16 semitrailers and trailers. The year of expiration or  
 17 the date of expiration shall be displayed on vehicle  
 18 registration plates, except plates issued under  
 19 section 321.19. Special truck registration plates  
 20 shall display the word "special".

21 2. Page 15, by inserting after line 30 the fol-  
 22 lowing:

23 "Sec. \_\_\_\_ . APPLICABILITY DATE. Section 200 of

- 24 this Act applies only to new registration plates  
 25 issued to owners on or after January 1, 1995."  
 26 3. By renumbering as necessary.

ANDY McKEAN  
 EUGENE S. FRAISE  
 RICHARD F. DRAKE

S-5461

- 1 Amend the amendment, S-5279, to House File 642, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking line 12 and inserting the  
 5 following: "than March 15 of each year for counties  
 6 or April 15 of each year for other political  
 7 subdivisions on blanks prescribed".  
 8 2. Page 1, by striking lines 26 and 27, and  
 9 inserting the following:  
 10 "Not later than March 25 for counties or April 25  
 11 if the municipality is a school district for other  
 12 political subdivisions, a number of persons".  
 13 3. Page 2, line 15, by striking the words "March  
 14 April" and inserting the following: "March".  
 15 4. Page 5, line 32, by striking the words "county  
 16 and".

JOHN W. JENSEN

HOUSE AMENDMENT TO  
 SENATE FILE 2250

S-5462

- 1 Amend Senate File 2250 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 1 through 12, and  
 4 inserting the following:  
 5 "Section 1. NEW SECTION. 10A.108 LIEN OF  
 6 ENTITLEMENT BENEFITS INAPPROPRIATELY OBTAINED FROM THE  
 7 DEPARTMENT OF HUMAN SERVICES -- DEBT ESTABLISHED --  
 8 COLLECTION -- ACTION AUTHORIZED.  
 9 1. If a person refuses or neglects to repay  
 10 benefits inappropriately obtained from the department  
 11 of human services, the amount inappropriately  
 12 obtained, including any interest, penalty, or costs  
 13 attached to the amount, constitutes a debt and is a  
 14 lien in favor of the state upon all property and any  
 15 rights or title to or interest in property, whether  
 16 real or personal, belonging to the person for the

17 period established in subsection 2, with the exception  
18 of property which is exempt from execution pursuant to  
19 chapter 627.

20 A lien under this section shall not attach to any  
21 amount of inappropriately obtained benefits, or  
22 portions of the benefits, attributable to errors by  
23 the department of human services. Liens shall only  
24 attach to the amounts of inappropriately obtained  
25 benefits or portions of the benefits which were  
26 obtained due to false, misleading, incomplete, or  
27 inaccurate information submitted by a person in  
28 connection with the application for or receipt of  
29 benefits."

30 2. Page 2, line 5, by striking the words  
31 "overpayment debt" and inserting the following:  
32 "debts established based upon benefits inappropriately  
33 obtained from and".

34 3. Page 2, line 28, by striking the words "an  
35 overpayment" and inserting the following: "a".

36 4. Page 2, line 35, by striking the word  
37 "overpayment".

38 5. Page 3, line 13, by striking the word  
39 "overpayment".

40 6. Page 3, line 24, by striking the word  
41 "overpayment".

42 7. Title page, line 2, by striking the words  
43 "overpayment debt liens" and inserting the following:  
44 "debt liens based upon the inappropriate obtaining of  
45 benefits from the department of human services".

S-5463

1 Amend House File 2376 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. DEPARTMENT FOR THE BLIND. There is  
6 appropriated from the general fund of the state to the  
7 department for the blind for the fiscal year beginning  
8 July 1, 1994, and ending June 30, 1995, the following  
9 amount, or so much thereof as is necessary, to be used  
10 for the purposes designated:

11 For salaries, support, maintenance, miscellaneous  
12 purposes, and for not more than the following full-  
13 time equivalent positions:

14 ..... \$ 1,370,334  
15 ..... FTEs 95.00

16 Sec. 2. CIVIL RIGHTS COMMISSION. There is  
17 appropriated from the general fund of the state to the  
18 Iowa state civil rights commission for the fiscal year

19 beginning July 1, 1994, and ending June 30, 1995, 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 .....	\$	1,083,962
26 .....	FTEs	29.00

27 1. The department shall seek alternatives to  
28 travel through the use of video and teleconferencing  
29 technology.

30 2. If the anticipated amount of federal funding  
31 from the federal equal employment opportunity  
32 commission and the federal department of housing and  
33 urban development exceeds \$387,900 during the fiscal  
34 year beginning July 1, 1994, and ending June 30, 1995,  
35 the Iowa state civil rights commission may exceed  
36 their authorized staffing level to hire additional  
37 professional staff to investigate employment and  
38 housing complaints.

39 Sec. 3. DEPARTMENT OF ELDER AFFAIRS. There is  
40 appropriated from the general fund of the state to the  
41 department of elder affairs for the fiscal year  
42 beginning July 1, 1994, and ending June 30, 1995, the  
43 following amounts, or so much thereof as is necessary,  
44 to be used for the purposes designated:

45 1. For salaries, support, maintenance,  
46 miscellaneous purposes, and for not more than the  
47 following full-time equivalent positions:

48 .....	\$	429,287
49 .....	FTEs	28.50

50 The department shall seek alternatives to travel

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1 through the use of video and teleconferencing  
2 technology.

3 2. For aging programs and services:

4 .....	\$	2,319,893
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5 All funds appropriated in this subsection shall be  
6 received and disbursed by the director of elder  
7 affairs for aging programs and services, shall not be  
8 used by the department for administrative purposes,  
9 not more than \$151,654 shall be used for area agencies  
10 on aging administrative purposes, and shall be used  
11 for citizens of Iowa over 60 years of age for case  
12 management for the frail elderly, mental health  
13 outreach, Alzheimer's support, retired senior  
14 volunteer program, care review committee coordination,  
15 employment, adult day care, respite care, chore

16 services, telephone reassurance, information and  
 17 assistance, and home repair services, including the  
 18 winterizing of homes, and for the construction of  
 19 entrance ramps which make residences accessible to the  
 20 physically handicapped. Funds appropriated in this  
 21 subsection may be used to supplement federal funds  
 22 under federal regulations. Funds appropriated in this  
 23 subsection may be used for elderly services not  
 24 specifically enumerated in this subsection only if  
 25 approved by an area agency on aging for provision of  
 26 the service within the area.

27 The department shall maintain policies and  
 28 procedures regarding Alzheimer's support and the  
 29 retired senior volunteer program. To receive funds  
 30 appropriated in this subsection, a local area agency  
 31 on aging shall match the funds with funds from other  
 32 sources according to rules promulgated by the  
 33 department.

34 Sec. 4. DEPARTMENT OF PUBLIC HEALTH. There is  
 35 appropriated from the general fund of the state to the  
 36 Iowa department of public health for the fiscal year  
 37 beginning July 1, 1994, and ending June 30, 1995, the  
 38 following amounts, or so much thereof as is necessary,  
 39 to be used for the purposes designated:

40 1. a. PLANNING AND ADMINISTRATION DIVISION

41 For salaries, support, maintenance, miscellaneous  
 42 purposes, and for not more than the following full-  
 43 time equivalent positions:

44 .....	\$	2,044,397
45 .....	FTEs	60.40

46 The department shall seek alternatives to travel  
 47 through the use of video and teleconferencing  
 48 technology.

49 Of the funds appropriated in this lettered  
 50 paragraph, \$743,949 shall be used for the chronic

Page 3

1 renal disease program. The types of assistance  
 2 available to eligible recipients under the program may  
 3 include hospital and medical expenses, home dialysis  
 4 supplies, insurance premiums, travel expenses,  
 5 prescription and nonprescription drugs, and lodging  
 6 expenses for persons in training. The program  
 7 expenditures shall not exceed this allocation. If  
 8 projected expenditures will exceed the allocation, the  
 9 department shall establish by administrative rule a  
 10 mechanism to reduce financial assistance under the  
 11 renal disease program in order to keep expenditures  
 12 within the allocations.

13 Hospitals shall not collect fees for birth  
14 certificates in excess of the fees as set out in the  
15 administrative rules of the Iowa department of public  
16 health.

17 Of the funds appropriated in this lettered  
18 paragraph, \$100,000 shall be used to provide  
19 regulatory oversight of accountable health plans.

20 b. PROFESSIONAL LICENSURE

21 For salaries, support, maintenance, miscellaneous  
22 purposes, and for not more than the following full-  
23 time equivalent positions:

24 .....	\$	745,895
25 .....	FTEs	11.00

26 The department shall confer with the boards funded  
27 under this lettered paragraph in estimating the  
28 boards' annual fee generation and administrative  
29 costs. When the department develops each board's  
30 annual budget, a board's budget shall not exceed 85  
31 percent of fees collected, based on the average of the  
32 previous two years.

33 c. HEALTH DELIVERY SYSTEMS

34 (1) For salaries, support, maintenance,  
35 miscellaneous purposes, and for not more than the  
36 following full-time equivalent positions:

37 .....	\$	1,264,037
38 .....	FTEs	17.00

39 (2) Of the funds appropriated in this lettered  
40 paragraph, \$149,151 is allocated for the office of  
41 rural health to provide technical assistance to rural  
42 areas in the area of health care delivery.

43 (3) Of the funds appropriated in this lettered  
44 paragraph, \$1,010,886 shall be used for the training  
45 of emergency medical services (EMS) personnel at the  
46 state, county, and local levels.

47 If a person in the course of responding to an  
48 emergency renders aid to an injured person and becomes  
49 exposed to bodily fluids of the injured person, that  
50 emergency responder shall be entitled to hepatitis

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1 testing and immunization in accordance with the latest  
2 available medical technology to determine if infection  
3 with hepatitis has occurred. The person shall be  
4 entitled to reimbursement from the EMS funds available  
5 under this lettered paragraph only if the  
6 reimbursement is not available through any employer or  
7 third-party payor.

8 (4) Of the funds appropriated in this lettered  
9 paragraph, \$104,000 shall be used to develop,

10 implement, and maintain rural health provider  
 11 recruitment and retention efforts.

12 d. HEALTH DATA COMMISSION

13 For the health data commission:

14 ..... \$ 240,250

15 The funds appropriated in this lettered paragraph  
 16 shall be used for the collection, verification,  
 17 updating, and storage of data, including long-term  
 18 care data, received pursuant to chapters 145 and 255A,  
 19 and for the production of mandated reports. The  
 20 health data commission shall establish a fee schedule,  
 21 in consultation with its consultant, for the costs of  
 22 providing data to organizations which request the  
 23 data. The fee established shall be based upon the  
 24 marginal cost and a portion of the fixed cost of  
 25 providing the data.

26 Prior to December 1, 1994, the commission shall  
 27 submit to the general assembly a useful, comprehensive  
 28 report for use by members of the general assembly in  
 29 making informed decisions on public policy issues  
 30 involving health.

31 2. HEALTH PROTECTION DIVISION

32 a. For salaries, support, maintenance,  
 33 miscellaneous purposes, and for not more than the  
 34 following full-time equivalent positions:

35 ..... \$ 2,246,543

36 ..... FTEs 75.37

37 b. Of the funds appropriated in this subsection,  
 38 \$75,000 shall be used for chlamydia testing.

39 c. Of the funds appropriated in this subsection,  
 40 \$15,000 is allocated to support the surveillance and  
 41 reporting of disabilities suffered by persons engaged  
 42 in agriculture resulting from diseases or injuries,  
 43 including identifying the amount and severity of  
 44 agriculture-related injuries and diseases in the  
 45 state, identifying causal factors associated with  
 46 agriculture-related injuries and diseases, and  
 47 evaluating the effectiveness of intervention programs  
 48 designed to reduce injuries and diseases. The  
 49 department shall cooperate with the department of  
 50 agriculture and land stewardship, Iowa state

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1 university of science and technology, and the college  
 2 of medicine at the state university of Iowa in  
 3 accomplishing these duties.

4 d. Of the funds appropriated in this subsection,  
 5 \$74,547 shall be used for the lead abatement program.

6 e. Of the funds appropriated in this subsection,

7 \$38,046 shall be used for radon program activities.  
 8 The department shall also retain \$30,000 of federal  
 9 radon funds for additional radon program activities.

10 f. The state university of Iowa hospitals and  
 11 clinics shall not receive indirect costs from the  
 12 funds appropriated in this subsection.

13 g. The division shall seek alternatives to travel  
 14 through the use of video and teleconferencing  
 15 technology.

16 3. SUBSTANCE ABUSE AND HEALTH PROMOTION DIVISION

17 a. For salaries, support, maintenance,  
 18 miscellaneous purposes, and for not more than the  
 19 following full-time equivalent positions:

20 .....	\$	604,663
21 .....	FTEs	27.73

22 The department shall seek alternatives to travel  
 23 through the use of video and teleconferencing  
 24 technology.

25 (1) The division shall create a task force  
 26 composed of substance abuse treatment and prevention  
 27 providers regardless of funding source to study  
 28 treatment and prevention service areas and the fiscal  
 29 implications of awarding funds to more than one  
 30 provider per service area.

31 (2) The substance abuse division of the department  
 32 of public health shall investigate the feasibility of  
 33 applying for a grant to receive federal "section 402,"  
 34 "motorcycle helmet" transfer funds, pursuant to 23  
 35 U.S.C. § 402 and 49 U.S.C. Appx. § 2302, to be used  
 36 for adolescent substance abuse prevention and, if  
 37 feasible, shall apply for the funds.

38 (3) It is the intent of the general assembly that  
 39 by July 1, 1997, the commission on substance abuse, in  
 40 conjunction with the division, shall coordinate  
 41 delivery of substance abuse services involving  
 42 prevention, social and medical detoxification, and  
 43 other treatment by medical and nonmedical providers to  
 44 uninsured and court-ordered substance abuse patients  
 45 in all counties of the state. The department of  
 46 public health shall apply for a grant to receive  
 47 federal "section 402," "motorcycle helmet" transfer  
 48 funds, pursuant to 23 U.S.C. § 402 and 49 U.S.C. Appx.  
 49 § 2302, for an amount up to \$500,000 to be used for  
 50 court-ordered social and medical detoxification. If

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1 the grant moneys are received, the department shall  
 2 develop a payment formula which provides an initial  
 3 partial reimbursement at a percentage rate established



4 by rule for services of covered claims during the  
 5 first quarter of the fiscal year. At the end of each  
 6 quarter of the fiscal year, the department shall  
 7 compare the amount expended and adjust reimbursement  
 8 for the upcoming quarter payments to each provider  
 9 which uniformly increases or decreases the  
 10 reimbursement percentage to the level permitted by the  
 11 fiscal quarter's appropriation, but not exceeding 100  
 12 percent reimbursement. The formula for payment to  
 13 providers shall balance formula factors of financial  
 14 need of the providers, county per capita usage, and  
 15 maximum daily rate. If funds remain for a quarter  
 16 reimbursing at 100 percent, they shall be carried over  
 17 to the next quarter. Moneys provided under this  
 18 subparagraph shall not be used to supplant any  
 19 existing funds. An annual report shall be provided to  
 20 the legislative fiscal bureau on all claims submitted  
 21 to the division for uninsured and court-ordered  
 22 medical and social detoxification. A plan outlining  
 23 the coordination activities and projects shall be  
 24 developed by January 1, 1995. Projects under the plan  
 25 shall be implemented during the fiscal year beginning  
 26 July 1, 1995, and ending June 30, 1996, provided the  
 27 projects can be funded within budget limitations.

28 b. For program grants:  
 29 ..... \$ 8,390,159

30 Of the funds appropriated in this lettered  
 31 paragraph, \$193,500 shall be used for the provision of  
 32 aftercare services for persons completing substance  
 33 abuse treatment.

34 4. FAMILY AND COMMUNITY HEALTH DIVISION

35 a. For salaries, support, maintenance,  
 36 miscellaneous purposes, and for not more than the  
 37 following full-time equivalent positions:

38 ..... \$ 3,042,496  
 39 ..... FTEs 58.50

40 (1) Of the funds appropriated in this lettered  
 41 paragraph at least \$587,865 shall be allocated for the  
 42 birth defects and genetics counseling program and of  
 43 these funds, \$279,402 shall be allocated for regional  
 44 genetic counseling services contracted from the state  
 45 university of Iowa hospitals and clinics under the  
 46 control of the state board of regents.

47 (2) Of the funds appropriated in this lettered  
 48 paragraph, the following amounts shall be allocated to  
 49 the state university of Iowa hospitals and clinics  
 50 under the control of the state board of regents for

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1 the following programs under the Iowa specialized  
2 child health care services:

3 (a) Mobile and regional child health specialty  
4 clinics:

5 ..... \$ 392,931

6 The regional clinic located in Sioux City shall  
7 maintain a social worker component to assist the  
8 families of children participating in the clinic  
9 program.

10 (b) Muscular dystrophy and related genetic disease  
11 programs:

12 ..... \$ 115,613

13 (c) Statewide perinatal program:

14 ..... \$ 61,693

15 (3) The birth defects and genetic counseling  
16 service shall apply a sliding fee scale to determine  
17 the amount a person receiving the services is required  
18 to pay for the services. These fees shall be  
19 considered repayment receipts and used for the  
20 program.

21 (4) Of the funds allocated to the mobile and  
22 regional child health specialty clinics in  
23 subparagraph (2), subparagraph subdivision (a),  
24 \$97,937 shall be used for a specialized medical home  
25 care program providing care planning and coordination  
26 of community support services for children who require  
27 technical medical care in the home.

28 (5) The state university of Iowa hospitals and  
29 clinics shall not receive indirect costs from the  
30 funds for each program.

31 (6) Of the funds appropriated in this lettered  
32 paragraph, \$1,001,209 shall be used for maternal and  
33 child health services.

34 (7) The Iowa department of public health shall  
35 administer the statewide maternal and child health  
36 program, conduct mobile and regional child health  
37 specialty clinics, and conduct other activities to  
38 improve the health of low-income women and children  
39 and to promote the welfare of children with actual or  
40 potential handicapping conditions and chronic  
41 illnesses in accordance with the requirements of Title  
42 V of the federal Social Security Act.

43 (8) The department shall budget for the fiscal  
44 year beginning July 1, 1995, for the programs in the  
45 family and community health division in accordance  
46 with the performance-based budgeting method.  
47 Notwithstanding section 8.23, the department is not  
48 required to submit a budget for the programs using 75

49 percent based budgeting and decision package  
50 methodology.

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1 The department shall track the programs which were  
2 in the family and community health division in the  
3 fiscal year beginning July 1, 1991, in accordance with  
4 the program performance-based budgeting method.

5 (9) The department shall work with the department  
6 of elder affairs to realize the "Healthy Iowans 2000"  
7 goal of providing nutrition screening to 90 percent of  
8 the elderly persons participating in well-elderly  
9 screening clinics, congregate meal programs, and home  
10 care aide programs, and shall submit a progress report  
11 to the general assembly by January 1, 1995, regarding  
12 the number of personnel trained and the number of  
13 persons served.

14 (10) The department shall continue efforts to  
15 realize the "Healthy Iowans 2000" goal of the  
16 involvement of 50 counties in the Iowa community  
17 nutrition coalition and shall submit a progress report  
18 to the general assembly by January 1, 1995.

19 (11) The department shall seek alternatives to  
20 travel through the use of video and teleconferencing  
21 technology.

22 b. Sudden infant death syndrome autopsies:

23 For reimbursing counties for expenses resulting  
24 from autopsies of suspected victims of sudden infant  
25 death syndrome required under section 331.802,  
26 subsection 3, paragraph "j":

27 ..... \$ 9,675

28 c. For grants to local boards of health for the  
29 public health nursing program:

30 ..... \$ 2,511,871

31 (1) Funds appropriated in this lettered paragraph  
32 shall be used to maintain and expand the existing  
33 public health nursing program for elderly and low-  
34 income persons with the objective of preventing or  
35 reducing inappropriate institutionalization. The  
36 funds shall not be used for any other purpose. As  
37 used in this lettered paragraph, "elderly person"  
38 means a person who is 60 years of age or older and  
39 "low-income person" means a person whose income and  
40 resources are below the guidelines established by the  
41 department.

42 (2) One-fourth of the total amount to be allocated  
43 shall be divided so that an equal amount is available  
44 for use in each county in the state. Three-fourths of  
45 the total amount to be allocated shall be divided so

46 that the share available for use in each county is  
47 proportionate to the number of elderly and low-income  
48 persons living in that county in relation to the total  
49 number of elderly and low-income persons living in the  
50 state.

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1 (3) In order to receive allocations under this  
2 lettered paragraph, the local board of health having  
3 jurisdiction shall prepare a proposal for the use of  
4 the allocated funds available for that jurisdiction  
5 that will provide the maximum benefits of expanded  
6 public health nursing care to elderly and low-income  
7 persons in the jurisdiction. After approval of the  
8 proposal by the department, the department shall enter  
9 into a contract with the local board of health. The  
10 local board of health shall subcontract with a  
11 nonprofit nurses' association, an independent  
12 nonprofit agency, or a suitable local governmental  
13 body to use the allocated funds to provide public  
14 health nursing care. Local boards of health shall  
15 make an effort to prevent duplication of services.

16 (4) If by July 30 of the fiscal year, the  
17 department is unable to conclude contracts for use of  
18 the allocated funds in a county, the department shall  
19 consider the unused funds appropriated under this  
20 lettered paragraph an unallocated pool. If the  
21 unallocated pool is \$50,000 or more it shall be  
22 reallocated to the counties in substantially the same  
23 manner as the original allocations. The reallocated  
24 funds are available for use in those counties during  
25 the period beginning January 1 and ending June 30 of  
26 the fiscal year. If the unallocated pool is less than  
27 \$50,000, the department may allocate it to counties  
28 with demonstrated special needs for public health  
29 nursing.

30 (5) The department shall maintain rules governing  
31 the expenditure of funds appropriated by this lettered  
32 paragraph. The rules shall require each local agency  
33 receiving funds to establish and use a sliding fee  
34 scale for those persons able to pay for all or a  
35 portion of the cost of the care.

36 (6) The department shall annually evaluate the  
37 success of the public health nursing program. The  
38 evaluation shall include the extent to which the  
39 program reduced or prevented inappropriate  
40 institutionalization, the extent to which the program  
41 increased the availability of public health nursing  
42 care to elderly and low-income persons, and the extent

43 of public health nursing care provided to elderly and  
44 low-income persons. The department shall submit a  
45 report of each annual evaluation to the governor and  
46 the general assembly.

47 d. For grants to county boards of supervisors for  
48 the home care aide program:

49 ..... \$ 8,586,716

50 Funds appropriated in this lettered paragraph shall

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1 be used to provide home care aide services with  
2 emphasis on services to elderly and persons below the  
3 poverty level and children and adults in need of  
4 protective services with the objective of preventing  
5 or reducing inappropriate institutionalization. In  
6 addition, up to 15 percent of the funds appropriated  
7 in this lettered paragraph may be used to provide  
8 chore services. The funds shall not be used for any  
9 other purposes. In providing services to elderly  
10 persons, the service provider shall coordinate efforts  
11 with the integrated case management for the frail  
12 elderly program of the department of elder affairs.

13 As used in this lettered paragraph:

14 (1) "Chore services" means services provided to  
15 individuals or families, who, due to incapacity, or  
16 illness, are unable to perform certain home  
17 maintenance functions. The services include but are  
18 not limited to yard work such as mowing lawns, raking  
19 leaves, and shoveling walks; window and door  
20 maintenance such as hanging screen windows and doors,  
21 replacing windowpanes, and washing windows; and minor  
22 repairs to walls, floors, stairs, railings, and  
23 handles. It also includes heavy house cleaning which  
24 includes cleaning attics or basements to remove fire  
25 hazards, moving heavy furniture, extensive wall  
26 washing, floor care or painting, and trash removal.

27 (2) "Elderly person" means a person who is 60  
28 years of age or older.

29 (3) "Home care aide services" means services  
30 intended to enhance the capacity of household members  
31 to attain or maintain the independence of the  
32 household members and provided by trained and  
33 supervised workers to individuals or families, who,  
34 due to the absence, incapacity, or limitations of the  
35 usual homemaker, are experiencing stress or crisis.  
36 The services include but are not limited to essential  
37 shopping, housekeeping, meal preparation, child care,  
38 respite care, money management and consumer education,  
39 family management, personal services, transportation

40 and providing information, assistance, and household  
41 management.

42 (4) "Low-income person" means a person whose  
43 income and resources are below the guidelines  
44 established by the department.

45 (5) "Protective services" means those home care  
46 aide services intended to stabilize a child's or an  
47 adult's residential environment and relationships with  
48 relatives, caretakers, and other persons or household  
49 members in order to alleviate a situation involving  
50 abuse or neglect or to otherwise protect the child or

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1 adult from a threat of abuse or neglect.

2 The amount appropriated in this lettered paragraph  
3 shall be allocated for use in the counties of the  
4 state. Fifteen percent of the amount shall be divided  
5 so that an equal amount is available for use in each  
6 county in the state. The following percentages of the  
7 remaining amount shall be allocated to each county  
8 according to that county's proportion of residents  
9 with the following demographic characteristics: 60  
10 percent according to the number of elderly persons  
11 living in the county, 20 percent according to the  
12 number of persons below the poverty level living in  
13 the county, and 20 percent according to the number of  
14 substantiated cases of child abuse in the county  
15 during the three most recent fiscal years for which  
16 data is available.

17 In order to receive allocations in this lettered  
18 paragraph, the county board of supervisors, after  
19 consultation with the local boards of health, human  
20 services county cluster boards, area agency on aging  
21 advisory council, local office of the department of  
22 human services, and other in-home health care provider  
23 agencies in the jurisdiction, shall prepare a proposal  
24 for the use of the allocated funds available for that  
25 jurisdiction that will provide the maximum benefits of  
26 home care aide services to elderly and low-income  
27 persons and children and adults in need of protective  
28 services in the jurisdiction. An agency requesting  
29 service or financial information about a current  
30 subcontractor shall provide similar information  
31 concerning its own home care aide or chore services  
32 program to the current subcontractor. The proposal  
33 may provide that a maximum of 15 percent of the  
34 allocated funds will be used to provide chore  
35 services. The proposal shall include a statement  
36 assuring that children and adults in need of

37 protective services are given priority for home care  
38 aide services and that the appropriate local agencies  
39 have participated in the planning for the proposal.  
40 After approval of the proposal by the department, the  
41 department shall enter into a contract with the county  
42 board of supervisors or a governmental body designated  
43 by the county board of supervisors. The county board  
44 of supervisors or its designee shall subcontract with  
45 a nonprofit nurses' association, an independent  
46 nonprofit agency, the department of human services, or  
47 a suitable local governmental body to use the  
48 allocated funds to provide home care aide services and  
49 chore services providing that the subcontract requires  
50 any service provided away from the home to be

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1 documented in a report available for review by the  
2 department, and that each home care aide  
3 subcontracting agency shall maintain the direct  
4 service workers' time assigned to direct client  
5 service at 70 percent or more of the workers' paid  
6 time and that not more than 35 percent of the total  
7 cost of the service be included in the combined costs  
8 for service administration and agency administration.  
9 The subcontract shall require that each home care aide  
10 subcontracting agency shall pay the employer's  
11 contribution of social security and provide workers'  
12 compensation coverage for persons providing direct  
13 home care aide service and meet any other applicable  
14 legal requirements of an employer-employee  
15 relationship.

16 If by July 30 of the fiscal year, the department is  
17 unable to conclude contracts for use of the allocated  
18 funds in a county, the department shall consider the  
19 unused funds appropriated in this lettered paragraph  
20 an unallocated pool. The department shall also  
21 identify any allocated funds which the counties do not  
22 anticipate spending during the fiscal year. If the  
23 anticipated excess funds to any county are  
24 substantial, the department and the county may agree  
25 to return those excess funds, if the funds are other  
26 than program revenues, to the department, and if  
27 returned, the department shall consider the returned  
28 funds a part of the unallocated pool. The department  
29 shall, prior to February 15 of the fiscal year,  
30 reallocate the funds in the unallocated pool among the  
31 counties in which the department has concluded  
32 contracts under this lettered paragraph. The  
33 department shall also review the first 10 months'

34 expenditures for each county in May of the fiscal  
 35 year, to determine if any counties possess contracted  
 36 funds which they do not anticipate spending. If such  
 37 funds are identified and the county agrees to release  
 38 the funds, the released funds will be considered a new  
 39 reallocation pool. The department may, prior to June  
 40 1 of the fiscal year, reallocate funds from this new  
 41 reallocation pool to those counties which have  
 42 experienced a high utilization of protective service  
 43 hours for children and dependent adults.

44 The department shall maintain rules governing the  
 45 expenditure of funds appropriated in this lettered  
 46 paragraph. The rules require each local agency  
 47 receiving funds to establish and use a sliding fee  
 48 scale for those persons able to pay for all or a  
 49 portion of the cost of the services and shall require  
 50 the payments to be applied to the cost of the

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1 services. The department shall also maintain rules  
 2 for standards regarding training, supervision,  
 3 recordkeeping, appeals, program evaluation, cost  
 4 analysis, and financial audits, and rules specifying  
 5 reporting requirements.

6 The department shall annually evaluate the success  
 7 of the home care aide program. The evaluation shall  
 8 include a description of the program and its  
 9 implementation, the extent of local participation, the  
 10 extent to which the program reduced or prevented  
 11 inappropriate institutionalization, the extent to  
 12 which the program provided or increased the  
 13 availability of home care aide services to elderly and  
 14 low-income persons and children and adults in need of  
 15 protective services, any problems and recommendations  
 16 concerning the program, and an analysis of the costs  
 17 of services across the state. The department shall  
 18 submit a report of the annual evaluation to the  
 19 governor and the general assembly.

20 e. For the development and maintenance of well-  
 21 elderly clinics in the state:

22 ..... \$ 585,337

23 Appropriations made in this lettered paragraph  
 24 shall be provided by a formula to well-elderly clinics  
 25 located in counties which provide funding on a  
 26 matching basis for the well-elderly clinics.

27 f. For the physician care for children program:

28 ..... \$ 411,187

29 The physician services shall be subject to managed  
 30 care and selective contracting provisions and shall be



31 used to provide treatment of the children in a  
32 physician's office and shall include coverage of  
33 diagnostic procedures and prescription drugs required  
34 for the treatment. Services provided under this  
35 lettered paragraph shall be reimbursed according to  
36 medical assistance reimbursement rates.

37 g. For primary and preventive health care for  
38 children:

39 ..... \$ 75,000

40 Funds appropriated in this lettered paragraph shall  
41 be for the public purpose of providing a renewable  
42 grant, following a request for proposals, to a  
43 statewide charitable organization within the meaning  
44 of section 501(c)(3) of the Internal Revenue Code  
45 which was organized prior to April 1, 1989, and has as  
46 one of its purposes the sponsorship or support for  
47 programs designed to improve the quality, awareness,  
48 and availability of health care for the young, to  
49 serve as the funding mechanism for the provision of  
50 primary health care and preventive services to

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1 children in the state who are uninsured and who are  
2 not eligible under any public plan of health  
3 insurance, provided all of the following conditions  
4 are met:

5 (1) The organization shall provide a match of four  
6 dollars in advance of each state dollar provided.

7 (2) The organization coordinates services with new  
8 or existing public programs and services provided by  
9 or funded by appropriate state agencies in an effort  
10 to avoid inappropriate duplication of services and  
11 ensure access to care to the extent as is reasonably  
12 possible. The organization shall work with the Iowa  
13 department of public health, family and community  
14 health division, to ensure duplication is minimized.

15 (3) The organization's governing board includes in  
16 its membership representatives from the executive and  
17 legislative branches of state government.

18 (4) Grant funds are available as needed to provide  
19 services and shall not be used for administrative  
20 costs of the department or the grantee.

21 h. For the healthy family program:

22 ..... \$ 665,000

23 The moneys appropriated in this lettered paragraph  
24 shall be granted pursuant to 1992 Iowa Acts, Second  
25 Extraordinary Session, chapter 1001, section 415. The  
26 administrative entities shall work collaboratively to  
27 assure continuity of the provision of services from

28 the prenatal to the preschool period to an individual  
 29 client by having a single resource mother work with  
 30 that client. The department shall submit an annual  
 31 report to the general assembly concerning the  
 32 efficiency of the program and make any recommendations  
 33 for improvements.

34 **5. STATE BOARD OF DENTAL EXAMINERS**

35 For salaries, support, maintenance, miscellaneous  
 36 purposes, and for not more than the following full-  
 37 time equivalent positions:

38 .....	\$	257,049
39 .....	FTEs	4.00

40 The board shall seek alternatives to travel through  
 41 the use of video and teleconferencing technology.

42 **6. STATE BOARD OF MEDICAL EXAMINERS**

43 For salaries, support, maintenance, miscellaneous  
 44 purposes, and for not more than the following full-  
 45 time equivalent positions:

46 .....	\$	979,949
47 .....	FTEs	18.00

48 The board shall seek alternatives to travel through  
 49 the use of video and teleconferencing technology.

50 **7. STATE BOARD OF NURSING EXAMINERS**

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1 For salaries, support, maintenance, miscellaneous  
 2 purposes, and for not more than the following full-  
 3 time equivalent positions:

4 .....	\$	874,166
5 .....	FTEs	16.00

6 The board shall seek alternatives to travel through  
 7 the use of video and teleconferencing technology.

8 **8. STATE BOARD OF PHARMACY EXAMINERS**

9 For salaries, support, maintenance, miscellaneous  
 10 purposes, and for not more than the following full-  
 11 time equivalent positions:

12 .....	\$	652,224
13 .....	FTEs	11.00

14 The board shall seek alternatives to travel through  
 15 the use of video and teleconferencing technology.

16 9. The state board of medical examiners, the state  
 17 board of pharmacy examiners, the state board of dental  
 18 examiners, and the state board of nursing examiners  
 19 shall prepare estimates of projected receipts to be  
 20 generated by the licensing, certification, and  
 21 examination fees of each board as well as a projection  
 22 of the fairly apportioned administrative costs and  
 23 rental expenses attributable to each board. Each  
 24 board shall annually review and adjust its schedule of

25 fees so that, as nearly as possible, projected  
 26 receipts equal projected costs.  
 27 10. The state board of medical examiners, the  
 28 state board of pharmacy examiners, the state board of  
 29 dental examiners, and the state board of nursing  
 30 examiners shall retain their individual executive  
 31 officers, but are strongly encouraged to share  
 32 administrative, clerical, and investigative staffs to  
 33 the greatest extent possible.

34 11. A local health care provider or nonprofit  
 35 health care organization seeking grant moneys  
 36 administered by the department of public health shall  
 37 provide documentation that the provider or  
 38 organization has coordinated its services with other  
 39 local entities providing similar services.

40 Sec. 5. DEPARTMENT OF HUMAN RIGHTS. There is  
 41 appropriated from the general fund of the state to the  
 42 department of human rights for the fiscal year  
 43 beginning July 1, 1994 and ending June 30, 1995, the  
 44 following amounts, or so much thereof as is necessary,  
 45 to be used for the purposes designated:

46 1. CENTRAL ADMINISTRATION DIVISION  
 47 For salaries, support, maintenance, miscellaneous  
 48 purposes, and for not more than the following full-  
 49 time equivalent positions:  
 50 ..... \$ 176,836

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1 ..... FTEs 6.60  
 2 The division shall seek alternatives to travel  
 3 through the use of video and teleconferencing  
 4 technology.

5 2. COMMUNITY ACTION AGENCIES DIVISION  
 6 For the expenses of the community action agencies  
 7 commission:  
 8 ..... \$ 3,401

9 The division shall seek alternatives to travel  
 10 through the use of video and teleconferencing  
 11 technology.

12 3. DEAF SERVICES DIVISION  
 13 For salaries, support, maintenance, miscellaneous  
 14 purposes, and for not more than the following full-  
 15 time equivalent positions:  
 16 ..... \$ 288,900  
 17 ..... FTEs 8.00

18 The fees collected by the division for provision of  
 19 interpretation services by the division to obligated  
 20 agencies shall be disbursed pursuant to the provisions  
 21 of section 8.32, and shall be dedicated and used by

22 the division for the provision of continued and  
23 expanded interpretation services.

24 **4. PERSONS WITH DISABILITIES DIVISION**

25 For salaries, support, maintenance, miscellaneous  
26 purposes, and for not more than the following full-  
27 time equivalent positions:

28 .....	\$	101,393
29 .....	FTEs	2.00

30 The division shall seek alternatives to travel  
31 through the use of video and teleconferencing  
32 technology.

33 **5. LATINO AFFAIRS DIVISION**

34 For salaries, support, maintenance, miscellaneous  
35 purposes, and for not more than the following full-  
36 time equivalent positions:

37 .....	\$	96,003
38 .....	FTEs	2.00

39 The division shall seek alternatives to travel  
40 through the use of video and teleconferencing  
41 technology.

42 **6. STATUS OF WOMEN DIVISION**

43 For salaries, support, maintenance, miscellaneous  
44 purposes, and for not more than the following full-  
45 time equivalent positions:

46 .....	\$	391,644
47 .....	FTEs	4.50

48 a. Of the funds appropriated in this subsection,  
49 at least \$125,775 shall be spent for the displaced  
50 homemaker program.

**Page 17**

1 b. Of the funds appropriated in this subsection,  
2 at least \$42,570 shall be spent for domestic violence  
3 and sexual assault-related grants.

4 c. Of the funds appropriated in this subsection,  
5 at least \$45,241 shall be spent for the mentoring  
6 project for family investment program participants  
7 developed in accordance with section 239.22.

8 The division shall seek alternatives to travel  
9 through the use of video and teleconferencing  
10 technology.

11 **7. STATUS OF AFRICAN-AMERICANS DIVISION**

12 For salaries, support, maintenance, miscellaneous  
13 purposes, and for not more than the following full-  
14 time equivalent positions:

15 .....	\$	85,877
16 .....	FTEs	2.00

17 The division shall seek alternatives to travel  
18 through the use of video and teleconferencing

19 technology.

20 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

21 For salaries, support, maintenance, miscellaneous  
22 purposes, and for not more than the following full-  
23 time equivalent positions:

24 .....	\$	363,866
25 .....	FTEs	9.75

26 The division shall seek alternatives to travel  
27 through the use of video and teleconferencing  
28 technology.

29 a. The criminal and juvenile justice planning  
30 advisory council and the juvenile justice advisory  
31 council shall coordinate their efforts in carrying out  
32 their respective duties relative to juvenile justice.

33 b. Of the funds appropriated in this subsection,  
34 at least \$36,300 shall be spent for expenses relating  
35 to the administration of federal funds for juvenile  
36 assistance. It is the intent of the general assembly  
37 that the department of human rights employ sufficient  
38 staff to meet the federal funding match requirements  
39 established by the federal office for juvenile justice  
40 delinquency prevention. The governor's advisory  
41 council on juvenile justice shall determine the  
42 staffing level necessary to carry out federal and  
43 state mandates for juvenile justice.

44 9. PROGRAM PERFORMANCE-BASED BUDGETING. The  
45 department shall track all appropriations made to the  
46 programs of the department in the fiscal year  
47 beginning July 1, 1995, in accordance with the program  
48 performance-based budgeting method.

49 10. GRANT WRITING. The divisions of the  
50 department of human rights shall retain their

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1 individual administrators, but are strongly encouraged  
2 to share staff to the greatest extent possible and  
3 especially for the purpose of grant writing.

4 Sec. 6. COMMISSION OF VETERANS AFFAIRS. There is  
5 appropriated from the general fund of the state to the  
6 commission of veterans affairs for the fiscal year  
7 beginning July 1, 1994, and ending June 30, 1995, the  
8 following amounts, or so much thereof as is necessary,  
9 to be used for the purposes designated:

10 1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

11 For salaries, support, maintenance, and  
12 miscellaneous purposes, and for not more than the  
13 following full-time equivalent positions:

14 .....	\$	147,244
15 .....	FTEs	4.00

16 The commission shall seek alternatives to travel  
 17 through the use of video and teleconferencing  
 18 technology.

19 The commission of veterans affairs may use the  
 20 gifts accepted by the chairperson of the commission of  
 21 veterans affairs, or designee, and other resources  
 22 available to the commission for use at its Camp Dodge  
 23 office. The commission shall report annually to the  
 24 governor and the general assembly on monetary gifts  
 25 received by the commission for the Camp Dodge office.

26 **2. WAR ORPHANS**

27 For the war orphans educational aid fund  
 28 established pursuant to chapter 35:

29 ..... \$ 4,800

30 **3. IOWA VETERANS HOME**

31 For salaries, support, maintenance, and  
 32 miscellaneous purposes and for not more than the  
 33 following full-time equivalent positions:

34 ..... \$ 35,432,032

35 ..... FTEs 777.08

36 The veterans home shall seek alternatives to travel  
 37 through the use of video and teleconferencing  
 38 technology.

39 The Iowa veterans home may use the gifts accepted  
 40 by the chairperson of the commission of veterans  
 41 affairs and other resources available to the  
 42 commission for use at the Iowa veterans home.

43 If medical assistance revenues are expanded at the  
 44 Iowa veterans home, and this expansion results in  
 45 medical assistance reimbursements which exceed the  
 46 amount budgeted for that purpose in the fiscal year  
 47 beginning July 1, 1994, and ending June 30, 1995, the  
 48 Iowa veterans home may expend the excess amounts to  
 49 exceed the number of full-time equivalent positions  
 50 authorized in this section for the purpose of meeting

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1 related certification requirements or to provide  
 2 additional beds. The expenditure of additional funds  
 3 received, as outlined in this paragraph, is subject to  
 4 the approval by the department of management. Any  
 5 funds which are saved by reorganizing the department  
 6 of human rights pursuant to Senate File 2144, if  
 7 enacted by the Seventy-fifth General Assembly, shall  
 8 be appropriated to the veterans home.

9 **Sec. 7. INTERIM STUDIES -- SUBSTANCE ABUSE CARE**  
 10 **AND TREATMENT PROGRAM AND DEPARTMENT OF HUMAN RIGHTS.**

11 1. The legislative council is requested to provide  
 12 for a study of programs and services available in this

13 state for substance abuse care and treatment, the  
14 continuum of needs of substance abusers and whether  
15 the needs are being met satisfactorily, funding  
16 available for substance abuse care and treatment,  
17 including federal and state moneys, and payment  
18 mechanisms for the care and treatment, including  
19 medical assistance and third-party sources of payment,  
20 and the limitations of the payment. The study shall  
21 include a report to the general assembly, with  
22 recommendations to address identified problem areas on  
23 or before January 15, 1995.

24 2. An interim committee is requested to be  
25 established by the legislative council to study the  
26 organizational structure of the department of human  
27 rights. The study shall include but not be limited to  
28 an examination of the administrative costs of the  
29 department, the costs and benefits of relocation of  
30 divisions of the department into other departments,  
31 and the continued viability of the department as a  
32 separate unit of government. Proposals for change in  
33 the organizational structure of the department shall  
34 be presented to the general assembly by January 1,  
35 1995.

36 Sec. 8. LEASE-PURCHASE -- BUDGET SUBMISSION. This  
37 section applies to each state agency receiving an  
38 appropriation in this Act. The departmental estimate  
39 required under section 8.23 for the fiscal period  
40 beginning July 1, 1995, which includes the state  
41 agency, shall provide an itemized list indicating the  
42 nature and amount of each lease-purchase contract  
43 payment included in the estimate for proposed  
44 contracts which have not been reported by the state  
45 agency to the legislative fiscal committee of the  
46 legislative council pursuant to section 8.46 prior to  
47 the submission of the estimate. The governor shall  
48 include in the governor's budget for the fiscal year  
49 beginning July 1, 1995, a listing indicating the  
50 nature and amount of each lease-purchase contract

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1 which was itemized in a departmental estimate in  
2 accordance with this section and is included in the  
3 governor's budget. A state agency receiving an  
4 appropriation in this Act shall not enter into a  
5 lease-purchase contract during the fiscal year  
6 beginning July 1, 1995, unless the contract was  
7 itemized in a departmental estimate and included in  
8 the governor's budget in accordance with this section.

9 Sec. 9. Section 35.9, Code 1993, is amended to

10 read as follows:

11 35.9 EXPENDITURE BY COMMISSION.

12 The commission of veterans affairs may expend not  
13 more than ~~four~~ six hundred dollars per year for any  
14 one child who has lived in the state of Iowa for two  
15 years preceding application for aid, and who is the  
16 child of a person who died during World War I between  
17 the dates of April 6, 1917, and June 2, 1921, or  
18 during World War II between the dates of September 16,  
19 1940, and December 31, 1946, both dates inclusive, or  
20 the Korean Conflict between June 25, 1950, and January  
21 31, 1955, both dates inclusive, or the Vietnam  
22 Conflict between August 5, 1964, and May 7, 1975, both  
23 dates inclusive, or the Persian Gulf Conflict at any  
24 time between August 2, 1990, and the date the  
25 president or the congress of the United States  
26 declares a permanent cessation of hostilities, both  
27 dates inclusive, while serving in the military or  
28 naval forces of the United States, to include members  
29 of the reserve components performing service or duties  
30 required or authorized under chapter 39, United States  
31 Code and Title 32, United States Code, sections 502  
32 through 505, and active state service required or  
33 authorized under chapter 29A, or as a result of such  
34 service, to defray the expenses of tuition,  
35 matriculation, laboratory and similar fees, books and  
36 supplies, board, lodging, and any other reasonably  
37 necessary expense for such child or children incident  
38 to attendance in this state at an educational or  
39 training institution of college grade, or in a  
40 business or vocational training school with standards  
41 approved by the commission of veterans affairs.  
42 However, if congress enacts a date different from  
43 August 2, 1990, as the beginning of the Persian Gulf  
44 Conflict for purposes of determining whether a veteran  
45 is entitled to receive military benefits as a veteran  
46 of the Persian Gulf Conflict, that date shall be  
47 substituted for August 2, 1990.

48 A child eligible to receive funds under this  
49 section shall not receive more than ~~two~~ three thousand  
50 dollars under this section during the child's

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1 lifetime."

COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, Chairperson



S-5464

1 Amend the amendment, S-5301, to House File 2410 as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 9 through 11, and  
5 inserting the following:  
6 "2. "Contractor" means a natural person who is an  
7 independent contractor, including an independent  
8 trucking owner or operator eighteen years of age or  
9 older, who performs labor in this state under an  
10 agreement, to whom a payor of income makes payments  
11 which are not subject to withholding, and for whom the  
12 payor of income is required by the internal revenue  
13 service to complete a 1099-MISC form."

14 2. Page 1, by striking lines 18 and 19, and  
15 inserting the following:

16 "\_\_\_ . Page 39, by striking lines 31 and 32, and  
17 inserting the following:

18 "252G.4 ALTERNATIVE REPORTING REQUIREMENTS --  
19 PENALTY."

20 \_\_\_ . Page 40, by striking lines 2 through 21, and  
21 inserting the following: "contractor, shall report

22 all of the following the contractor to the registry.  
23 Payors of income shall report contractors performing  
24 labor under an agreement within ten fifteen days of  
25 hiring or rehiring of a contractor the date on which  
26 all of the following conditions are met:

27 a. The payor issues payment to the contractor in  
28 an amount which exceeds the amount required for the  
29 filing of a 1099-MISC report.

30 b. Payment to the contractor under an agreement is  
31 made in a form which is other than a lump sum payment.  
32 within a calendar year.

33 The payor of income is not required to file more  
34 than one report for any contractor.

35 2. The report submitted to the registry shall  
36 contain all of the following:

37 a. The name, address, and federal identification  
38 number of the payor of income.

39 b. The contractor's name, address, social security  
40 number, and if known, the contractor's date of birth."

41 \_\_\_ . Page 40, line 33, by striking the figures "3"  
42 2" and inserting the following: "3".

43 \_\_\_ . Page 41, line 2, by striking the figures "4"  
44 3" and inserting the following: "4".

45 \_\_\_ . Page 41, line 4, by striking the figures "5

46 4" and inserting the following: "5".  
47 3. By renumbering as necessary.

ELAINE SZYMONIAK  
MERLIN E. BARTZ  
JOHN P. KIBBIE  
WAYNE BENNETT

S-5465

1 Amend Senate File 2065 as follows:  
2 1. Page 2, line 28, by inserting after the word  
3 "board." the following: "Prior to approving an  
4 increase in the prices for essential communications  
5 services pursuant to this section, the board shall  
6 evaluate all existing revenues of the utility subject  
7 to the board's jurisdiction to the extent provided for  
8 in the approved plan."  
9 2. Page 3, by inserting after line 6 the  
10 following:  
11 "g. Provisions for investment in and modernization  
12 of the utility's telecommunications infrastructure."  
13 3. Page 3, by inserting after line 18 the  
14 following:  
15 "8. In implementing alternative regulation, the  
16 board shall consider methods to assist lower-income  
17 Iowans to secure and retain telephone service, and to  
18 assist all Iowans to secure and retain essential  
19 communications services at reasonable costs."

MICHAEL E. GRONSTAL  
JOHN W. JENSEN  
JIM KERSTEN  
MARY KRAMER  
JOE J. WELSH  
PATRICK J. DELUHERY

S-5466

1 Amend the amendment, S-5279, to House File 642, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 4, by inserting after line 13 the  
5 following:  
6 " \_\_\_\_ . Page 11, by inserting after line 19 the  
7 following:  
8 "Sec. \_\_\_\_ . Section 331.752, Code 1993, is amended  
9 by adding the following new subsection:  
10 NEW SUBSECTION. 3A. A resolution changing the  
11 full-time or part-time status of a county attorney may

12 take effect at any time before the sixty days expire  
13 upon agreement of the board of supervisors and the  
14 affected county attorney or county attorney-elect.””  
15 2. Page 5, line 49, by inserting after the word  
16 “taxes,” the following: “by authorizing an early  
17 change in full-time or part-time status of a county  
18 attorney by agreement.”.

RAY TAYLOR

S-5467

1 Amend House File 2406, 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. Section 101.28, Code 1993, is amended  
6 by striking the section and inserting in lieu thereof  
7 the following:

8 101.28 UNDERGROUND STORAGE TANKS -- LICENSING --  
9 INSPECTORS.

10 1. All underground storage tanks shall be  
11 installed, lined, tested, and removed by a person  
12 licensed under this section. All inspectors  
13 conducting certification inspections under chapter  
14 455G, shall also be licensed under this section.

15 2. The following persons may be licensed as  
16 underground storage tank installation inspectors or  
17 removers:

18 a. A licensed engineer, except that if underground  
19 storage tank installation is within the scope of  
20 practice of a particular class of licensed engineer,  
21 additional training shall not be required for that  
22 class.

23 b. A fire marshal, or other person unaffiliated  
24 with the tank owner, operator, or installer.

25 3. The state fire marshal shall do all of the  
26 following:

27 a. Adopt rules for licensing underground storage  
28 tank installation inspectors, installers, liners,  
29 testers, and removers.

30 b. Adopt approved curriculum for training persons  
31 as a precondition to their licensing as underground  
32 storage tank installation inspectors.

33 c. Adopt curricula for training persons to install  
34 underground storage tanks so that the resulting  
35 installation may be certified under section 455G.11,  
36 subsection 6.

37 d. Adopt curricula for training persons to line,  
38 test, and remove underground storage tanks, including

39 training regarding fire safety and environmental  
40 protection guidelines for persons removing tanks.  
41 4. The state fire marshal may provide a list of  
42 licensees to any interested person.  
43 5. The state fire marshal, the state fire  
44 marshal's designee, or a local fire marshal, shall  
45 charge a fee for a certification inspection in an  
46 amount sufficient to recover the costs of authorized  
47 training and inspection.  
48 6. The fees collected by the state fire marshal  
49 for licensing and certification inspection under this  
50 section shall be retained by the state fire marshal to

Page 2

1 defray the costs of administration of this section."  
2 2. Page 8, by inserting after line 32 the  
3 following:  
4 "Sec. \_\_\_\_ . There is appropriated from the  
5 underground storage tank fund account to the state  
6 fire marshal's office for the fiscal year beginning  
7 July 1, 1994, and ending June 30, 1995, thirty-five  
8 thousand dollars, for the addition of one full-time  
9 equivalent position, for implementation of the  
10 underground storage tank installers and inspectors  
11 licensing program under section 101.28."  
12 3. By renumbering as necessary.

JIM KERSTEN

S-5468

1 Amend the amendment, S-5279, to House File 642, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, by inserting after line 15 the  
5 following:  
6 "\_\_\_\_ . Page 1, by inserting after line 19 the  
7 following:  
8 "Sec. \_\_\_\_ . Section 18.6, subsection 10, Code 1993,  
9 is amended to read as follows:  
10 10. The state ~~and its political subdivisions~~ shall  
11 give preference to purchasing Iowa products and  
12 purchasing from Iowa based businesses if the bids  
13 submitted are comparable in price to those submitted  
14 by other bidders and meet the required  
15 specifications."  
16 \_\_\_\_ . Page 2, by inserting after line 3 the  
17 following:  
18 "Sec. \_\_\_\_ . Section 73.1, Code 1993, is amended to

19 read as follows:

20 73.1 PREFERENCE AUTHORIZED -- CONDITIONS.

21 Every commission, board, committee, officer or  
 22 other governing body of the state, ~~or of any county,~~  
 23 ~~township, school district or city,~~ and every person  
 24 acting as contracting or purchasing agent for any such  
 25 commission, board, committee, officer or other  
 26 governing body shall use only those products and  
 27 provisions grown and coal produced within the state of  
 28 Iowa, when they are found in marketable quantities in  
 29 the state and are of a quality reasonably suited to  
 30 the purpose intended, and can be secured without  
 31 additional cost over foreign products or products of  
 32 other states. This section shall apply to  
 33 horticultural products grown in this state even if the  
 34 products are not in the stage of processing that the  
 35 agency usually purchases the product. However, this  
 36 section does not apply to a school district purchasing  
 37 food while the school district is participating in the  
 38 federal school lunch program.”

39 2. Page 5, line 33, by inserting after the word  
 40 “budgets,” the following: “by removing preference  
 41 requirements for the purchase of Iowa products or  
 42 services.”

MAGGIE TINSMAN  
 O. GENE MADDOX  
 LYLE E. ZIEMAN

S-5469

1 Amend the amendment, S-5279, to House File 642, as  
 2 amended, passed, and reprinted by the House as  
 3 follows:

4 1. Page 4, by inserting after line 17 the  
 5 following:

6 “—. Page 12, by inserting after line 12 the  
 7 following:

8 “Sec. —. Section 411.6, subsection 5, paragraph  
 9 c, Code 1993, is amended to read as follows:

10 c. Disease under this section shall mean heart  
 11 disease or any disease of the lungs or respiratory  
 12 tract ~~and shall be presumed to have been contracted~~  
 13 ~~while on active duty as a result of strain or the~~  
 14 ~~inhalation of noxious fumes, poison or gases arising~~  
 15 out of and in the course of employment as defined by  
 16 section 85.61, subsection 7. However, if a person's  
 17 membership in the system first commenced on or after  
 18 July 1, 1992, and the heart disease or disease of the  
 19 lungs or respiratory tract would not exist, but for a

20 medical condition that was known to exist on the date  
 21 that membership commenced, the presumption established  
 22 in this paragraph shall not apply.”  
 23 2. Page 5, line 47, by inserting after the word  
 24 “veterans,” the following: “by defining a disease  
 25 resulting in employee disability.”

O. GENE MADDOX  
 LYLE E. ZIEMAN

S-5470

1 Amend the amendment, S-5279, to House File 642, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 4, by inserting after line 37 the  
 5 following:  
 6 “\_\_\_ . Page 12, by inserting before line 21 the  
 7 following:  
 8 “Sec. \_\_\_ . Section 568.3, Code 1993, is amended to  
 9 read as follows:  
 10 568.3 APPLICATION BY PROSPECTIVE PURCHASER.  
 11 ~~If the county auditor fails or neglects to make~~  
 12 ~~such application, then any A~~ person desiring to  
 13 purchase ~~such~~ land described in section 568.1 may file  
 14 a written application with the secretary of state,  
 15 asking that the ~~said~~ land be surveyed, appraised, and  
 16 sold.  
 17 Sec. \_\_\_ . Section 568.4, Code 1993, is amended to  
 18 read as follows:  
 19 568.4 FORM OF APPLICATION.  
 20 The ~~said~~ application ~~whether made by the county~~  
 21 ~~auditor or by a person desiring to purchase the land,~~  
 22 shall contain an accurate description ~~thereof of the~~  
 23 land, stating whether the land is abandoned river  
 24 channel, or land within ~~such~~ the abandoned river  
 25 channel, or an island or a sand bar in a navigable  
 26 stream, and giving the number of township and range in  
 27 which it is located, and the section numbers if  
 28 possible, and also the estimated acreage.”  
 29 2. Page 5, line 26, by striking the word and  
 30 figure “and 428.10” and inserting the following:  
 31 “428.10, and 568.2”.  
 32 3. Page 5, line 31, by inserting after the word  
 33 “actions” the following: “, abandoned islands.”

SHELDON RITTMER  
 MAGGIE TINSMAN  
 O. GENE MADDOX

S-5471

1 Amend the amendment, S-5279, to House File 642, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 2, by inserting after line 15, the  
5 following:

6 " \_\_\_\_ . Page 1, by inserting after line 19 the  
7 following:

8 "Sec. \_\_\_\_ . Section 25B.2, Code 1993, is amended by  
9 adding the following new subsection:

10 NEW SUBSECTION. 3. If, on or after the effective  
11 date of this Act, a state mandate is enacted by the  
12 general assembly, or otherwise imposed, on a political  
13 subdivision and the state mandate requires a political  
14 subdivision to engage in any new activity, to provide  
15 any new service, or to provide any service beyond that  
16 required by any law enacted prior to the effective  
17 date of this Act, and the state does not appropriate  
18 moneys to fully fund the cost of the state mandate,  
19 the political subdivision is not required to perform  
20 the activity or provide the service and the political  
21 subdivision shall not be subject to the imposition of  
22 any fines or penalties for the failure to comply with  
23 the state mandate unless the legislation specifies the  
24 amount or proportion of the cost of the state mandate  
25 which the state shall pay annually. However, this  
26 subsection does not apply to any requirement imposed  
27 on a political subdivision relating to public employee  
28 retirement systems under chapters 97B, 410, and 411.

29 For the purposes of this subsection, any  
30 requirement originating from the federal government  
31 and administered, implemented, or enacted by the  
32 state, or any allocation of federal moneys conditioned  
33 upon enactment of a state law or rule, is not a state  
34 mandate.

35 For the purposes of this subsection, "political  
36 subdivision" includes community colleges and area  
37 education agencies."

38 2. Page 5, line 33, by inserting after the word  
39 "budgets," the following: "by providing for the  
40 funding of state mandates,".

O. GENE MADDOX  
JOHN W. JENSEN  
MAGGIE TINSMAN

S-5472

- 1 Amend House File 2070, as passed by the House as  
 2 follows:  
 3 1. Page 1, line 31, by striking the words "or the  
 4 attorney general".

RANDAL J. GIANNETTO

S-5473

- 1 Amend the amendment, S-5279, to House File 642, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 2, by inserting after line 38 the  
 5 following:  
 6 "\_\_\_\_. Page 10, by inserting after line 11 the  
 7 following:  
 8 "Sec. \_\_\_\_ . Section 321.251, subsection 2, Code  
 9 Supplement 1993, is amended by adding the following  
 10 new paragraph:  
 11 NEW PARAGRAPH. e. A city may charge a mobile home  
 12 park owner for vehicular traffic regulation as  
 13 provided in this section."  
 14 \_\_\_\_ . Page 12, by inserting before line 21 the  
 15 following:  
 16 "Sec. \_\_\_\_ . Section 474.5, subsection 2, Code 1993,  
 17 is amended to read as follows:  
 18 2. The utilities board shall adopt rules approving  
 19 the types of ~~city-owned~~ or utility-owned lighting  
 20 which shall be used in providing energy efficient  
 21 exterior lighting under ~~sections 364.23 and~~ section  
 22 476.62."  
 23 2. Page 5, line 43, by inserting after the word  
 24 "required," the following: "by authorizing a city to  
 25 charge for certain services to private property, by  
 26 removing city electric utility responsibilities for  
 27 energy efficient exterior lighting,""

O. GENE MADDOX  
 MAGGIE TINSMAN  
 LYLE E. ZIEMAN

S-5474

- 1 Amend House File 2411, 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 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, 1994, and ending  
 9 June 30, 1995, 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 ..... \$ 5,011,404  
 17 ..... FTEs 93.95

18 2. VOCATIONAL EDUCATION ADMINISTRATION

19 For salaries, support, maintenance, miscellaneous  
 20 purposes, and for not more than the following full-  
 21 time equivalent positions:

22 ..... \$ 631,884  
 23 ..... FTEs 18.32

24 3. VOCATIONAL REHABILITATION DIVISION

25 a. For salaries, support, maintenance,  
 26 miscellaneous purposes, and for not more than the  
 27 following full-time equivalent positions:

28 ..... \$ 3,473,754  
 29 ..... FTEs 278.00

30 It is the intent of the general assembly that the  
 31 division of vocational rehabilitation services of the  
 32 department of education shall seek, in addition to  
 33 state appropriations, funds other than federal funds,  
 34 which may include but are not limited to local funds,  
 35 for purposes of matching federal vocational  
 36 rehabilitation funds.

37 Notwithstanding the full-time equivalent position  
 38 limit established in this subsection for the fiscal  
 39 year ending June 30, 1995, if federal funding is  
 40 available to pay the costs of additional employees for  
 41 the vocational rehabilitation division who would have  
 42 duties relating to vocational rehabilitation services  
 43 paid for through federal funding, authorization to  
 44 hire not more than four full-time equivalent employees  
 45 shall be provided, the full-time equivalent position  
 46 limit shall be exceeded, and the additional employees  
 47 shall be hired by the division.

48 b. For matching funds for programs to enable  
 49 severely physically or mentally disabled persons to  
 50 function more independently, including salaries and

Page 2

1 support, and for not more than the following full-time  
 2 equivalent positions:

3	.....	\$	21,620
4	.....	FTEs	1.50
5	<b>4. BOARD OF EDUCATIONAL EXAMINERS</b>		
6	For salaries, support, maintenance, miscellaneous		
7	purposes, and for not more than the following full-		
8	time equivalent positions:		
9	.....	\$	185,749
10	.....	FTEs	2.00
11	<b>5. SCHOOL FOOD SERVICE</b>		
12	For use as state matching funds for federal		
13	programs that shall be disbursed according to federal		
14	regulations, including salaries, support, maintenance,		
15	miscellaneous purposes, and for not more than the		
16	following full-time equivalent positions:		
17	.....	\$	2,716,859
18	.....	FTEs	14.00
19	<b>6. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS</b>		
20	To provide funds for costs of providing textbooks		
21	to each resident pupil who attends a nonpublic school		
22	as authorized by section 301.1. The funding is		
23	limited to \$20 per pupil and shall not exceed the		
24	comparable services offered to resident public school		
25	pupils:		
26	.....	\$	616,000
27	<b>7. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION</b>		
28	To assist a vocational agriculture youth		
29	organization sponsored by the schools to support the		
30	foundation established by that vocational agriculture		
31	youth organization and for other youth activities:		
32	.....	\$	59,400
33	<b>8. STATE LIBRARY</b>		
34	For salaries, support, maintenance, miscellaneous		
35	purposes, and for not more than the following full-		
36	time equivalent positions:		
37	.....	\$	2,377,075
38	.....	FTEs	33.50
39	<b>9. REGIONAL LIBRARY</b>		
40	For state aid:		
41	.....	\$	1,425,000
42	<b>10. CENTER FOR ASSESSMENT</b>		
43	For the purpose of developing academic standards in		
44	the areas of math, history, science, English, language		
45	arts, and geography:		
46	.....	\$	300,000
47	<b>11. IMAGES</b>		
48	For allocation to Merged Area XI to be used for		
49	grants to students for the Iowa minority academic		
50	grants for economic success program under sections		

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1	261.101 through 261.105:		
2	.....	\$	60,000
3	Merged Area XI shall distribute that portion of the		
4	funds to a private institution of higher education		
5	cooperating with Merged Area XI, for purposes of the		
6	Iowa minority academic grants for economic success		
7	program, equal to the number of students who are		
8	enrolled and participating in the program at the		
9	private institution compared to the number of students		
10	who are enrolled and participating in the program at		
11	the two institutions.		
12	12. PUBLIC BROADCASTING DIVISION		
13	For salaries, support, maintenance, capital		
14	expenditures, miscellaneous purposes, and for not more		
15	than the following full-time equivalent positions:		
16	.....	\$	6,160,833
17	.....	FTEs	97.00
18	13. CORRECTIONS EDUCATION PROGRAM		
19	For educational programs at state penal		
20	institutions:		
21	.....	\$	1,850,600
22	14. ASSESSMENT		
23	For participation by the department of education in		
24	a state and national project to determine the academic		
25	achievement of Iowa students in math, reading,		
26	science, United States history, or geography:		
27	.....	\$	50,000
28	15. FAMILY RESOURCE CENTERS		
29	For support of the family resource center		
30	demonstration program established under chapter 256C:		
31	.....	\$	120,000
32	16. COMMUNITY COLLEGES		
33	Notwithstanding chapter 260D, for general state		
34	financial aid, including general financial aid to		
35	merged areas in lieu of personal property tax		
36	replacement payments under section 427A.13, to merged		
37	areas as defined in section 260C.2, for vocational		
38	education programs in accordance with chapters 258 and		
39	260C, to purchase instructional equipment for		
40	vocational and technical courses of instruction in		
41	community colleges, and for salary increases:		
42	.....	\$	99,070,486
43	The funds appropriated in this subsection shall be		
44	allocated as follows:		
45	a. Merged Area I .....	\$	4,658,759
46	b. Merged Area II .....	\$	5,606,395
47	c. Merged Area III .....	\$	5,306,572
48	d. Merged Area IV .....	\$	2,499,318

49	e. Merged Area V .....	\$ 5,392,040
50	f. Merged Area VI .....	\$ 5,010,414

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1	g. Merged Area VII .....	\$ 6,884,060
2	h. Merged Area IX .....	\$ 8,737,178
3	i. Merged Area X .....	\$ 13,567,270
4	j. Merged Area XI .....	\$ 14,519,895
5	k. Merged Area XII .....	\$ 5,683,808
6	l. Merged Area XIII .....	\$ 5,889,105
7	m. Merged Area XIV .....	\$ 2,605,654
8	n. Merged Area XV .....	\$ 8,144,530
9	o. Merged Area XVI .....	\$ 4,565,488

10 Sec. 2. There is appropriated from the general  
 11 fund of the state to the department of education for  
 12 the fiscal year beginning July 1, 1995, and ending  
 13 June 30, 1996, the following amounts, or so much  
 14 thereof as is necessary, to be used for the purposes  
 15 designated:

16 1. Notwithstanding chapter 260D for state  
 17 financial aid, including general financial aid to  
 18 merged areas in lieu of personal property tax  
 19 replacement payments under section 427A.13, to merged  
 20 areas to be accrued as income and used for  
 21 expenditures incurred by the community colleges during  
 22 the fiscal year beginning July 1, 1994, and ending  
 23 June 30, 1995:

24 ..... \$ 16,450,231

25 The funds appropriated in this section shall be  
 26 allocated as follows:

27	a. Merged Area I .....	\$ 777,072
28	b. Merged Area II .....	\$ 930,993
29	c. Merged Area III .....	\$ 894,475
30	d. Merged Area IV .....	\$ 423,103
31	e. Merged Area V .....	\$ 897,586
32	f. Merged Area VI .....	\$ 836,461
33	g. Merged Area VII .....	\$ 1,152,178
34	h. Merged Area IX .....	\$ 1,446,020
35	i. Merged Area X .....	\$ 2,232,424
36	j. Merged Area XI .....	\$ 2,414,311
37	k. Merged Area XII .....	\$ 948,649
38	l. Merged Area XIII .....	\$ 974,188
39	m. Merged Area XIV .....	\$ 431,773
40	n. Merged Area XV .....	\$ 1,335,675
41	o. Merged Area XVI .....	\$ 755,323

42 2. Funds appropriated by this section shall be  
 43 allocated pursuant to this section and paid on or  
 44 about August 15, 1995.

45 Sec. 3. Notwithstanding the appropriation provided

46 in section 294A.25, subsection 1, there is  
 47 appropriated from the general fund of the state to the  
 48 department of education for the fiscal year beginning  
 49 July 1, 1994, and ending June 30, 1995, the following  
 50 amounts, or so much thereof as may be necessary, to be

Page 5

1 used for the purposes designated:

2 To supplement the appropriation in section 294A.25

3 for phase II:

4 ..... \$ 535,755

5 Sec. 4. There is appropriated from the general  
 6 fund of the state to the department of education for  
 7 the fiscal year beginning July 1, 1995, and ending  
 8 June 30, 1996, the following amount, or so much  
 9 thereof as may be necessary, to be used for the

10 purpose designated:

11 For expenditures incurred by school districts  
 12 during the previous fiscal year for vocational  
 13 education aid to secondary schools:

14 ..... \$ 3,308,850

15 Funds appropriated in this section shall be used  
 16 for expenditures made by school districts to meet the  
 17 standards set in sections 256.11, 258.4, and 260C.23  
 18 as a result of the enactment of 1989 Iowa Acts,  
 19 chapter 278. Funds shall be used as reimbursement for  
 20 vocational education expenditures made by secondary  
 21 schools in the manner provided by the department of  
 22 education for implementation of the standards set in  
 23 1989 Iowa Acts, chapter 278.

24 Sec. 5. 1993 Iowa Acts, chapter 179, section 1,  
 25 subsection 5, unnumbered paragraph 2, is amended to  
 26 read as follows:

27 The moneys appropriated by this subsection shall be  
 28 reduced by \$50,000 if If an increase in the fees  
 29 charged by the board of educational examiners does not  
 30 result in an increase of at least \$50,000 in revenues  
 31 to the board during the fiscal year beginning July 1,  
 32 1993, the moneys appropriated by this subsection shall  
 33 be reduced in an amount equal to the difference  
 34 between the total amount of revenues resulting from  
 35 the fee increase and \$50,000.

36 Sec. 6. 1993 Iowa Acts, chapter 180, section 62,  
 37 is amended to read as follows:

38 SEC. 62. IMAGES. There is appropriated from the  
 39 general fund of the state to the department of  
 40 education for the fiscal year beginning July 1, 1993,  
 41 and ending June 30, 1994, the amount of \$60,000 to be  
 42 allocated to Merged Area XI, to be used for the

43 purposes of grants to students for the Iowa minority  
 44 academic grants for economic success program under  
 45 sections 261.101 through 261.105. Merged Area XI  
 46 shall distribute that portion of the funds to a  
 47 private institution of higher education cooperating  
 48 with Merged Area XI, for purposes of the Iowa minority  
 49 academic grants for economic success program, equal to  
 50 the number of students who are enrolled and

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1 participating in the program at the private  
 2 institution compared to the number of students who are  
 3 enrolled and participating in the program at the two  
 4 institutions.

COLLEGE STUDENT AID COMMISSION

6 Sec. 7. There is appropriated from the general  
 7 fund of the state to the college student aid  
 8 commission for the fiscal year beginning July 1, 1994,  
 9 and ending June 30, 1995, the following amounts, or so  
 10 much thereof as may be necessary, to be used for the  
 11 purposes designated:

1. GENERAL ADMINISTRATION

13 For salaries, support, maintenance, miscellaneous  
 14 purposes, and for not more than the following full-  
 15 time equivalent positions:

16 .....	\$	296,470
17 .....	FTEs	7.05

2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH SCIENCES

20 a. For forgivable loans to Iowa students attending  
 21 the university of osteopathic medicine and health  
 22 sciences, under the forgivable loan program pursuant  
 23 to section 261.19A:

24 .....	\$	379,260
----------	----	---------

25 b. For the university of osteopathic medicine and  
 26 health sciences for an initiative in primary health  
 27 care to direct primary care physicians to shortage  
 28 areas in the state:

29 .....	\$	395,000
----------	----	---------

30 From the moneys appropriated in this lettered  
 31 paragraph, at least \$272,500 for the fiscal year  
 32 beginning July 1, 1994, and ending June 30, 1995,  
 33 shall be dedicated to reducing the student loan debt  
 34 for resident Iowa students in return for a fixed  
 35 period of medical service in the state of Iowa. The  
 36 university of osteopathic medicine and health sciences  
 37 shall report quarterly to the legislative fiscal  
 38 bureau concerning the expenditure of funds  
 39 appropriated in this lettered paragraph.

40 3. STUDENT AID PROGRAMS

41 For payments to students for student aid programs:  
 42 ..... \$ 1,469,790  
 43 From the moneys appropriated in this subsection,  
 44 \$1,397,790 for the fiscal year beginning July 1, 1994,  
 45 and ending June 30, 1995, shall be expended for an  
 46 Iowa grant program, with funds to be allocated to  
 47 institutions pursuant to section 261.93A. The  
 48 remainder shall be allocated for the graduate student  
 49 financial assistance program.

50 4. COMMUNITY SCHOLARSHIP PROGRAM

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1 For funding the Iowa community scholarship program:  
 2 ..... \$ 5,000  
 3 Moneys appropriated in this subsection shall not be  
 4 used to pay, supplement, or supplant the salaries of  
 5 employees of the college student aid commission.  
 6 Sec. 8. There is appropriated from the loan  
 7 reserve account to the college student aid commission  
 8 for the fiscal year beginning July 1, 1994, and ending  
 9 June 30, 1995, the following amount, or so much  
 10 thereof as may be necessary, to be used for the  
 11 purposes designated:  
 12 For operating costs of the Stafford loan program  
 13 including salaries, support, maintenance,  
 14 miscellaneous purposes, and for not more than the  
 15 following full-time equivalent positions:  
 16 ..... \$ 4,748,061  
 17 ..... FTEs 33.27

18 STATE BOARD OF REGENTS

19 Sec. 9. There is appropriated from the general  
 20 fund of the state to the state board of regents for  
 21 the fiscal year beginning July 1, 1994, and ending  
 22 June 30, 1995, the following amounts, or so much  
 23 thereof as may be necessary, to be used for the  
 24 purposes designated:  
 25 1. OFFICE OF STATE BOARD OF REGENTS  
 26 a. For salaries, support, maintenance,  
 27 miscellaneous purposes, and for not more than the  
 28 following full-time equivalent positions:  
 29 ..... \$ 1,090,723  
 30 ..... FTEs 15.63

31 If the moneys provided in this lettered paragraph  
 32 are augmented by reimbursements from the institutions  
 33 under the control of the state board of regents for  
 34 the funding of the office of the state board of  
 35 regents, the office shall report quarterly such  
 36 reimbursements to the chairpersons and ranking members

37 of the joint appropriations subcommittee on education.

38 The state board of regents shall conduct the

39 following studies:

40 (1) A comparison of need-based and academic-based

41 federal and state student financial aid programs to

42 determine the trends and demands for state and federal

43 financial aid programs.

44 (2) A study of the supply and the current and

45 projected demand for state and federal student

46 financial aid programs at the institutions of higher

47 learning under the control of the state board of

48 regents.

49 (3) A study to determine whether there is a need

50 to increase funding of student financial aid programs

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1 to accommodate increasing numbers of nontraditional

2 students in institutions of higher learning under the

3 control of the state board of regents.

4 The state board of regents shall submit a report of

5 its findings and recommendations to the general

6 assembly by January 1, 1995. Included in the report

7 shall be the state board of regents' anticipated plans

8 for need-based and academic-based student financial

9 aid programs.

10 b. For allocation by the state board of regents to

11 the state university of Iowa, the Iowa state

12 university of science and technology, and the

13 university of northern Iowa to reimburse the

14 institutions for deficiencies in their operating funds

15 resulting from the pledging of tuitions, student fees

16 and charges, and institutional income to finance the

17 cost of providing academic and administrative

18 buildings and facilities and utility services at the

19 institutions:

20 ..... \$ 25,843,645

21 The state board of regents, the department of

22 management, and the legislative fiscal bureau shall

23 cooperate to determine and agree upon, by November 15,

24 1994, the amount that needs to be appropriated for

25 tuition replacement for the fiscal year beginning July

26 1, 1995.

27 c. For funds to be allocated to the southwest Iowa

28 graduate studies center:

29 ..... \$ 68,165

30 d. For funds to be allocated to the siouxland

31 interstate metropolitan planning council for the

32 tristate graduate center under section 262.9,

33 subsection 21:



34	.....	\$	67,750
35	e. For funds to be allocated to the quad-cities		
36	graduate studies center:		
37	.....	\$	144,104
38	2. STATE UNIVERSITY OF IOWA		
39	a. General university, including lakeside		
40	laboratory		
41	For salaries, support, maintenance, equipment,		
42	miscellaneous purposes, and for not more than the		
43	following full-time equivalent positions:		
44	.....	\$	184,110,721
45	.....	FTEs	3,999.37
46	b. For the primary health care initiative in the		
47	college of medicine, and for not more than the		
48	following full-time equivalent positions:		
49	.....	\$	630,000
50	.....	FTEs	5.60

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1 From the moneys appropriated in this lettered  
 2 paragraph, \$330,000 shall be allocated to the  
 3 department of family practice at the state university  
 4 of Iowa college of medicine for family practice  
 5 faculty and support staff.

6 c. University hospitals  
 7 For salaries, support, maintenance, equipment, and  
 8 miscellaneous purposes and for medical and surgical  
 9 treatment of indigent patients as provided in chapter  
 10 255, and for not more than the following full-time  
 11 equivalent positions:

12	.....	\$	28,182,097
13	.....	FTEs	5,614.36

14 Funds appropriated in this lettered paragraph shall  
 15 not be used to perform abortions except medically  
 16 necessary abortions, and shall not be used to operate  
 17 the early termination of pregnancy clinic except for  
 18 the performance of medically necessary abortions. For  
 19 the purpose of this lettered paragraph, an abortion is  
 20 the purposeful interruption of pregnancy with the  
 21 intention other than to produce a live-born infant or  
 22 to remove a dead fetus, and a medically necessary  
 23 abortion is one performed under one of the following  
 24 conditions:

25 (1) The attending physician certifies that  
 26 continuing the pregnancy would endanger the life of  
 27 the pregnant woman.

28 (2) The attending physician certifies that the  
 29 fetus is physically deformed, mentally deficient, or  
 30 afflicted with a congenital illness.

- 31 (3) The pregnancy is the result of a rape which is  
 32 reported within 45 days of the incident to a law  
 33 enforcement agency or public or private health agency  
 34 which may include a family physician.
- 35 (4) The pregnancy is the result of incest which is  
 36 reported within 150 days of the incident to a law  
 37 enforcement agency or public or private health agency  
 38 which may include a family physician.
- 39 (5) The abortion is a spontaneous abortion,  
 40 commonly known as a miscarriage, wherein not all of  
 41 the products of conception are expelled.
- 42 The total quota allocated to the counties for  
 43 indigent patients for the fiscal year beginning July  
 44 1, 1994, shall not be lower than the total quota  
 45 allocated to the counties for the fiscal year  
 46 commencing July 1, 1993. The total quota shall be  
 47 allocated among the counties on the basis of the 1990  
 48 census pursuant to section 255.16.
- 49 d. Psychiatric hospital  
 50 For salaries, support, maintenance, equipment, and

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- 1 miscellaneous purposes and for the care, treatment,  
 2 and maintenance of committed and voluntary public  
 3 patients, and for not more than the following full-  
 4 time equivalent positions:
- |         |      |           |
|---------|------|-----------|
| 5 ..... | \$   | 6,821,774 |
| 6 ..... | FTEs | 302.28    |
- 7 e. Hospital-school  
 8 For salaries, support, maintenance, miscellaneous  
 9 purposes, and for not more than the following full-  
 10 time equivalent positions:
- |          |      |           |
|----------|------|-----------|
| 11 ..... | \$   | 5,479,934 |
| 12 ..... | FTEs | 172.00    |
- 13 f. Oakdale campus  
 14 For salaries, support, maintenance, miscellaneous  
 15 purposes, and for not more than the following full-  
 16 time equivalent positions:
- |          |      |           |
|----------|------|-----------|
| 17 ..... | \$   | 2,767,936 |
| 18 ..... | FTEs | 63.58     |
- 19 g. State hygienic laboratory  
 20 For salaries, support, maintenance, miscellaneous  
 21 purposes, and for not more than the following full-  
 22 time equivalent positions:
- |          |      |           |
|----------|------|-----------|
| 23 ..... | \$   | 3,021,202 |
| 24 ..... | FTEs | 100.69    |
- 25 h. Family practice program  
 26 For allocation by the dean of the college of  
 27 medicine, with approval of the advisory board, to

28 qualified participants, to carry out chapter 148D for  
 29 the family practice program, including salaries and  
 30 support, and for not more than the following full-time  
 31 equivalent positions:

32 .....	\$	1,779,326
33 .....	FTEs	153.74

34 i. Child health care services  
 35 For specialized child health care services,  
 36 including childhood cancer diagnostic and treatment  
 37 network programs, rural comprehensive care for  
 38 hemophilia patients, and Iowa high-risk infant follow-  
 39 up program, including salaries and support, and for  
 40 not more than the following full-time equivalent  
 41 positions:

42 .....	\$	422,671
43 .....	FTEs	11.04

44 j. Agricultural health and safety programs  
 45 For agricultural health and safety programs, and  
 46 for not more than the following full-time equivalent  
 47 positions:

48 .....	\$	243,811
49 .....	FTEs	3.48

50 k. Statewide tumor registry

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1 For the statewide tumor registry, and for not more  
 2 than the following full-time equivalent positions:

3 .....	\$	205,696
4 .....	FTEs	3.07

5 l. Substance abuse consortium  
 6 For funds to be allocated to the Iowa consortium  
 7 for substance abuse research and evaluation, and for  
 8 not more than the following full-time equivalent  
 9 positions:

10 .....	\$	60,889
11 .....	FTEs	1.15

12 It is the intent of the general assembly that the  
 13 consortium conduct a study of the efficiency and  
 14 effectiveness of licensed substance abuse treatment  
 15 programs in Iowa and report the study findings to the  
 16 general assembly by January 1, 1995.

17 m. Center for biocatalysis  
 18 For the center for biocatalysis, and for not more  
 19 than the following full-time equivalent positions:

20 .....	\$	1,280,078
21 .....	FTEs	4.00

22 n. National advanced driving simulator  
 23 For the national advanced driving simulator, and  
 24 for not more than the following full-time equivalent

25 positions:

26	.....	\$	269,342
27	.....	FTEs	4.40
28	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY		
29	a. General university		
30	For salaries, support, maintenance, equipment,		
31	miscellaneous purposes, and for not more than the		
32	following full-time equivalent positions:		
33	.....	\$	146,760,798
34	.....	FTEs	3,556.28
35	b. Agricultural experiment station		
36	For salaries, support, maintenance, miscellaneous		
37	purposes, and for not more than the following full-		
38	time equivalent positions:		
39	.....	\$	30,000,424
40	.....	FTEs	515.95
41	From the moneys appropriated in this lettered		
42	paragraph, for the fiscal year beginning July 1, 1994,		
43	and ending June 30, 1995, \$100,000 shall be expended		
44	to support a beginning farmer center as provided in		
45	section 266.39D, as enacted in this Act.		
46	c. Cooperative extension service in agriculture		
47	and home economics		
48	For salaries, support, maintenance, and		
49	miscellaneous purposes, including salaries and support		
50	for the fire service institute, and for not more than		

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1	the following full-time equivalent positions:		
2	.....	\$	17,653,873
3	.....	FTEs	428.28
4	d. Leopold center		
5	For agricultural research grants at Iowa state		
6	university under section 266.39B, and for not more		
7	than the following full-time equivalent positions:		
8	.....	\$	555,331
9	.....	FTEs	12.29
10	e. For deposit in and the use of the livestock		
11	disease research fund under section 267.8, and for not		
12	more than the following full-time equivalent		
13	positions:		
14	.....	\$	276,186
15	.....	FTEs	3.37
16	4. UNIVERSITY OF NORTHERN IOWA		
17	a. For salaries, support, maintenance, equipment,		
18	miscellaneous purposes, and for not more than the		
19	following full-time equivalent positions:		
20	.....	\$	65,852,919
21	.....	FTEs	1,426.31

22	b. Recycling and reuse center:		
23	.....	\$	239,745
24	5. STATE SCHOOL FOR THE DEAF		
25	For salaries, support, maintenance, miscellaneous		
26	purposes, and for not more than the following full-		
27	time equivalent positions:		
28	.....	\$	6,151,492
29	.....	FTEs	124.14
30	6. IOWA BRAILLE AND SIGHT SAVING SCHOOL		
31	For salaries, support, maintenance, miscellaneous		
32	purposes, and for not more than the following full-		
33	time equivalent positions:		
34	.....	\$	3,400,643
35	.....	FTEs	84.83
36	7. TUITION AND TRANSPORTATION COSTS		
37	For payment to local school boards for the tuition		
38	and transportation costs of students residing in the		
39	Iowa braille and sight saving school and the state		
40	school for the deaf pursuant to section 262.43 and for		
41	payment of certain clothing and transportation costs		
42	for students at these schools pursuant to section		
43	270.5:		
44	.....	\$	11,232
45	Sec. 10. Reallocations of sums received under		
46	section 9, subsections 2, 3, 4, 5, and 6, of this Act,		
47	including sums received for salaries, shall be		
48	reported on a quarterly basis to the co-chairpersons		
49	and ranking members of the legislative fiscal		
50	committee and the joint appropriations subcommittee on		

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1 education.

2 Sec. 11. For the fiscal year beginning July 1,  
 3 1994, and ending June 30, 1995, the state board of  
 4 regents may use notes, bonds, or other evidences of  
 5 indebtedness issued under section 262.48 to finance  
 6 projects that will result in energy cost savings in an  
 7 amount that will cause the state board to recover the  
 8 cost of the projects within an average of six years.

9 Sec. 12. For the fiscal year beginning July 1,  
 10 1994, and ending June 30, 1995, the department of  
 11 human services shall continue the supplemental  
 12 disproportionate share and a supplemental indirect  
 13 medical education adjustment applicable to state-owned  
 14 acute care hospitals with more than 500 beds and shall  
 15 reimburse qualifying hospitals pursuant to that  
 16 adjustment with a supplemental amount for services  
 17 provided medical assistance recipients. The  
 18 adjustment shall generate supplemental payments

19 intended to equal the state appropriation made to a  
20 qualifying hospital for treatment of indigent patients  
21 as provided in chapter 255. To the extent of the  
22 supplemental payments, a qualifying hospital shall,  
23 after receipt of the funds, transfer to the department  
24 of human services an amount equal to the actual  
25 supplemental payments that were made in that month.  
26 The aggregate amounts for the fiscal year shall not  
27 exceed the state appropriation made to the qualifying  
28 hospital for treatment of indigent patients as  
29 provided in chapter 255. The department of human  
30 services shall deposit the portion of these funds  
31 equal to the state share in the department's medical  
32 assistance account and the balance shall be credited  
33 to the general fund of the state. To the extent that  
34 state funds appropriated to a qualifying hospital for  
35 the treatment of indigent patients as provided in  
36 chapter 255 have been transferred to the department of  
37 human services as a result of these supplemental  
38 payments made to the qualifying hospital, the  
39 department shall not, directly or indirectly, recoup  
40 the supplemental payments made to a qualifying  
41 hospital for any reason, unless an equivalent amount  
42 of the funds transferred to the department of human  
43 services by a qualifying hospital pursuant to this  
44 provision is transferred to the qualifying hospital by  
45 the department.  
46 If the state supplemental amount allotted to the  
47 state of Iowa for the federal fiscal year beginning  
48 October 1, 1994, and ending September 30, 1995,  
49 pursuant to section 1923 (f)(3) of the federal Social  
50 Security Act, as amended, or pursuant to federal

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1 payments for indirect medical education is greater  
2 than the amount necessary to fund the federal share of  
3 the supplemental payments specified in the preceding  
4 paragraph, the department of human services shall  
5 increase the supplemental disproportionate share or  
6 supplemental indirect medical education adjustment by  
7 the lesser of the amount necessary to utilize fully  
8 the state supplemental amount or the amount of state  
9 funds appropriated to the state university of Iowa  
10 general education fund and allocated to the university  
11 for the college of medicine. The state university of  
12 Iowa shall transfer from the allocation for the  
13 college of medicine to the department of human  
14 services, on a monthly basis, an amount equal to the  
15 additional supplemental payments made during the

16 previous month pursuant to this paragraph. A  
17 qualifying hospital receiving supplemental payments  
18 pursuant to this paragraph that are greater than the  
19 state appropriation made to the qualifying hospital  
20 for treatment of indigent patients as provided in  
21 chapter 255 shall be obligated as a condition of its  
22 participation in the medical assistance program to  
23 transfer to the state university of Iowa general  
24 education fund on a monthly basis an amount equal to  
25 the funds transferred by the state university of Iowa  
26 to the department of human services. To the extent  
27 that state funds appropriated to the state university  
28 of Iowa and allocated to the college of medicine have  
29 been transferred to the department of human services  
30 as a result of these supplemental payments made to the  
31 qualifying hospital, the department shall not,  
32 directly or indirectly, recoup these supplemental  
33 payments made to a qualifying hospital for any reason,  
34 unless an equivalent amount of the funds transferred  
35 to the department of human services by the state  
36 university of Iowa pursuant to this paragraph is  
37 transferred to the qualifying hospital by the  
38 department.

39 Continuation of the supplemental disproportionate  
40 share and supplemental indirect medical education  
41 adjustment shall preserve the funds available to the  
42 university hospital for medical and surgical treatment  
43 of indigent patients as provided in chapter 255 and to  
44 the state university of Iowa for educational purposes  
45 at the same level as provided by the state funds  
46 initially appropriated for that purpose.

47 The department of human services shall, in any  
48 compilation of data or other report distributed to the  
49 public concerning payments to providers under the  
50 medical assistance program, set forth reimbursements

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1 to a qualifying hospital through the supplemental  
2 disproportionate share and supplemental indirect  
3 medical education adjustment as a separate item and  
4 shall not include such payments in the amounts  
5 otherwise reported as the reimbursement to a  
6 qualifying hospital for services to medical assistance  
7 recipients.

8 For purposes of this section, "supplemental  
9 payment" means a supplemental payment amount paid for  
10 medical assistance to a hospital qualifying for that  
11 payment under this section.

12 DEPARTMENT OF CULTURAL AFFAIRS

13 Sec. 13. There is appropriated from the general  
 14 fund of the state to the department of cultural  
 15 affairs for the fiscal year beginning July 1, 1994,  
 16 and ending June 30, 1995, the following amounts, or so  
 17 much thereof as is necessary, to be used for the  
 18 purposes designated:

19 1. ARTS DIVISION

20 For salaries, support, maintenance, miscellaneous  
 21 purposes, including funds to match federal grants, for  
 22 areawide arts and cultural service organizations that  
 23 meet the requirements of chapter 303C, and for not  
 24 more than the following full-time equivalent  
 25 positions:

26 .....	\$	1,041,120
27 .....	FTEs	10.00

28 2. HISTORICAL DIVISION

29 For salaries, support, maintenance, miscellaneous  
 30 purposes, and for not more than the following full-  
 31 time equivalent positions:

32 .....	\$	2,206,506
33 .....	FTEs	56.00

34 3. HISTORIC SITES

35 For salaries, support, maintenance, miscellaneous  
 36 purposes, and for not more than the following full-  
 37 time equivalent positions:

38 .....	\$	223,674
39 .....	FTEs	3.00

40 4. ADMINISTRATION

41 For salaries, support, maintenance, miscellaneous  
 42 purposes, and for not more than the following full-  
 43 time equivalent positions:

44 .....	\$	257,469
45 .....	FTEs	4.30

46 5. COMMUNITY CULTURAL GRANTS

47 For planning and programming for the community  
 48 cultural grants program established under section  
 49 303.3, and for not more than the following full-time  
 50 equivalent position:

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1 .....	\$	778,826
2 .....	FTEs	.70

3 a. During the fiscal year, not more than 5 percent  
 4 of moneys appropriated for grants under this section  
 5 shall be used for administrative purposes.

6 b. From the moneys appropriated in this lettered  
 7 paragraph, \$76,200 for the fiscal year beginning July  
 8 1, 1994, and ending June 30, 1995, shall be expended  
 9 for the salary of the administrator of the historical



10 division of the department of cultural affairs, unless  
11 the director of the department of cultural affairs  
12 assumes the duties of the administrator of the  
13 historical division as a result of a vacancy during  
14 the fiscal year beginning July 1, 1994, and the moneys  
15 allocated under this lettered paragraph shall not be  
16 included under the provisions of paragraph "a". If  
17 the director of the department of cultural affairs  
18 assumes the duties of the administrator of the  
19 historical division during the fiscal year beginning  
20 July 1, 1994, moneys allocated under this lettered  
21 paragraph shall be used for purposes of the community  
22 cultural grants program and shall not be used to  
23 increase the salary of the director.

24 Sec. 14. Notwithstanding section 8.33, funds  
25 appropriated in 1993 Iowa Acts, chapter 179, section  
26 6, subsection 2, remaining unencumbered or unobligated  
27 on June 30, 1994, shall not revert to the general fund  
28 of the state but shall be available for expenditure  
29 for purposes of the higher education strategic  
30 planning council during the fiscal year beginning July  
31 1, 1994, and ending June 30, 1995.

32 Sec. 15. Notwithstanding sections 257B.1 and  
33 257B.1A, for the fiscal year beginning July 1, 1994,  
34 and ending June 30, 1995, the portion of the interest  
35 earned on the permanent school fund that is not  
36 transferred to the credit of the first in the nation  
37 in education foundation and not transferred to the  
38 credit of the national center for gifted and talented  
39 education shall be credited as a payment by the  
40 historical division of the department of cultural  
41 affairs of the principal and interest due on moneys  
42 loaned to the historical division under section  
43 303.18.

44 Sec. 16. Funds appropriated for state scholarships  
45 pursuant to section 261.25, subsection 2, for the  
46 fiscal year beginning July 1, 1994, and ending June  
47 30, 1995, shall be used in their entirety to fund  
48 scholarships to eligible students, and the college  
49 student aid commission shall not place an across-the-  
50 board ceiling on the amount distributed under the

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1 state scholarship program.

2 Sec. 17. Section 256.52, subsection 3, paragraph  
3 c. Code Supplement 1993, is amended to read as  
4 follows:

5 c. Control all property of the division. The  
6 state librarian may dispose of, through sale,

7 conveyance, or exchange, any library materials that  
8 may be obsolete or worn out or that may no longer be  
9 needed or appropriate to the mission of the state  
10 library of Iowa. These materials may be sold by the  
11 state library directly or the library may sell the  
12 materials by consignment with an outside entity. A  
13 state library fund is created in the state treasury.  
14 Proceeds from the sale of the library materials shall  
15 be remitted to the treasurer of state and credited to  
16 the state library fund and shall be used for the  
17 purchase of books and other library materials.  
18 Notwithstanding section 8.33, any balance in the fund  
19 on June 30 of any fiscal year shall not revert to the  
20 general fund of the state.

21 Sec. 18. Section 261.25, subsection 1, Code  
22 Supplement 1993, is amended to read as follows:

23 1. There is appropriated from the general fund of  
24 the state to the commission for each fiscal year the  
25 sum of ~~thirty-one~~ thirty-two million ~~five four~~ four hundred  
26 ~~twenty-three~~ twenty-two thousand ~~nine three~~ three hundred  
27 ~~thirty~~ sixty-two dollars for tuition grants.

28 Sec. 19. Section 261.25, subsection 3, Code  
29 Supplement 1993, is amended to read as follows:

30 3. There is appropriated from the general fund of  
31 the state to the commission for each fiscal year the  
32 sum of one million ~~three four~~ four hundred ~~eighty-five~~  
33 twenty-four thousand seven hundred eighty dollars for  
34 vocational-technical tuition grants.

35 Sec. 20. Section 262.9, Code Supplement 1993, is  
36 amended by adding the following new subsection:

37 **NEW SUBSECTION.** 29. Authorize the institutions of  
38 higher learning under the board to charge an interest  
39 rate, not to exceed the current fair market interest  
40 rate, on delinquent bills. However, the board shall  
41 prohibit the institutions from charging interest on  
42 late tuition payments and room and board payments if  
43 financial aid payments to students enrolled in the  
44 institutions are delayed by the lending institution.

45 Sec. 21. **NEW SECTION.** 266.39D BEGINNING FARMER  
46 CENTER.

47 1. A beginning farmer center is established as a  
48 part of the Iowa cooperative extension service in  
49 agriculture and home economics at Iowa state  
50 university of science and technology to assist

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1 individuals beginning farming operations. The center  
2 shall also assist in facilitating the transition of  
3 farming operations from established farmers to

4 beginning farmers, including by matching purchasers  
 5 and sellers of agricultural land, creating and  
 6 maintaining an information base inventorying land and  
 7 facilities available for acquisition, and developing  
 8 models to increase the number of family farming  
 9 operations in this state. The objectives of the  
 10 beginning farmer center shall include, but are not  
 11 limited to, the following:

12 a. To provide the coordination of education  
 13 programs and services for beginning farmer efforts  
 14 statewide.

15 b. To assess needs of beginning farmers and  
 16 retiring farmers in order to identify program and  
 17 service opportunities.

18 c. To develop, coordinate, and deliver statewide  
 19 through the Iowa cooperative extension service in  
 20 agriculture and home economics, and other entities as  
 21 appropriate, targeted education to beginning farmers  
 22 and retiring farm families.

23 2. Programs and services provided by the beginning  
 24 farmer center shall include, but are not limited to,  
 25 the development of skills and knowledge in financial  
 26 management and planning, legal issues, tax laws,  
 27 technical production and management, leadership,  
 28 sustainable agriculture, human health, the  
 29 environment, and leadership.

30 3. The beginning farmer center shall submit to the  
 31 general assembly, annually on or before January 15, a  
 32 report that includes but is not limited to  
 33 recommendations for methods by which more individuals  
 34 may be encouraged to enter agriculture.

35 Sec. 22. Section 283A.1, subsection 4, Code 1993,  
 36 is amended to read as follows:

37 4. "School breakfast or lunch program" means a  
 38 program under which breakfasts or lunches are served  
 39 by any public school in the state of Iowa on a  
 40 nonprofit basis to children in attendance, including  
 41 any such program under which a school receives  
 42 assistance out of funds appropriated by the Congress  
 43 of the United States.

44 Sec. 23. Section 283A.2, Code 1993, is amended to  
 45 read as follows:

46 283A.2 SCHOOL BOARDS - RULES LUNCH AND BREAKFAST  
 47 PROGRAMS.

48 1. School boards may operate or provide for the  
 49 operation of school lunch programs in schools under  
 50 their jurisdiction, and may use gifts, funds disbursed

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1 to them under the provisions of this chapter, ~~gifts,~~  
2 funds received from sale of school breakfasts or  
3 lunches ~~under such programs~~, and any other funds  
4 legally available for ~~that the purpose of operating a~~  
5 school breakfast or lunch program.

6 2. All school districts shall operate or provide  
7 for the operation of school breakfast and lunch  
8 programs at all public schools in each district. The  
9 programs shall provide students with nutritionally  
10 adequate meals and shall be operated in compliance  
11 with the rules of the state board of education and  
12 pertinent federal rules law and regulation, for all  
13 students in each district who attend public school  
14 ~~four or more hours each school day~~ and wish to  
15 participate in a school breakfast or lunch program.  
16 ~~School districts may provide school lunch programs for~~  
17 ~~other students.~~

18 3. Effective July 1, 1999, all school districts  
19 shall operate or provide for the operation of school  
20 breakfast programs at all public schools in each  
21 district. The programs shall provide students with  
22 nutritionally adequate meals and shall be operated in  
23 compliance with the rules of the state board of  
24 education and pertinent federal law and regulation,  
25 for all students in each district who attend public  
26 school and who wish to participate in a school  
27 breakfast program. A school or school district unable  
28 to meet the requirement to provide a school breakfast  
29 program may, not later than June 1, 1999, for the  
30 school year beginning July 1, 1999, file a written  
31 request to the department of education that the  
32 department waive the requirement for that school or  
33 school district. The written request shall include  
34 the reason for which the waiver is being requested.  
35 The state board shall evaluate the application for  
36 waiver, determine the validity of the reason for which  
37 the waiver is being requested, and grant or deny the  
38 application for waiver. The state board shall  
39 establish criteria for determination of the validity  
40 of reasons for waiver of the requirement that school  
41 breakfast programs be operated at each school.  
42 However, the state board shall not waive the school  
43 breakfast program requirement for a school if thirty-  
44 five percent or more of the students in attendance at  
45 the school during the month of March 1999 were  
46 eligible for free or reduced price meals under the  
47 federal National School Lunch Act and the federal  
48 Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785.

49 Sec. 24. Section 283A.3, Code 1993, is amended to  
50 read as follows:

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1 283A.3 EXPENDITURE OF FEDERAL FUNDS.

2 The director of the department of education is  
3 ~~hereby authorized to shall~~ accept and direct the  
4 disbursement of funds appropriated by any Act of  
5 Congress and appropriated to the state of Iowa for use  
6 in connection with school breakfast or lunch programs.  
7 The director shall deposit ~~all such the~~ funds with the  
8 treasurer of the state of Iowa, who shall make  
9 disbursements ~~therefrom~~ upon the direction of the  
10 director.

11 Sec. 25. Section 283A.4, Code 1993, is amended to  
12 read as follows:

13 283A.4 ADMINISTRATION OF PROGRAM.

14 The director of the department of education may  
15 enter into ~~such~~ agreements with any agency of the  
16 federal government, with any school board, or with any  
17 other agency or person, ~~prescribe such regulations~~  
18 adopt rules, employ ~~such~~ personnel, and take ~~such~~  
19 other action as the director may deem necessary to  
20 provide for the establishment, maintenance, operation,  
21 and expansion of any school breakfast or lunch  
22 program, and to direct the disbursement of federal and  
23 state funds, in accordance with any applicable  
24 provisions of federal or state law. The director may  
25 give technical advice and assistance to any school  
26 board in connection with the establishment and  
27 operation of any school breakfast or lunch program and  
28 may assist in training ~~such~~ personnel engaged in the  
29 operation of ~~such the~~ program. The director of the  
30 department of education and any school board may  
31 accept any gift for use in connection with any school  
32 breakfast or lunch program.

33 Sec. 26. Section 283A.5, Code 1993, is amended to  
34 read as follows:

35 283A.5 ACCOUNTS, RECORDS, REPORTS, AND OPERATIONS.

36 The director of the department of education shall  
37 ~~prescribe regulations~~ adopt rules for the keeping of  
38 accounts and records and the making of reports by or  
39 under the supervision of school boards. ~~Such~~ The  
40 accounts and records shall at all times be available  
41 for inspection and audit by authorized officials and  
42 shall be preserved for such period of time, not in  
43 excess of five years, as the director may lawfully  
44 prescribe. The director shall conduct or cause to be  
45 conducted such audits and inspections with respect to

46 school breakfast or lunch programs as may be necessary  
 47 to determine whether its agreement with school boards  
 48 and regulations made rules adopted pursuant to this  
 49 chapter are being complied with, and to insure that  
 50 school breakfast or lunch programs are effectively

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1 administered and nutritionally adequate meals are  
 2 served.

3 Sec. 27. Section 283A.7, Code 1993, is amended to  
 4 read as follows:

5 283A.7 FEDERAL BENEFITS ACCEPTED.

6 The provisions of the Acts of Congress known as the  
 7 national school lunch federal National School Lunch  
 8 Act and the child nutrition federal Child Nutrition  
 9 Act of 1966, found in 42 U. S. Code U.S.C. § 1751--  
 10 1785, and the benefit of all funds appropriated under  
 11 11 said the Acts, are hereby accepted by the state of  
 12 Iowa.

13 Sec. 28. Section 283A.8, Code 1993, is amended to  
 14 read as follows:

15 283A.8 USE OF SCHOOL LUNCH MEAL FACILITIES BY  
 16 SENIOR CITIZENS.

17 Boards of directors of school corporations may  
 18 authorize the use by senior citizen organizations of  
 19 school lunch meal facilities subject to reasonable  
 20 rules and regulations of the board. Such use shall  
 21 not interfere with the use of the facilities for  
 22 public school purposes. The board may charge for such  
 23 use an amount not to exceed the cost to the district.

24 Sec. 29. Section 283A.9, Code 1993, is amended to  
 25 read as follows:

26 283A.9 BUILDING FOR SCHOOL LUNCH MEAL FACILITY.

27 School districts may purchase, erect, or otherwise  
 28 acquire a building for use as a school lunch meal  
 29 facility, and equip a building for that use, and pay  
 30 for the acquisition or equipping from unencumbered  
 31 funds on hand in the schoolhouse fund, subject to the  
 32 terms of this section, or may pay for the facility or  
 33 equipment from the proceeds of the sale of school  
 34 property sold under section 297.22, or from surplus  
 35 remaining in the schoolhouse fund after retirement of  
 36 a bond issue.

37 Sec. 30. Section 283A.10, Code 1993, is amended to  
 38 read as follows:

39 283A.10 SCHOOL BREAKFAST OR LUNCH IN NONPUBLIC  
 40 SCHOOLS.

41 The authorities in charge of nonpublic schools may  
 42 operate or provide for the operation of school

43 breakfast or lunch programs in schools under their  
44 jurisdiction and may use funds appropriated to them by  
45 the general assembly, gifts, funds received from sale  
46 of school breakfasts or lunches under such programs,  
47 and any other funds available to the nonpublic school.  
48 However, school breakfast or lunch programs shall not  
49 be required in nonpublic schools. The department of  
50 education shall direct the disbursement of state funds

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1 to nonpublic schools for school breakfast or lunch  
2 programs in the same manner as state funds are  
3 disbursed to public schools. If a nonpublic school  
4 receives state funds for the operation of a school  
5 breakfast or lunch program, meals served under the  
6 program shall be nutritionally adequate meals, as  
7 defined in section 283A.1.

8 Sec. 31. Section 294A.25, subsection 8, Code  
9 Supplement 1993, is amended to read as follows:

10 8. For the fiscal year beginning July 1, 1993  
11 1994, to the department of education from phase III  
12 moneys the amount of seven hundred fifty thousand one  
13 million dollars for support for the operations of the  
14 new Iowa schools development corporation and for  
15 school transformation design and implementation  
16 projects administered by the corporation and the  
17 amount of seven hundred fifty thousand dollars for  
18 purposes specified in the math and science grant  
19 program under section 256.36, which may include  
20 support for the early mathematics prognostic testing  
21 program at Iowa state university of science and  
22 technology. However, the funds appropriated for  
23 purposes specified in the math and science grant  
24 program under section 256.36 are contingent on the  
25 receipt of federal funding from the state systemic  
26 initiative for improving mathematics and science  
27 education grant. If federal funding from the state  
28 systems initiative for improving mathematics and  
29 science education is not received, the amount of two  
30 hundred fifty thousand dollars shall be used, in  
31 addition to any other appropriations, for the  
32 operations of the new Iowa schools development  
33 corporation and for school transformation design and  
34 implementation projects administered by the  
35 corporation.

36 Sec. 32. FUNDS TRANSFERRED.

37 1. For the fiscal year beginning July 1, 1994, the  
38 amount of fifty thousand dollars from additional funds  
39 transferred from phase I to phase III is to be paid to

40 the department of education for support of the Iowa  
41 mathematics and science coalition.  
42 2. For the fiscal year beginning July 1, 1994, the  
43 amount of one hundred fifty thousand dollars is to be  
44 paid to the department of education from additional  
45 funds transferred from phase I to phase III for  
46 support of the school and community planning program.  
47 Notwithstanding section 294A.20, if the additional  
48 funds transferred from phase I to phase III are  
49 insufficient for purposes of the appropriation  
50 provided under this subsection, moneys allocated to

**Page 23**

1 phase III, which would otherwise revert to the general  
2 fund under section 294A.20, shall be transferred to  
3 the department in an amount sufficient to fully fund  
4 the appropriation made under this subsection. If  
5 funds available from the specified sources are  
6 insufficient to fully fund the appropriation, the  
7 amount appropriated to the department under this  
8 subsection shall be reduced to an amount equal to the  
9 available funds.

10 **Sec. 33. IMPLEMENTATION PLAN.** The department of  
11 cultural affairs shall develop an implementation plan  
12 for the arts and cultural enhancement program, the  
13 Iowa arts and cultural endowment account, and the  
14 regional conferences and statewide caucus on arts and  
15 cultural enhancement, under chapter 303C of the Iowa  
16 Code. The department shall submit the implementation  
17 plan to the standing committee on education and the  
18 joint appropriations subcommittees on education of the  
19 senate and the house of representatives by January 1,  
20 1995.

21 **Sec. 34.** The amounts appropriated in sections 2  
22 and 4 of this Act shall be reduced by any amount  
23 appropriated to the GAAP deficit reduction account  
24 established in section 8.57, subsection 2, which shall  
25 be spent during the fiscal year beginning July 1,  
26 1994, for the purposes for which moneys are  
27 appropriated in sections 2 and 4 of this Act.

28 **Sec. 35. REPEAL.** Effective July 1, 2000, section  
29 283A.2, subsection 3, as enacted in this Act, is  
30 amended by striking the subsection.

31 **Sec. 36. EFFECTIVE DATE.** Section 283A.2,  
32 subsection 2, as created and amended in this Act,  
33 takes effect July 1, 2000.

34 **Sec. 37.** Sections 5, 6, and 14 of this Act, being



35 deemed of immediate importance, take effect upon  
36 enactment."

COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, Chairperson

S-5475

1 Amend House File 2377 as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 12, by inserting after line 12 the  
4 following:

5 "NEW PARAGRAPH. g. Shall be preceded by advice  
6 given to a minor natural parent by the person assuming  
7 custody or the agency accepting a release of custody  
8 that the minor natural parent has a right to legal  
9 counsel regarding the legal procedures related to and  
10 the consequences of the execution of a release of  
11 custody, termination of parental rights, and adoption.  
12 The minor natural parent shall also be advised that if  
13 the minor is unable to afford legal counsel, legal  
14 counsel will be appointed for the minor by the court  
15 at no cost to the minor natural parent."

16 2. Page 14, by inserting after line 20 the  
17 following:

18 "Sec. \_\_\_\_ . NEW SECTION. 600A.6A RIGHT TO AND  
19 APPOINTMENT OF COUNSEL.

20 A minor natural parent who wishes to execute a  
21 release of custody shall have the right to counsel  
22 prior to the execution of the release. If the minor  
23 natural parent is financially unable to employ  
24 counsel, the person assuming custody or the agency  
25 accepting the release of custody shall submit a  
26 request for appointment of counsel to the juvenile  
27 court and the juvenile court shall appoint counsel for  
28 the minor. The juvenile court shall determine whether  
29 the minor has the ability to pay in whole or in part  
30 for appointed counsel. If the juvenile court  
31 determines that the minor possesses sufficient  
32 financial ability, the juvenile court shall order the  
33 minor to pay an amount the juvenile court finds  
34 appropriate in the manner and to whom the juvenile  
35 court directs. If the juvenile court determines that  
36 the minor cannot pay any part of the expenses of  
37 appointed counsel, counsel shall be reimbursed  
38 pursuant to section 232.141, subsection 2, paragraph  
39 "b."

40 3. By renumbering as necessary.

LARRY MURPHY

S-5476

- 1 Amend House File 2377 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 8, by inserting after line 2 the
- 4 following:
- 5 "Sec. \_\_\_\_ . Section 600.16A, subsection 4, Code
- 6 1993, is amended to read as follows:
- 7 4. An adopted person whose adoption became final
- 8 prior to July 4, 1941, and whose adoption record was
- 9 not required to be sealed at the time when the
- 10 adoption record was completed, shall not be required
- 11 to show good cause for an order opening the adoption
- 12 record under this subsection, provided that the court
- 13 shall consider any affidavit filed under this
- 14 subsection."
- 15 2. By renumbering as necessary.

LARRY MURPHY

S-5477

- 1 Amend House File 2377 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, line 20, by inserting after the word
- 4 "division" the following: "and shall include
- 5 application of the best interest consideration to the
- 6 availability of records, which relate to the
- 7 genealogical and biological history of the person to
- 8 be adopted, to the person who is adopted upon the
- 9 person attaining twenty-five years of age,
- 10 notwithstanding the limitations of sections 600.16 and
- 11 600.16A".

LARRY MURPHY

S-5478

- 1 Amend the amendment, S-5306, to House File 2377, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking line 39 and inserting the
- 5 following: "ADOPTION THROUGH INDEPENDENT PLACEMENT
- 6 PROHIBITED."
- 7 2. Page 2, by striking line 43 and inserting the
- 8 following: "adoption through independent placement of
- 9 the minor as prohibited pursuant to section 600.7A."
- 10 3. Page 2, line 49, by inserting after the word

11 "adoption" the following: "through independent  
12 placement as prohibited pursuant to section 600.7A".

LARRY MURPHY

S-5479

1 Amend House File 2376, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Title page, line 5, by striking the words "  
4 and providing an effective date".

FLORENCE BUHR

S-5480

1 Amend the amendment, S-5474, to House File 2411, as  
2 amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 17, by inserting after line 20 the  
5 following:

6 "Sec. \_\_\_\_ . Section 257.11, subsection 5,  
7 unnumbered paragraph 2, Code Supplement 1993, is  
8 amended to read as follows:

9 If a district was receiving additional weighting  
10 for superintendent sharing or administrator sharing  
11 under section 442.39, subsection 4, Code 1989, the  
12 district shall continue to be assigned additional  
13 weighting for superintendent sharing or administrator  
14 sharing by the school budget review committee under  
15 this subsection so that the district is assigned the  
16 additional weighting for sharing for a total period of  
17 five years. However, if a school district reorganized  
18 prior to July 1, 1994, was receiving supplementary  
19 weighting under this subsection prior to July 1, 1994,  
20 that school district may apply to the school budget  
21 review committee for additional allowable growth in an  
22 amount equal to the amount generated by the  
23 supplementary weighting as calculated under section  
24 257.11, subsection 5, Code Supplement 1993."

25 2. By renumbering as necessary.

O. GENE MADDOX

S-5481

1 Amend the amendment, S-5301, to House File 2410, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 3 through 20 and

5 inserting the following:

6 " \_\_\_\_ . Page 37, by striking lines 13 and 14, and

7 inserting the following:

8 "a. Labor or services rendered by an employee or  
9 contractor to the payor of income."

10 \_\_\_\_ . Page 37, by striking lines 19 through 21 and

11 inserting the following:

12 "2. "Contractor" means a natural person who is an  
13 independent contractor, including an independent  
14 trucking owner or operator eighteen years of age or  
15 older, who performs labor in this state under an  
16 agreement, to whom a payor of income makes payments  
17 which are not subject to withholding, and for whom the  
18 payor of income is required by the internal revenue  
19 service to complete a 1099-MISC form."

20 \_\_\_\_ . Page 37, by striking line 27 and inserting

21 the following: "~~work or a contractor~~ performs labor  
22 or services".

23 \_\_\_\_ . Page 38, by striking lines 11 through 15.

24 \_\_\_\_ . Page 38, by striking line 18, and inserting

25 the following: "who engages a contractor for".

26 \_\_\_\_ . By striking page 39, line 29 through page

27 41, line 6 and inserting the following:

28 "Sec. \_\_\_\_ . Section 252G.4, Code Supplement 1993,  
29 is amended by striking the section and inserting in  
30 lieu thereof the following:

31 252G.4 ALTERNATIVE REPORTING REQUIREMENTS.

32 Beginning January 1, 1995, the department shall  
33 notify a person who has filed a 1099-MISC form for a  
34 contractor who has received payment in a form which is  
35 other than a lump sum payment within a calendar year,  
36 that the payor of income is required to withhold  
37 income of the contractor in the subsequent year, for  
38 services rendered by the contractor for the payment of  
39 child support obligations. The department shall  
40 notify the payor of income of the amount or percentage  
41 of payments made to the contractor to be withheld and  
42 the payor of income shall withhold the amount or  
43 percentage from the payment made."

44 \_\_\_\_ . By renumbering as necessary."

BERL PRIEBE

HOUSE AMENDMENT TO  
SENATE FILE 413

S-5482

1 Amend Senate File 413, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 15 the  
4 following:

5 "Sec. \_\_\_\_ . Section 321.491, unnumbered paragraph  
6 3, Code Supplement 1993, is amended to read as  
7 follows:

8 The abstract must be made upon a form furnished by  
9 the department or by copying a uniform citation and  
10 complaint or by using an electronic process which  
11 accurately reproduces or forms a durable medium for  
12 accurately and legibly reproducing an unaltered image  
13 or reproduction of the citation, and shall must  
14 include the name and address of the party charged, the  
15 registration number of the vehicle involved, the  
16 nature of the offense, the date of hearing, the plea,  
17 the judgment, or whether the bail was forfeited, the  
18 amount of the fine or forfeiture, and any court  
19 recommendation, if any, that the person's motor  
20 vehicle license be suspended. The department shall  
21 consider and act upon the recommendation."

22 2. By striking page 1, line 27 through page 2,  
23 line 7.

24 3. Page 2, by striking lines 20 and 21.

25 4. Page 4, by striking lines 1 through 4.

26 5. Page 4, line 11, by inserting after the word  
27 "Code" the following: "Supplement".

28 6. Page 5, by striking lines 16 through 18.

29 7. By striking page 6, line 24, through page 7,  
30 line 15, and inserting the following: "month. Except  
31 as provided in subsection 5, the state court  
32 administrator shall deposit the amounts received with  
33 the treasurer of state for deposit in the general fund  
34 of the state. The state court administrator shall  
35 report to the legislative fiscal bureau within thirty  
36 days of the beginning of each fiscal quarter the  
37 amount received during the previous quarter in the  
38 account established under this section."

39 8. Page 7, lines 31 and 32, by striking the words  
40 "Moneys deposited in the fund" and inserting the  
41 following: "The state court administrator shall  
42 allocate one million dollars of the moneys received  
43 under subsection 2 to be deposited in the fund,  
44 which".

45 9. Page 7, line 35, by striking the words "and  
46 information" and inserting the following: "more  
47 quickly and efficiently, to electronically transmit  
48 information to state government, local governments,  
49 law enforcement agencies, and the public, and to  
50 improve public access to the court system. Moneys in

## Page 2

- 1 this paragraph shall not be used for the Iowa court  
2 information system".
- 3 10. Page 8, by striking lines 5 through 23.
- 4 11. Page 8, by inserting before line 24 the  
5 following:
- 6 "Sec. \_\_\_\_ . Section 625.8, subsection 3, Code 1993,  
7 is amended to read as follows:
- 8 3. Revenue from the fees required by this section  
9 shall be deposited in the ~~court revenue distribution~~  
10 account established under section 602.8108."
- 11 12. Page 9, line 10, by inserting after the word  
12 "Code" the following: "Supplement".
- 13 13. Page 10, by inserting after line 27 the  
14 following:
- 15 "Sec. \_\_\_\_ . Section 805.6, subsection 1, paragraph  
16 a, Code 1993, is amended by adding the following new  
17 unnumbered paragraph:
- 18 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding other  
19 contrary requirements of this section, a uniform  
20 citation may be originated from a computerized device.  
21 The officer issuing the citation through a  
22 computerized device shall give two copies of the  
23 citation to the person cited and shall provide a  
24 record of the citation to the court where the person  
25 cited is to appear and to the law enforcement agency  
26 of the officer by an electronic process which  
27 accurately reproduces or forms a durable medium for  
28 accurately and legibly reproducing an unaltered image  
29 or copy of the citation."
- 30 14. By striking page 10, line 28 through page 11,  
31 line 6.
- 32 15. Page 11, by striking lines 18 through 30 and  
33 inserting the following:
- 34 "Sec. \_\_\_\_ . Section 911.3, Code 1993, is repealed."
- 35 16. By renumbering, relettering, or redesignating  
36 and correcting internal references as necessary.

S-5483

- 1 Amend the amendment, S-5474, to House File 2411,  
2 as amended, passed, and reprinted by the House as  
3 follows:
- 4 1. Page 11, by striking lines 12 through 16.

ROBERT E. DVORSKY  
JIM LIND  
JIM KERSTEN

S-5484

- 1 Amend the amendment, S-5463, to House File 2376, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. By striking page 5, line 45, through page 6,  
 5 line 22, and inserting the following: "in all  
 6 counties of the state. A plan outlining".

FLORENCE BUHR  
 LARRY MURPHY

S-5485

- 1 Amend the amendment, S-5476, to House File 2377, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 7 and 8 and  
 5 inserting the following:  
 6 "4. An adopted person whose adoption became final  
 7 fifty years or more prior to July 4, 1941, and whose  
 8 adoption record was of the current calendar year".

MERLIN E. BARTZ

S-5486

- 1 Amend House File 121, as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. NEW SECTION. 692A.1 DEFINITIONS.  
 6 As used in this chapter, unless the context  
 7 otherwise requires:  
 8 1. "Bureau" means the department of public safety,  
 9 division of criminal investigation and bureau of  
 10 identification.  
 11 2. "Criminal justice agency" means an agency or  
 12 department of federal, state, or local government or  
 13 an entity which is wholly owned, financed, or  
 14 controlled by one or more agencies or departments of  
 15 federal, state, or local government, which performs as  
 16 its principal function the apprehension, prosecution,  
 17 adjudication, incarceration, or rehabilitation of  
 18 criminal offenders.  
 19 3. "Department" means the department of public  
 20 safety.  
 21 4. "Individually identified" means criminal  
 22 history data which relates to a specific person by one  
 23 or more of the following means of identification:

- 24 a. Name and alias if any.  
25 b. Social security number.  
26 c. Fingerprints.  
27 5. "Sex crime" means the commission of any of the  
28 following public offenses:  
29 a. Commission of an act prohibited under chapter  
30 709.  
31 b. Kidnapping, which is accompanied by the intent  
32 to subject the person kidnapped to sexual abuse, as  
33 defined under section 710.1, subsection 3.  
34 c. Burglary or attempted burglary accompanied by  
35 the intent to commit sexual abuse under chapter 713.  
36 d. Incest as defined under section 726.2.  
37 e. Dissemination and exhibition of obscene  
38 material to minors in violation of section 728.2.  
39 f. Admitting minors to premises where obscene  
40 material is exhibited in violation of section 728.3.  
41 g. Sexual exploitation of a minor in violation of  
42 section 728.12.  
43 h. Telephone dissemination of obscene material to  
44 minors in violation of section 728.15.  
45 i. A public offense committed under any  
46 predecessor statutes to the public offenses specified  
47 under paragraphs "a" through "h".  
48 j. A public offense committed in another  
49 jurisdiction which would constitute a public offense  
50 under paragraphs "a" through "h" if committed in this

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- 1 state.  
2 6. "Sex crimes analysis information" means  
3 information and analysis of information provided to  
4 and used by the sex crimes analysis unit of the  
5 department of public safety that relates to sex crimes  
6 and sex offenders.  
7 7. "Sex offender" means any person who has been  
8 convicted of or adjudicated delinquent for commission  
9 of an act which constitutes a sex crime.  
10 8. "Sex offender registry" means the centralized  
11 information base maintained by the department of  
12 public safety.  
13 Sec. 2. NEW SECTION. 692A.2 WHO MUST REGISTER --  
14 FREQUENCY OF REGISTRATION -- NOTICE OF DUTY TO  
15 REGISTER.  
16 1. A person who is found guilty, pleads guilty, is  
17 adjudicated delinquent, or is sentenced for a sex  
18 crime shall register in the manner provided in this  
19 chapter. If a person's conviction of or delinquency  
20 adjudication for commission of an act which would



21 constitute a sex crime is subsequently set aside or  
22 overturned, the person shall not be required to  
23 register as a sex offender due to the former  
24 conviction or adjudication.

25 2. The department may require a person convicted  
26 of or adjudicated delinquent for commission of an act  
27 which constitutes a sex crime who is incarcerated to  
28 be registered in the county of incarceration. If the  
29 registration of incarcerated sex offenders is  
30 required, the department of corrections in the case of  
31 persons committed to the custody of the director of  
32 the department of corrections, the judicial district  
33 department of correctional services in the case of  
34 persons assigned to the custody of the judicial  
35 district department of correctional services, or the  
36 department of human services in the case of persons  
37 who are incarcerated in an institution subject to the  
38 control of the department of human services, shall,  
39 upon releasing the offender, notify the sheriff of the  
40 county to which the person is released. The  
41 notification does not relieve the person of the duty  
42 to register.

43 3. At the time of adjudication of delinquency or  
44 sentencing or, if the person is to be released from  
45 physical custody prior to adjudication of delinquency  
46 or sentencing, at the time of entry of a guilty plea  
47 or entry of a verdict of guilty, the court shall  
48 notify the sex offender of the person's duty to  
49 register. Failure of the court to notify a person of  
50 the duty to register does not relieve the sex offender

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1 of the duty to register.

2 4. Upon entry of sentence, adjudication of  
3 delinquency, acceptance of a plea of guilty, or entry  
4 of a verdict of guilty for a sex offense, the clerk  
5 shall forward copies of each court order and other  
6 relevant documents filed or entered in the case to the  
7 department.

8 **Sec. 3. NEW SECTION. 692A.3 ANNUAL REGISTRATION**  
9 **REQUIRED.**

10 Each sex offender shall, within ten days of release  
11 from physical custody, register initially as a sex  
12 offender with the sheriff of the county in which the  
13 sex offender takes up temporary or permanent  
14 residence. A sex offender shall register annually  
15 with the county sheriff. Renewals of registration  
16 shall be completed no later than January 15.

17 A sex offender who is age eighteen or older at the

18 time of conviction of the sex crime shall register  
19 annually during the ten-year period which begins  
20 either with the date of conviction for the sex crime  
21 or the date of the person's release from custody,  
22 whichever date occurs later. Sex offenders who are  
23 under the age of eighteen at the time of their  
24 adjudication of delinquency for an act which  
25 constitutes a sex crime shall register annually until  
26 the person reaches the age of twenty-five.

27 If a sex offender maintains more than one  
28 residence, the sex offender shall register in each  
29 county of residence in the manner required by the  
30 department. If the sex offender maintains a mobile  
31 residence, the sex offender shall register any address  
32 at which the offender resides for more than ten days  
33 and include the vehicle identification number of the  
34 mobile residence in the offender's registration  
35 information. If a sex offender who is required to  
36 register under this chapter changes the offender's  
37 temporary or permanent residence, the person shall  
38 register with the sheriff of the county in which the  
39 new residence is located, within ten days of the date  
40 on which the offender's residence changes. The  
41 sheriff shall transmit the registration information to  
42 the department in the manner provided by rules adopted  
43 by the department.

44 Sec. 4. NEW SECTION. 692A.4 REGISTRATION  
45 PROCEDURES.

46 The department shall adopt rules and develop  
47 appropriate forms regarding the registration of sex  
48 offenders which include, but are not limited to, all  
49 of the following:

50 1. REGISTRATION FORM AND CONTENTS. The department

**Page 4**

1 shall develop a standard registration form for use in  
2 offender registration. Forms developed shall include  
3 information regarding the sex offender's specific  
4 address, including the street name, house, apartment  
5 or lot number, any post office box, and plat number;  
6 and a current telephone number. Forms developed shall  
7 permit the addition of other relevant information,  
8 such as, but not limited to, fingerprints,  
9 photographs, and other relevant information.

10 2. AVAILABILITY OF FORMS. Rules adopted shall  
11 provide that registration forms shall be available in  
12 each county sheriff's office, and at each facility in  
13 which sex offenders are incarcerated if the  
14 registration of incarcerated sex offenders is

15 required. Copies of the form shall be available to  
16 any person upon request.

17 3. REGISTRATION PROCEDURES. Rules adopted shall  
18 establish procedures for the registration of  
19 offenders. The procedures shall include provisions  
20 for adding, deleting, and changing registration  
21 information, and for renewing registrations as  
22 necessary.

23 4. DUTIES OF THE SHERIFF. Rules shall establish  
24 the duties of the sheriff regarding registration forms  
25 and information and shall include a duty to transmit  
26 all information received to the department.

27 Sec. 5. NEW SECTION. 692A.5 REGISTRY  
28 CONFIDENTIAL.

29 1. The sex offender registry is a confidential  
30 record under section 22.7, subsection 9, and shall  
31 only be used for legitimate law enforcement purposes.  
32 In cases in which members of the department are  
33 participating in an investigation or arrest, or where  
34 the department has entered into an agreement with  
35 officers of other criminal justice agencies regarding  
36 dissemination of information, the department may  
37 disseminate sex offender registry information and sex  
38 crimes analysis information in the manner provided in  
39 section 692A.6.

40 2. Except in cases in which members of the  
41 department are participating in an investigation or  
42 arrest, the department and bureau may provide copies  
43 or communicate information from the sex offender  
44 registry to the following:

- 45 a. Criminal justice agencies.
- 46 b. Other public agencies, as authorized by the  
47 commissioner of public safety.
- 48 c. The Iowa department of human services for the  
49 purposes of carrying the duties or requirements of  
50 section 218.13, section 232.71, subsection 1, section

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1 232.142, section 237.8, subsection 2, sections 237A.5  
2 and 237A.20, and section 600.8, subsections 1 and 2.

3 d. The Iowa department of public health for the  
4 purposes of screening employees and applicants for  
5 positions of employment in health care facilities or  
6 in substance abuse treatment programs which admit  
7 juveniles and are licensed under chapter 125.

8 e. Licensed private child care and child placement  
9 agencies and certified adoption investigators for  
10 purposes of carrying out the requirements of section  
11 237.8, subsection 2, and section 600.8, subsections 1

12 and 2.

13 f. A psychiatric medical institution for children  
14 licensed under chapter 135H for purposes of meeting  
15 the requirements specified in section 237.8,  
16 subsection 2, and section 600.8, subsections 1 and 2.

17 g. The board of educational examiners for purposes  
18 of carrying out duties imposed under section 272.2,  
19 subsection 14.

20 3. The bureau shall maintain a list showing the  
21 individual or agency to whom the information is  
22 disseminated and the date of dissemination.

23 4. A person authorized to receive sex offender  
24 registry information shall request and may receive the  
25 information only when both of the following conditions  
26 apply:

27 a. The information is for official purposes and is  
28 in connection with prescribed duties or required  
29 pursuant to section 237.8, subsection 2, or section  
30 237A.5.

31 b. The request for information is based upon a  
32 name, fingerprints, or other individual identifying  
33 characteristics.

34 5. Notwithstanding provisions of this section to  
35 the contrary, the department may provide copies or  
36 communicate information from the sex offender registry  
37 to any youth service agency approved by the  
38 commissioner of public safety. Sex offender registry  
39 information provided by the department or bureau to  
40 authorized youth service agencies shall be limited to  
41 information regarding applicants for paid or voluntary  
42 positions, if those positions would place the  
43 applicant in direct contact with children. The  
44 department shall adopt rules that establish criteria  
45 for the qualification and approval of youth service  
46 agencies that may receive sex offender registry  
47 information.

48 6. The department may charge a fee to any non-law  
49 enforcement agency for conducting sex offender  
50 registry checks and otherwise performing duties

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1 related to providing access to sex offender registry  
2 information. The amount of the fee shall be set by  
3 the commissioner of public safety, but shall be equal  
4 to the lesser of either the cost incurred in providing  
5 the information or twenty dollars for each individual  
6 check requested. Notwithstanding any other provision  
7 to the contrary, the department may use moneys from  
8 the fee to employ clerical personnel to process sex

9 offender registry checks for non-law enforcement  
10 purposes.

11 7. Information contained in the registry may be  
12 disseminated to law enforcement agencies in Iowa and  
13 other jurisdictions.

14 The department shall adopt rules to administer this  
15 section.

16 Sec. 6. NEW SECTION. 692A.6 REDISSEMINATION OF  
17 SEX OFFENDER REGISTRY INFORMATION.

18 1. Except as otherwise provided in this section, a  
19 person or agency receiving sex offender registry  
20 information from the department or bureau shall not  
21 disseminate the information, unless all of the  
22 following apply:

23 a. The information is for official purposes in  
24 connection with prescribed duties of a criminal  
25 justice agency.

26 b. The agency maintains a list of the persons  
27 receiving the information and the date and purpose of  
28 the dissemination.

29 c. The request for information is based upon a  
30 name, fingerprints, or other individual identifying  
31 characteristics.

32 2. The department of human services may  
33 disseminate sex offender registry information  
34 obtained pursuant to section 692A.5, to persons  
35 licensed, registered, or certified under chapters 237,  
36 237A, 238, and 600 for the purposes of section 237.8,  
37 subsection 2, and section 237A.5. A person who  
38 receives information pursuant to this subsection shall  
39 not use the information other than for purposes of  
40 section 237.8, subsection 2, section 237A.5, or  
41 section 600.8, subsections 1 and 2. A person who  
42 receives sex offender registry information pursuant to  
43 this subsection and who uses the information for  
44 purposes other than those permitted by this subsection  
45 or who communicates the information to another person  
46 except for the purposes permitted by this subsection  
47 is guilty of an aggravated misdemeanor.

48 3. The Iowa department of public health may  
49 disseminate sex offender registry information  
50 obtained pursuant to section 692A.5, subsection 1, to

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1 administrators of facilities licensed under chapter  
2 125 which admit juveniles. Persons who receive sex  
3 offender registry information pursuant to this  
4 subsection shall not use the information other than  
5 for the purpose of screening employees and applicants

6 for employment in substance abuse programs which admit  
7 juveniles and are licensed under chapter 125. A  
8 person who receives sex offender registry information  
9 pursuant to this subsection and who uses it for any  
10 other purposes or who communicates the information to  
11 any other person other than for the purposes permitted  
12 by this subsection is guilty of an aggravated  
13 misdemeanor.

14 4. A peace officer, criminal justice agency, or  
15 state or federal regulatory agency shall not  
16 disseminate sex crimes analysis information outside  
17 the agency, received from the department or bureau or  
18 from any other source, except as provided in  
19 subsection 1, paragraphs "a" through "c".

20 Sec. 7. NEW SECTION. 692A.7 FAILURE TO COMPLY.

21 Failure to register as required under this chapter  
22 is a serious misdemeanor for a first offense, an  
23 aggravated misdemeanor for a second offense, and a  
24 class "D" felony for a third or subsequent offense.  
25 Any fine imposed for a second or subsequent offense  
26 shall not be suspended. The court shall not defer the  
27 judgment or sentence for any violation of this  
28 chapter. The failure of a sex offender who is on  
29 probation or parole to register as required under this  
30 chapter shall result in the automatic revocation of  
31 the sex offender's probation or parole.

32 A conviction for, deferred judgment for, or plea of  
33 guilty to, a violation of this section which occurred  
34 more than ten years prior to the date of the violation  
35 charged shall not be considered in determining that  
36 the violation charged is a second, third, or  
37 subsequent offense. For purposes of determining if a  
38 violation is a second or subsequent offense, deferred  
39 judgments entered pursuant to section 907.3 for  
40 violations of this section and convictions or the  
41 equivalent of deferred judgments entered for  
42 violations in any other states under sex offender  
43 registry provisions that are substantially similar to  
44 those contained in this section shall be counted as  
45 previous offenses. The court shall judicially notice  
46 the statutes of other states which establish offenses  
47 substantially equivalent to this section. Each  
48 violation for which a conviction or deferral judgment  
49 is entered prior to the date of the violation charged  
50 shall be considered and counted as a separate previous

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1 offense.

2 Sec. 8. NEW SECTION. 692A.8 ACQUITTALS BY REASON

**3 OF INSANITY -- PSYCHIATRIC EVALUATION.**

4 If a person is found not guilty by reason of  
5 insanity of any sex crime, the court shall order that  
6 the person undergo an independent psychiatric  
7 evaluation in order to determine whether the offender  
8 suffers from a permanent psychiatric disorder, and  
9 whether the disorder can be treated. The results of  
10 the examination shall be reported to the court.

**11 Sec. 9. NEW SECTION. 692A.9 SEX CRIMES ANALYSIS  
12 UNIT.**

13 If the commissioner of public safety determines  
14 that sufficient funds are appropriated or received,  
15 the department shall establish a sex crimes analysis  
16 unit to maintain the sex offender registry, to conduct  
17 research and analysis related to sex crimes and sex  
18 offenders, and to perform other duties required under  
19 this chapter.

**20 Sec. 10. NEW SECTION. 692A.10 REDISSEMINATION OF  
21 SEX CRIMES ANALYSIS INFORMATION.**

22 1. Information obtained by the sex crimes analysis  
23 unit is a confidential record under section 22.7,  
24 subsection 9. The department or bureau may compile  
25 and disseminate sex crimes analysis information to  
26 criminal justice agencies for official law enforcement  
27 purposes. The department may compile and disseminate  
28 sex crimes analysis information in the form of  
29 statistical or law enforcement reports derived from  
30 sex crimes analysis information or as the basis of  
31 further study if individual identities are not  
32 ascertainable.

33 The bureau may, with the approval of the  
34 commissioner of public safety, disseminate sex crimes  
35 analysis information to persons conducting bona fide  
36 research, if the data is not individually identified.

37 2. The department may compile and disseminate sex  
38 crimes analysis information that may aid in the  
39 investigation, apprehension, or prosecution of a  
40 criminal case to criminal justice agencies. The  
41 information shall not be redisseminated unless the  
42 redissemination is to aid in the investigation,  
43 apprehension, or prosecution of a suspect."

44 2. Page 1, by inserting after line 5 the  
45 following:

46 "Sec. \_\_\_\_ . Section 728.14, Code 1993, is amended  
47 to read as follows:

48 728.14 COMMERCIAL FILM AND PHOTOGRAPHIC PRINT  
49 PROCESSOR REPORTS OF DEPICTIONS OF MINORS ENGAGED IN  
50 PROHIBITED SEXUAL ACTS.

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1 4. A commercial film and photographic print  
 2 processor who has knowledge of or observes, within the  
 3 scope of the processor's professional capacity or  
 4 employment, a film, photograph, video tape, negative,  
 5 or slide which depicts a minor whom the processor  
 6 knows or reasonably should know to be under the age of  
 7 eighteen, engaged in a prohibited sexual act or in the  
 8 simulation of a prohibited sexual act, shall report  
 9 the depiction to the county attorney immediately or as  
 10 soon as possible as required in this section. The  
 11 processor shall not report to the county attorney  
 12 depictions involving mere nudity of the minor, but  
 13 shall report depictions involving a prohibited sexual  
 14 act. This section shall not be construed to require a  
 15 processor to review all films, photographs, video  
 16 tapes, negatives, or slides delivered to the processor  
 17 within the processor's professional capacity or  
 18 employment.

19 For purposes of this section, "prohibited sexual  
 20 act" means any of the following:

21 a. A sex act as defined in section 702.17.

22 b. An act of bestiality involving a minor.

23 c. Fondling or touching the pubes or genitals of a  
 24 minor for the purpose of arousing or satisfying the  
 25 sexual desires of a person who may view a depiction of  
 26 the act.

27 d. Fondling or touching the pubes or genitals of a  
 28 person by a minor for the purpose of arousing or  
 29 satisfying the sexual desires of a person who may view  
 30 a depiction of the act.

31 e. Sadomasochistic abuse of a minor for the  
 32 purpose of arousing or satisfying the sexual desires  
 33 of a person who may view a depiction of the abuse.

34 f. Sadomasochistic abuse of a person by a minor  
 35 for the purpose of arousing or satisfying the sexual  
 36 desires of a person who may view a depiction of the  
 37 abuse.

38 2. A person who violates this section is guilty of  
 39 a simple misdemeanor."

40 3. Page 1, by inserting after line 26 the  
 41 following:

42 "Sec. \_\_\_\_ . NEW SECTION. 901.11 CIVIL PENALTY FOR  
 43 SEX OFFENDERS.

44 1. In addition to any other applicable penalty, a  
 45 person who is found guilty, pleads guilty, or is  
 46 sentenced for any of the following crimes, shall be  
 47 assessed a civil penalty of one hundred dollars:

48 a. A crime under chapter 709.



49 b. Kidnapping, which is accompanied by the intent  
50 to subject the person kidnapped to sexual abuse, as

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1 defined in section 710.1.

2 c. Burglary or attempted burglary accompanied by  
3 the intent to commit sexual abuse under chapter 713.

4 d. Incest as defined under section 726.2.

5 e. Dissemination and exhibition of obscene  
6 material to minors in violation of section 728.2.

7 f. Admitting minor to premises where obscene  
8 material is exhibited in violation of section 728.3.

9 g. Sexual exploitation of a minor in violation of  
10 section 728.12.

11 h. Telephone dissemination of obscene material to  
12 a minor in violation of section 728.15.

13 2. Money collected under this section shall be  
14 transmitted to the treasurer of state who shall  
15 deposit the money in the general fund of the state.

16 Sec. \_\_\_\_ . Section 907.3, subsection 1, Code  
17 Supplement 1993, is amended by adding the following  
18 new paragraph:

19 NEW PARAGRAPH. j. The offense is a failure to  
20 register in violation of chapter 692A.

21 Sec. \_\_\_\_ . Section 907.3, subsection 2, Code  
22 Supplement 1993, is amended to read as follows:

23 2. At the time of or after pronouncing judgment  
24 and with the consent of the defendant, the court may  
25 defer the sentence and assign the defendant to the  
26 judicial district department of correctional services.

27 However, the court shall not defer the sentence for a  
28 violation of section 708.2A if the defendant has  
29 previously received a deferred judgment or sentence  
30 for a violation of section 708.2 or 708.2A which was  
31 issued on a domestic abuse assault, or if similar  
32 relief was granted anywhere in the United States

33 concerning that jurisdiction's statutes which  
34 substantially correspond to domestic abuse assault as  
35 provided in section 708.2A. In addition, the court  
36 shall not defer a sentence if it is imposed for  
37 contempt pursuant to section 236.8 or 236.14, or if it

38 is imposed for a violation of chapter 692A. Upon a  
39 showing that the defendant is not fulfilling the  
40 conditions of probation, the court may revoke  
41 probation and impose any sentence authorized by law.  
42 Before taking such action, the court shall give the  
43 defendant an opportunity to be heard on any matter  
44 relevant to the proposed action. Upon violation of  
45 the conditions of probation, the court may proceed as

46 provided in chapter 908."

47 4. Title page, line 3, by inserting after the  
48 word "degree" the following: ", and relating to sex  
49 acts and sex offenders, establishment of a sex  
50 offender registry, and providing penalties".

**Page 11**

1 5. By renumbering as necessary.

**TONY BISIGNANO**

S-5487

1 Amend the amendment, S-5474, to House File 2411, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 2, line 41, by striking the figure  
5 "1,425,000" and inserting the following: "1,433,500".

6 2. Page 2, by inserting after line 41 the  
7 following:

8 "From the moneys appropriated in this subsection  
9 for the fiscal year beginning July 1, 1994, and ending  
10 June 30, 1995, \$31,500 shall be expended to supplement  
11 the salaries of regional library employees."

**LARRY MURPHY**

S-5488

1 Amend Senate File 2320 as follows:

2 1. Page 7, line 6, by striking the word  
3 "limitations" and inserting the following:  
4 "limitation".

5 2. Page 17, line 24, by striking the word "a".

6 3. Page 17, line 29, by inserting before the word  
7 "January" the following: "or after".

**WILLIAM D. PALMER**

S-5489

1 Amend House File 2419, as passed by the House, as  
2 follows:

3 1. Page 7, line 6, by striking the word  
4 "limitation" and inserting the following:  
5 "limitations".

6 2. Page 17, line 24, by inserting before the word  
7 "department" the following: "a".

8 3. Page 17, line 29, by striking the words "or  
9 after".

WILLIAM D. PALMER

S-5490

1 Amend the amendment, S-5463, to House File 2376, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 21, by inserting after line 1, the  
5 following:

6 "Sec. \_\_\_\_ NEW SECTION. 146A.1 NOTIFICATION OF  
7 PARENT PRIOR TO PERFORMANCE OF ABORTION ON A MINOR -  
8 REQUIREMENTS - EXCEPTIONS - CRIMINAL PENALTY.

9 1. A person shall not perform an abortion on a  
10 pregnant minor until at least forty-eight hours' prior  
11 notification is provided to a parent of the minor.

12 2. The person who will perform the abortion shall  
13 provide notification in person or by mailing the  
14 notification by restricted certified mail to the  
15 parent of the minor at the usual place of abode of the  
16 parent. For the purposes of delivery by restricted  
17 certified mail, the time of delivery is deemed to  
18 occur at twelve o'clock noon on the next day on which  
19 regular mail delivery takes place, subsequent to the  
20 mailing.

21 3. For the purposes of this section, unless the  
22 context otherwise requires:

23 a. "Abortion" means an abortion as defined in  
24 chapter 146.

25 b. "Court" means the juvenile court.

26 c. "Medical emergency" means a condition that,  
27 based on a physician's clinical judgment, so  
28 complicates the medical condition of a pregnant minor  
29 as to necessitate the immediate abortion of the  
30 minor's pregnancy to avert the minor's death, or for  
31 which a delay will create risk of substantial and  
32 irreversible impairment of a major bodily function.

33 d. "Minor" means minor as defined in chapter 599.

34 e. "Parent" means one parent of the pregnant minor  
35 or the pregnant minor's guardian or custodian.

36 4. Notification shall not be required under this  
37 section if any of the following conditions apply:

38 a. The attending physician certifies that a  
39 medical emergency existed. The attending physician  
40 shall certify in writing the basis for the medical  
41 judgment that a medical emergency existed and shall  
42 make written certification available to a parent of  
43 the minor prior to the abortion, if possible. If it

44 is not possible to provide a parent of the minor with  
45 written certification prior to the abortion, the  
46 physician shall provide the written certification to a  
47 parent of the minor within twelve hours following the  
48 performance of the abortion unless paragraph "b", "c",  
49 or "d" is applicable.  
50 b. The abortion is authorized in writing by a

Page 2

1 parent entitled to notification.  
2 c. The pregnant minor declares that the pregnant  
3 minor is a victim of child abuse pursuant to section  
4 232.68, the person responsible for the care of the  
5 child is a parent of the child, and the abuse has been  
6 reported pursuant to the procedures prescribed in  
7 chapter 232, division III, part 2, or a parent of the  
8 child is named in a report of founded child abuse.  
9 The department of human services shall maintain  
10 confidentiality under chapter 232 regarding the  
11 minor's pregnancy and abortion, if an abortion is  
12 obtained.  
13 d. The pregnant minor elects not to allow  
14 notification of the pregnant minor's parent and a  
15 court authorizes waiver of the notification  
16 requirement following completion of the proceedings  
17 prescribed under subsection 5.  
18 5. If a pregnant minor objects to the notification  
19 of a parent prior to the performance of an abortion on  
20 the pregnant minor, the pregnant minor may petition  
21 the court to authorize waiver of the notification  
22 requirement pursuant to this section in accordance  
23 with the following procedures:  
24 a. The court shall ensure that the minor is  
25 provided with assistance in preparing and filing the  
26 petition for waiver of notification and shall ensure  
27 that the minor's identity remains confidential.  
28 b. The minor may participate in the court  
29 proceedings on the minor's own behalf and the court  
30 may appoint a guardian ad litem for the minor. The  
31 court shall advise the minor of the minor's right to  
32 court-appointed legal counsel, and shall, upon the  
33 minor's request, provide the minor with court-  
34 appointed legal counsel, at no cost to the minor.  
35 c. The court proceedings shall be conducted in a  
36 manner which protects the anonymity of the minor and  
37 all court documents pertaining to the proceedings  
38 shall remain confidential. Only the minor, the  
39 minor's guardian ad litem, the minor's legal counsel,  
40 and persons whose presence is specifically requested

41 by the minor, by the minor's guardian ad litem, or by  
42 the minor's legal counsel may attend the hearing on  
43 the petition.

44 d. The court proceedings under this section shall  
45 be given precedence over other pending matters to  
46 ensure that the court reaches a decision  
47 expeditiously.

48 e. Upon petition and following an appropriate  
49 hearing, the court shall waive the notification  
50 requirements if the court determines either of the

Page 3

1 following:

2 (1) That the minor is mature and capable of  
3 providing informed consent for the performance of an  
4 abortion.

5 (2) That the minor is not mature, or does not  
6 claim to be mature, but that notification is not in  
7 the best interest of the minor.

8 f. The court shall issue specific factual findings  
9 and legal conclusions, in writing, to support the  
10 decision.

11 g. Upon conclusion of the hearing, the court shall  
12 immediately issue a written order which shall be  
13 provided immediately to the minor, the minor's  
14 guardian ad litem, the minor's legal counsel, or any  
15 other person designated by the minor to receive the  
16 order.

17 h. An expedited, anonymous, confidential appeal  
18 shall be available to a minor for whom the court  
19 denies a petition for waiver of notification. An  
20 order granting the minor's application for waiver of  
21 notification is not subject to appeal. Access to the  
22 appellate courts for the purpose of an appeal under  
23 this section shall be provided to a minor twenty-four  
24 hours a day, seven days a week.

25 i. The supreme court shall prescribe rules to  
26 ensure that the proceedings under this section are  
27 performed in an expeditious, anonymous, and  
28 confidential manner.

29 j. A minor who chooses to utilize the waiver of  
30 notification procedures under this subsection shall  
31 not be required to pay a fee at any level of the  
32 proceedings.

33 k. A person performing an abortion on a minor  
34 under this chapter may inform the parent of the minor  
35 of any necessary treatment resulting from  
36 complications of the abortion procedure if, in the  
37 judgment of the person, failure to inform the parent

38 would seriously jeopardize the health of the minor.  
 39 6. A person who performs an abortion in violation  
 40 of this section is guilty of a serious misdemeanor.  
 41 7. Venue for proceedings under this section is in  
 42 any court in the state.  
 43 Sec. \_\_\_\_ . NEW SECTION. 232.5 ABORTION PERFORMED  
 44 ON A MINOR - PROCEEDINGS.  
 45 The court shall have exclusive jurisdiction over  
 46 the authorization of an abortion on a minor pursuant  
 47 to section 146A.1."  
 48 2. By renumbering as necessary.

WILLIAM W. DIELEMAN  
 RAY TAYLOR  
 JOHN P. KIBBIE  
 BERL E. PRIEBE

S-5491

1 Amend the House amendment, S-5455, to Senate File  
 2 2038, as amended, passed, and reprinted by the Senate  
 3 as follows:  
 4 1. Page 2, by striking line 23 through page 3,  
 5 line 17.

WILLIAM D. PALMER  
 MARY LOU FREEMAN

S-5492

1 Amend Senate File 2312 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. There is appropriated from the general  
 5 fund of the state and other designated funds to the  
 6 department of economic development for the fiscal year  
 7 beginning July 1, 1994, and ending June 30, 1995, the  
 8 following amounts, or so much thereof as is necessary,  
 9 to be used for the purposes designated:  
 10 1. ADMINISTRATIVE SERVICES DIVISION  
 11 a. General administration  
 12 For salaries, support, maintenance, miscellaneous  
 13 purposes, for providing a written report to the joint  
 14 economic development appropriations subcommittee and  
 15 the legislative fiscal bureau not later than January  
 16 15, 1995, regarding the structure of or plans to  
 17 implement an advertising sales program:  
 18 ..... \$  
 19 ..... FTEs  
 20 b. Primary research and computer center

892,883  
 22.00

21	For salaries, support, maintenance, miscellaneous		
22	purposes, and for not more than the following full-		
23	time equivalent positions:		
24	.....	\$	326,295
25	.....	FTEs	5.50
26	c. Film office		
27	For salaries, support, maintenance, miscellaneous		
28	purposes, and for not more than the following full-		
29	time equivalent positions:		
30	.....	\$	182,664
31	.....	FTEs	2.00
32	2. BUSINESS DEVELOPMENT DIVISION		
33	a. Business development operations		
34	For salaries, support, maintenance, miscellaneous		
35	purposes, and for not more than the following full-		
36	time equivalent positions:		
37	.....	\$	3,007,840
38	.....	FTEs	16.00
39	b. Small business programs		
40	For salaries, support, maintenance, miscellaneous		
41	purposes, and for not more than the following full-		
42	time equivalent positions for the small business		
43	program, the small business advisory council, targeted		
44	small business program, business incubators, for		
45	providing one FTE for the targeted small business		
46	compliance officer who shall continue to work jointly		
47	with the department of management, and for deaf		
48	interpreters funded through the economic development		
49	deaf interpreters revolving fund established in		
50	section 15.108, subsection 7, paragraph "j":		

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1	.....	\$	360,338
2	.....	FTEs	6.50
3	The department shall report to the joint economic		
4	development appropriations subcommittee and the		
5	legislative fiscal bureau regarding the utilization of		
6	the deaf interpreters by January 15, 1995, and the		
7	department shall coordinate with the division of deaf		
8	services in the provision of deaf interpreter		
9	services.		
10	c. Federal procurement office		
11	For salaries, support, maintenance, miscellaneous		
12	purposes, and for not more than the following full-		
13	time equivalent positions:		
14	.....	\$	98,689
15	.....	FTEs	3.00
16	Notwithstanding section 8.33, moneys remaining		
17	unencumbered or unobligated on June 30, 1995, shall		

18 not revert and shall be available for expenditure  
19 during the fiscal year beginning July 1, 1995, for the  
20 same purposes.

21 d. Strategic investment fund

22 For deposit in the strategic investment fund for  
23 salaries, support, and for not more than the following  
24 full-time equivalent positions:

25 ..... \$ 6,756,086  
26 ..... FTEs 10.00

27 e. Insurance economic development

28 There is appropriated from moneys collected by the  
29 division of insurance in excess of the anticipated  
30 gross revenues under section 505.7, subsection 3, to  
31 the department for the fiscal year beginning July 1,  
32 1994, and ending June 30, 1995, the following amount,  
33 or so much thereof as is necessary, for insurance  
34 economic development and international insurance  
35 economic development:

36 ..... \$ 200,000

37 3. COMMUNITY AND RURAL DEVELOPMENT DIVISION

38 a. Community assistance

39 For salaries, support, maintenance, miscellaneous  
40 purposes, and for not more than the following full-  
41 time equivalent positions for administration of the  
42 community economic preparedness program, the Iowa  
43 community betterment program, and the city development  
44 board:

45 ..... \$ 571,025  
46 ..... FTEs 7.50

47 b. Main street/rural main street program

48 For salaries and support for not more than the  
49 following full-time equivalent positions:

50 ..... \$ 350,484

Page 3

1 ..... FTEs 3.00

2 Notwithstanding section 8.33, moneys committed to  
3 grantees under contract from the general fund of the  
4 state that remain unexpended on June 30 of the fiscal  
5 year shall not revert to any fund but shall be  
6 available for expenditure for purposes of the contract  
7 during the succeeding fiscal year.

8 c. Rural development program

9 For salaries, support, maintenance, miscellaneous  
10 purposes, for not more than the following full-time  
11 equivalent positions for rural resource coordination,  
12 rural community leadership, and the rural enterprise  
13 fund:

14 ..... \$ 422,883



15	.....	FTEs	4.50
16	There is also appropriated from the rural community		
17	2000 program revolving fund established in section		
18	15.287 to the rural development program for the		
19	purposes of the program including the rural enterprise		
20	fund and collaborative skills development training:		
21	.....	\$	226,338
22	Notwithstanding section 8.33, moneys committed to		
23	grantees under contract from the general fund of the		
24	state or through transfers from the Iowa community		
25	development loan fund or from the rural community 2000		
26	program revolving fund that remain unexpended at the		
27	end of the fiscal year shall not revert but shall be		
28	available for expenditure for purposes of the contract		
29	during the succeeding fiscal year.		
30	d. Community development block grant and HOME		
31	For administration and related federal housing and		
32	urban development grant administration for salaries,		
33	support, maintenance, miscellaneous purposes, and for		
34	not more than the following full-time equivalent		
35	positions:		
36	.....	\$	380,045
37	.....	FTEs	18.75
38	e. Councils of governments		
39	There is appropriated from the rural community 2000		
40	program revolving fund established in section 15.287		
41	to provide to Iowa's councils of governments funds for		
42	planning and technical assistance funds to assist		
43	local governments to develop community development		
44	strategies for addressing long-term and short-term		
45	community needs:		
46	.....	\$	178,250
47	4. INTERNATIONAL DIVISION		
48	a. International trade operations		
49	For conducting foreign trade missions on behalf of		
50	Iowa businesses, salaries, support, maintenance,		

Page 4

1	miscellaneous purposes, for allocating \$100,000, or so		
2	much thereof as is necessary, to fund the United		
3	States midwest Japan conference, and for not more than		
4	the following full-time equivalent positions:		
5	.....	\$	686,114
6	.....	FTEs	7.00
7	b. Foreign trade offices		
8	For salaries, support, maintenance, miscellaneous		
9	purposes, and for not more than the following full-		
10	time equivalent positions:		
11	.....	\$	585,299

12 c. Export trade assistance program

13 For export trade activities, including a program to  
 14 encourage and increase participation in trade shows  
 15 and trade missions by providing financial assistance  
 16 to businesses for a percentage of their costs of  
 17 participating in trade shows and trade missions, by  
 18 providing for the lease/sublease of showcase space in  
 19 existing world trade centers, by providing temporary  
 20 office space for foreign buyers, international  
 21 prospects, and potential reverse investors, and by  
 22 providing other promotional and assistance activities,  
 23 provided that the department shall consult with the  
 24 department of agriculture and land stewardship prior  
 25 to allocating export trade assistance program moneys,  
 26 including salaries and support for not more than the  
 27 following full-time equivalent positions:

28 .....	\$	317,000
29 .....	FTEs	0.25

30 d. Agricultural product advisory council

31 For support, maintenance, and miscellaneous  
 32 purposes:

33 .....	\$	1,330
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34 e. For transferring from the department of  
 35 agriculture and land stewardship and colocating the  
 36 agriculture international marketing function and its  
 37 current staff in the international marketing division  
 38 of the department, for salaries and support for not  
 39 more than the following full-time equivalent  
 40 positions:

41 .....	\$	206,000
42 .....	FTEs	4.00

43 f. For transfer to the partner state program which  
 44 the department may use to contract with private groups  
 45 or organizations which are the most appropriate to  
 46 administer this program and the groups and  
 47 organizations participating in the program shall, to  
 48 the fullest extent possible, provide the funds to  
 49 match the appropriation made in this subsection:

50 .....	\$	96,000
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1 5. TOURISM DIVISION

2 a. Tourism operations

3 For salaries, support, maintenance, miscellaneous  
 4 purposes, and for not more than the following full-  
 5 time equivalent positions, provided that the  
 6 appropriation shall not be used for advertising  
 7 placements for in-state and out-of-state tourism  
 8 marketing:

9 .....	\$	710,176
10 .....	FTEs	17.77

11 b. Tourism advertising  
 12 For contracting exclusively for tourism advertising  
 13 for in-state and out-of-state tourism marketing  
 14 services, tourism promotion programs, electronic  
 15 media, print media, and printed materials:  
 16 ..... \$ 2,537,000

17 The department shall not use the moneys  
 18 appropriated in this lettered paragraph unless the  
 19 department develops public-private partnerships with  
 20 Iowa businesses in the tourism industry, Iowa tour  
 21 groups, Iowa tourism organizations, and political  
 22 subdivisions in this state to assist in the  
 23 development of advertising efforts. The department  
 24 shall, to the fullest extent possible, develop  
 25 cooperative efforts for advertising with contributions  
 26 from other sources.  
 27 c. Welcome center program  
 28 To implement the recommendations of the statewide  
 29 long-range plan for developing and operating welcome  
 30 centers throughout the state, to allocate \$100,000 to  
 31 the Northwood welcome center, and for planning to  
 32 construct the next welcome center to be funded at  
 33 living history farms:  
 34 ..... \$ 350,000

35 It is the intent of the general assembly that the  
 36 Northwood welcome center receive an additional \$50,000  
 37 in fiscal year 1996.  
 38 Notwithstanding section 8.33, moneys committed to  
 39 grantees under contract that remain unexpended on June  
 40 30 of the fiscal year shall not revert to any fund but  
 41 shall be available for expenditure for purposes of the  
 42 contract during the succeeding fiscal year.

43 **6. WORKFORCE DEVELOPMENT DIVISION**  
 44 a. Youth workforce programs  
 45 For purposes of the conservation corps, including  
 46 salary, support, maintenance, miscellaneous purposes,  
 47 and for not more than the following full-time  
 48 equivalent positions:  
 49 ..... \$ 951,574  
 50 ..... FTEs 2.40

Page 6

1 The department may combine for administrative and  
 2 budget purposes the youth workforce conservation  
 3 program and the Iowa corps program.  
 4 Notwithstanding section 8.33, moneys committed to  
 5 grantees under contract that remain unexpended on June

6 30 of the fiscal year shall not revert to any fund but  
7 shall be available for expenditure for purposes of the  
8 contract during the succeeding fiscal year.

9 b. Job retraining program

10 To the community college job training fund created  
11 in section 260F.6, including salaries and support for  
12 not more than the following full-time equivalent  
13 positions:

14 .....	\$	161,000
15 .....	FTEs	1.30

16 There is appropriated from the rural community 2000  
17 program revolving fund established in section 15.287  
18 to the community college job training fund created in  
19 section 260F.6, subsection 1, \$325,000. It is the  
20 intent of the general assembly that up to \$100,000 of  
21 all funds appropriated to the program and some or all  
22 of the FTEs may be used for the administration of the  
23 Iowa small business new jobs training Act.

24 c. Workforce investment program

25 For purposes of the workforce investment program,  
26 for a competitive grant program by the department in  
27 consultation with the state job training coordinating  
28 council for projects that increase Iowa's pool of  
29 available labor via training and support services with  
30 priority given to projects which serve displaced  
31 homemakers or welfare recipients, including salaries  
32 and support for not more than the following full-time  
33 equivalent positions:

34 .....	\$	476,691
35 .....	FTEs	0.90

36 The department shall ensure that the workforce  
37 investment program is coordinated with services  
38 provided under the federal Job Training Partnership  
39 Act and that welfare recipients receive priority for  
40 services under both programs.

41 Notwithstanding section 8.33, moneys committed to  
42 grantees under contract that remain unexpended at the  
43 end of the fiscal year, shall not revert to any fund  
44 but shall be available for expenditure for purposes of  
45 the contract during the succeeding fiscal year.

46 d. Labor management councils

47 For salaries, support, maintenance, miscellaneous  
48 purposes, and for not more than the following full-  
49 time equivalent positions:

50 .....	\$	50,467
----------	----	--------

1 .....	FTEs	0.50
2 The department shall not use moneys appropriated in		

3 this lettered paragraph for grants to grantees who do  
 4 not facilitate the active participation of labor as  
 5 members of labor management councils or who fail to  
 6 make a good faith effort to either schedule meetings  
 7 during nonworking hours or obtain voluntary agreements  
 8 with employers to allow employees time off to attend  
 9 labor management council meetings with no loss of pay  
 10 or other benefits.

11 Notwithstanding section 8.33, moneys committed to  
 12 grantees under contract that remain unexpended on June  
 13 30 of the fiscal year shall not revert to any fund but  
 14 shall be available for expenditure for purposes of the  
 15 contract during the succeeding fiscal year.

16 Sec. 2. TARGETED SMALL BUSINESS INCUBATOR. Moneys  
 17 appropriated for fiscal year 1994 and not expended by  
 18 June 30, 1994, shall not revert but shall be held by  
 19 the department for funding, with local matching funds,  
 20 the targeted small business incubator in Des Moines  
 21 for the fiscal year beginning July 1, 1994, and ending  
 22 June 30, 1995:

23 There is appropriated from the general fund of the  
 24 state and other designated funds to the department of  
 25 economic development for the fiscal year beginning  
 26 July 1, 1995, and ending June 30, 1996, the following  
 27 amount, or so much thereof as is necessary to be used  
 28 for funding, with local matching funds, the targeted  
 29 small business incubator in Des Moines:

30 ..... \$ 50,000

31 Sec. 3. Notwithstanding section 15E.120,  
 32 subsections 5, 6, and 7, and section 15.287, there is  
 33 appropriated from the Iowa community development loan  
 34 fund from the moneys available during the fiscal year  
 35 beginning July 1, 1994, and ending June 30, 1995, to  
 36 the department of economic development for the rural  
 37 development program to be used by the department for  
 38 the purposes of the program.

39 Sec. 4. Notwithstanding section 15.251, subsection  
 40 2, there is appropriated from the job training fund  
 41 created in the office of the treasurer of state to the  
 42 department of economic development for the fiscal year  
 43 beginning July 1, 1994, and ending June 30, 1995, the  
 44 following amounts, or so much thereof as is necessary,  
 45 to be used for the purposes designated:

46 1. For administration of chapter 260E, including  
 47 salaries, support, maintenance, miscellaneous  
 48 purposes, and for not more than the following full-  
 49 time equivalent positions:

50 ..... \$ 150,000

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1	.....	FTEs	2.40
2	2. For the target alliance program:		
3	.....	\$	30,000
4	3. All moneys in the job training fund not		
5	appropriated in subsections 1 and 2 shall be used for		
6	job training and retraining programs under section		
7	260F.6.		
8	Sec. 5. There is appropriated from the general		
9	fund of the state to the Wallace technology transfer		
10	foundation for the fiscal year beginning July 1, 1994,		
11	and ending June 30, 1995, the following amount, or so		
12	much thereof as is necessary, to be used for the		
13	purposes designated:		
14	For salaries, support, maintenance, and other		
15	operational purposes, for administering the industrial		
16	technology access program, for approving and		
17	submitting to the governor and general assembly not		
18	later than January 15 an annual report relating to		
19	performance goals of and efforts by the foundation to		
20	improve the modernization of industrial facilities,		
21	for funding the small business innovation research		
22	program, for funding activities as provided in section		
23	15E.158, for transferring \$50,000 of the funds		
24	appropriated in this section to the Iowa quality		
25	coalition for productivity enhancement projects, and		
26	for not more than the following full-time equivalent		
27	positions:		
28	.....	\$	2,000,000
29	.....	FTEs	4.00
30	Sec. 6. There is appropriated from the general		
31	fund of the state to the Iowa seed capital corporation		
32	fund established in section 15E.89, for not more than		
33	the following full-time equivalent positions:		
34	.....	\$	853,085
35	.....	FTEs	5.00
36	Sec. 7. There is appropriated from the general		
37	fund of the state to the Iowa state university of		
38	science and technology for the fiscal year beginning		
39	July 1, 1994, and ending June 30, 1995, the following		
40	amounts, or so much thereof as is necessary, to be		
41	used for the purposes designated:		
42	1. For funding and maintaining in their current		
43	locations the existing small business development		
44	centers:		
45	.....	\$	1,079,389
46	2. For funding the institute for physical research		
47	and technology:		
48	.....	\$	3,899,863

49 It is the intent of the general assembly that the  
50 incentive program focus on Iowa industrial sectors and

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1 seek contributions and in-kind donations from  
2 businesses, industrial foundations, and trade  
3 associations and that moneys for the institute for  
4 physical research and technology industrial incentive  
5 program shall only be allocated for projects which are  
6 matched by private sector moneys for directed contract  
7 research or for nondirected research. The match  
8 required of small businesses as defined in section  
9 15.102, subsection 4, for directed contract research  
10 or for nondirected research shall be \$1 for each \$3 of  
11 state funds. The match required for other businesses  
12 for directed contract research or for nondirected  
13 research shall be \$1 for each \$1 of state funds. The  
14 match required of industrial foundations or trade  
15 associations shall be \$1 for each \$1 of state funds.

16 Iowa state university shall report annually to the  
17 joint economic development subcommittee of the senate  
18 and house appropriations committees the total amounts  
19 of private contributions, the proportion of  
20 contributions from small businesses and other  
21 businesses, and the proportion for directed contract  
22 research and nondirected research of benefit to Iowa  
23 businesses and industrial sectors.

24 Notwithstanding section 8.33, moneys appropriated  
25 for any fiscal year which remain unobligated and  
26 unexpended at the end of the fiscal year shall not  
27 revert but shall be available for expenditure the  
28 following fiscal year and the appropriation for the  
29 incentive program for the following year shall be  
30 reduced by an equal amount.

31 Sec. 8. There is appropriated from the general  
32 fund of the state to the state university of Iowa for  
33 the fiscal year beginning July 1, 1994, and ending  
34 June 30, 1995, the following amount, or so much  
35 thereof as is necessary, to be used for the purpose  
36 designated:

37 For funding the advanced drug development program  
38 at the Oakdale research park:

39 ..... \$ 491,389

40 The board of regents shall submit a report on the  
41 progress of regents institutions in meeting the  
42 strategic plan for technology transfer and economic  
43 development to the chairpersons of the joint  
44 appropriations subcommittee on economic development,  
45 the joint appropriations subcommittee on education,

46 the majority leader, and minority leaders of the  
47 senate, the majority and minority leaders of the house  
48 of representatives, the secretary of the senate, the  
49 chief clerk of the house of representatives, and the  
50 legislative fiscal bureau by November 1, 1994.

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1 Sec. 9. Not later than July 1, 1995, the  
2 department of economic development, with consultation  
3 and input from the general assembly, and  
4 representatives from business, labor, and education  
5 shall study and present recommendations to the general  
6 assembly which shall include but not be limited to the  
7 privatization and decentralization of Iowa's economic  
8 development efforts, the identification of areas  
9 appropriate to statewide economic development efforts  
10 and areas appropriate for regional economic  
11 development efforts, benchmark budgeting for statewide  
12 and regional efforts, the deregulation of economic  
13 development activities, and collaboration between  
14 public and private entities.

15 Sec. 10. 1993 Iowa Acts, chapter 167, section 3,  
16 subsection 3, is amended to read as follows:

17 3. For the workforce coordinator:

18 ..... \$  
19 ..... FTEs

73,000  
1.00

20 Any funds allocated for salary and benefits for the  
21 workforce coordinator, and not expended on June 30,  
22 1994, shall not revert, notwithstanding section 8.33,  
23 but shall be carried forward and be available for use  
24 for the workforce coordinator during the succeeding  
25 year.

26 Sec. 11. RURAL COMMUNITY 2000 TRANSFER.  
27 Notwithstanding the provisions in section 15.287,  
28 16.100, or other provision of law providing that  
29 moneys in the fund shall remain in the rural community  
30 2000 revolving fund of the state, not more than  
31 \$310,000 of the moneys in the revolving fund which  
32 remain unencumbered on July 1, 1993, shall be  
33 transferred and credited to the general fund of the  
34 state.

35 Sec. 12. LOTTERY TRANSFER. Notwithstanding the  
36 requirement in section 99E.10, subsection 1, to  
37 transfer lottery revenue remaining after expenses are  
38 deducted, notwithstanding the requirement under  
39 section 99E.20, subsection 2, for the commissioner to  
40 certify and transfer a portion of the lottery fund to  
41 the CLEAN fund, and notwithstanding the appropriations  
42 and allocations in section 99E.34, all lottery



43 revenues received during the fiscal year beginning  
 44 July 1, 1994, and ending June 30, 1995, after  
 45 deductions as provided in section 99E.10, subsection  
 46 1, and as appropriated under any Act of the Seventy-  
 47 fifth General Assembly, 1994 Session, shall not be  
 48 transferred to and deposited into the CLEAN fund but  
 49 shall be transferred and credited to the general fund  
 50 of the state.

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1 Sec. 13. IOWA PLAN FUND TRANSFER OF ACCOUNTS.

2 Notwithstanding any provision to the contrary, all  
 3 unencumbered or unobligated moneys in the jobs now  
 4 capitals, jobs now, education and agriculture research  
 5 and development, and surplus accounts of the Iowa plan  
 6 fund under chapter 99E for economic development on the  
 7 effective date of this Act shall be transferred to the  
 8 general fund of the state to be used for any purposes  
 9 for which appropriated by the general assembly  
 10 notwithstanding the moneys in those accounts may have  
 11 been previously appropriated for specific purposes.

12 Sec. 14. COMMUNITY COLLEGE JOB TRAINING FUND

13 TRANSFER. Notwithstanding the provisions of section  
 14 260F.6, 260F.8, or any other provision of law  
 15 providing for retention of moneys in the community  
 16 college job training fund, not more than \$40,000 of  
 17 the moneys in the training fund which remain  
 18 unencumbered on July 1, 1993, shall be transferred and  
 19 credited to the general fund of the state.

20 Sec. 15. There is appropriated from the state's  
 21 share of the receipts collected pursuant to section  
 22 428A.1, prior to deposit in the general fund of the  
 23 state under section 428A.8, to the Iowa finance  
 24 authority for the fiscal year beginning July 1, 1994,  
 25 and ending June 30, 1995, the following amount, or so  
 26 much thereof as is necessary, to be used for the  
 27 purpose designated:

28 For deposit in the housing improvement fund created  
 29 in section 16.100 for purposes of the fund:  
 30 ..... \$ 300,000

31 Sec. 16. There is appropriated from the deaf  
 32 interpreters revolving fund established in section  
 33 15.108, subsection 7, paragraph "j", to the strategic  
 34 investment fund for the fiscal year beginning July 1,  
 35 1994, and ending June 30, 1995, the following amount:  
 36 ..... \$ 40,000

37 Sec. 17. Section 12.43, Code 1993, is amended by  
 38 adding the following new subsection:

39 NEW SUBSECTION. 5. A preference shall be given to

40 those persons who are less able than other persons to  
41 secure funds for a targeted small business without  
42 participation in the targeted small business linked  
43 investment program.

44 Sec. 18. Section 15.108, subsection 1, paragraph  
45 e, Code Supplement 1993, is amended by striking the  
46 paragraph.

47 Sec. 19. Section 15.251, subsection 3, Code  
48 Supplement 1993, is amended by striking the  
49 subsection.

50 Sec. 20. Section 15.308, subsection 2, paragraph

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1 a, Code 1993, is amended by striking the paragraph.

2 Sec. 21. Section 15E.81, Code 1993, is amended to  
3 read as follows:

4 15E.81 TITLE.

5 This division may be cited as the "Iowa Product  
6 Development Seed Capital Corporation Act".

7 Sec. 22. Section 15E.82, subsections 1, 2, and 5,  
8 Code 1993, are amended to read as follows:

9 1. "Board" means the board of directors of the  
10 Iowa product development seed capital corporation.

11 2. "Corporation" means the Iowa product  
12 development seed capital corporation.

13 5. "President" means the president of the Iowa  
14 product development seed capital corporation.

15 Sec. 23. Section 15E.83, Code 1993, is amended to  
16 read as follows:

17 15E.83 PRODUCT DEVELOPMENT SEED CAPITAL  
18 CORPORATION.

19 1. There is created a corporate body called the  
20 "Iowa product development corporation". The  
21 corporation is a quasi-public instrumentality and the  
22 exercise of the powers granted to the corporation in  
23 this division is an essential governmental function.  
24 The Iowa seed capital corporation shall be  
25 incorporated under chapter 504A. The corporation  
26 shall not be regarded as a state agency, except for  
27 purposes of chapters 17A and 69, and a member of the  
28 board is not considered a state employee, except for  
29 purposes of chapter 669. An individual employed by  
30 the corporation is a state employee for purposes of  
31 the Iowa public employee's retirement system, state  
32 health and dental plans, and other state employee  
33 benefit plans and chapter 669. Chapters 8, 18, 19A,  
34 and 20 and other provisions of law that relate to  
35 requirements or restrictions dealing with state  
36 personnel or state funds do not apply to the

37 corporation and any employees of the board or  
38 corporation except to the extent provided in this  
39 division. Chapters 21 and 22 shall apply to  
40 activities of the corporation and to employees of the  
41 board or corporation except to the extent provided in  
42 this division.

43 2. The corporation shall be governed by a board of  
44 seven directors who shall serve a term of four years.  
45 Each term shall begin and end as provided in section  
46 69-19. No more than a simple majority of the members  
47 of the board shall belong to the same political party  
48 as provided in section 69-16. At least one director  
49 shall be chosen from the accounting profession, at  
50 least one director shall have local economic

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1 development experience, and at least two directors  
2 shall be chosen from businesses with fewer than one  
3 hundred employees. Each director shall serve at the  
4 pleasure of the governor and shall be appointed by the  
5 governor, subject to confirmation by the senate  
6 pursuant to section 2.32. A director is eligible for  
7 reappointment. A vacancy on the board of directors  
8 shall be filled in the same manner as an original  
9 appointment. For the initial appointments to the  
10 board of directors, the governor shall appoint three  
11 members whose terms shall commence upon appointment  
12 and shall expire April 30, 1985, and four members  
13 whose terms shall commence upon appointment and shall  
14 expire April 30, 1987.

15 3. The board of directors shall annually elect one  
16 member as chairperson and one member as secretary.  
17 The board may elect other officers of the corporation  
18 as necessary. Members shall be reimbursed for  
19 necessary expenses incurred in the performance of  
20 duties from funds appropriated to the Iowa department  
21 of economic development corporation.

22 4. Each director of the corporation shall take an  
23 oath of office and the record of each oath shall be  
24 filed in the office of the secretary of state.

25 5. The corporation shall receive information and  
26 cooperate with other agencies of the state and the  
27 political subdivisions of the state.

28 6. The corporation shall be a part of the Iowa  
29 department of economic development which shall provide  
30 all staff and administrative assistance. The  
31 corporation shall submit to the department for its  
32 approval all plans, programs, initiatives and budgets.

33 Sec. 24. Section 15E.86, Code 1993, is amended to

34 read as follows:

35 15E.86 PRESIDENT.

36 The ~~director of the department of economic~~  
37 ~~development board~~ shall ~~appoint employ~~ a president of  
38 the corporation who shall serve at the pleasure of the  
39 ~~director board~~ and shall receive the compensation  
40 determined by the ~~director board~~. ~~The president is a~~  
41 ~~state employee~~. The president shall not be a member  
42 of the board of directors. The president is the chief  
43 administrative and operational officer of the  
44 corporation and shall direct and supervise the  
45 administrative affairs and the general management of  
46 the corporation subject to the direction and oversight  
47 of the ~~director board~~. The president may employ other  
48 employees as designated by the board. The president  
49 shall provide copies of all minutes, documents, and  
50 other records of the corporation and shall provide a

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1 certificate which attests to truthfulness of the  
2 copies, if requested. Persons dealing with the  
3 corporation may rely upon the certificates. The  
4 president shall keep a record of all proceedings,  
5 documents, and papers filed with the corporation.  
6 Sec. 25. Section 15E.87, subsection 1, Code 1993,  
7 is amended to read as follows:

8 1. To have perpetual succession as a corporate  
9 body and to adopt bylaws, policies, and procedures for  
10 the regulation of its affairs and conduct of its  
11 business consistent with the purposes of this  
12 division. The Iowa seed capital corporation shall be  
13 the legal successor entity to the Iowa product  
14 development corporation and shall assume all property,  
15 assets, and liabilities of the Iowa product  
16 development corporation.

17 Sec. 26. Section 15E.87, subsection 4, Code 1993,  
18 is amended by striking the subsection.

19 Sec. 27. Section 15E.87, subsection 7, Code 1993,  
20 is amended to read as follows:

21 7. To employ assistants, agents, and other  
22 employees ~~who shall be state employees~~ and to engage  
23 consultants, attorneys, and appraisers as necessary or  
24 desirable to carry out the purposes of the  
25 corporation.

26 Sec. 28. Section 15E.88, Code 1993, is amended to  
27 read as follows:

28 15E.88 APPLICATIONS FOR FINANCIAL AID.

29 1. Applications for financial aid shall be  
30 forwarded, together with an application fee prescribed

31 by the corporation, to the president of the  
 32 corporation. The president, after preparing the  
 33 necessary records for the corporation, shall forward  
 34 each application to the staff of the corporation, for  
 35 an investigation and report concerning the  
 36 advisability of approving the financial aid for the  
 37 company and concerning any other factors found  
 38 relevant by the corporation. The investigation and  
 39 report shall include but are not limited to the  
 40 following:

- 41 a. The history of the applicant, its wage
- 42 standards, job opportunities, and stability of
- 43 employment.
- 44 b. The extent of the applicant's dependence on
- 45 agriculture.
- 46 c. The applicant's past, present, and future
- 47 financial condition and structure.
- 48 d. The applicant's pro-forma income statements.
- 49 e. The present and future market prospects for the
- 50 product.

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- 1 f. The feasibility of the proposed project or
- 2 invention to be given financial aid and the integrity
- 3 of management.
- 4 g. The state of the project's development.

5 2. After receipt and consideration of the report  
 6 and any other action the corporation finds necessary,  
 7 the corporation shall approve or deny the application.  
 8 The president shall promptly notify an applicant by  
 9 certified mail of the disposition of its application.  
 10 The corporation shall give priority to those  
 11 applicants whose business is agriculture related or  
 12 whose business is located in an area which the  
 13 corporation determines has been severely adversely  
 14 affected by depressed agricultural prices and whose  
 15 proposed product or invention is to be used to convert  
 16 all or a portion of the business to nonagriculture-  
 17 related industrial or commercial activity or to create  
 18 a new nonagriculture-related industrial or commercial  
 19 business.

20 1. Applications for financial aid shall be  
 21 received and considered by the corporation pursuant to  
 22 rules adopted by the board pursuant to chapter 17A.  
 23 3 2. Notwithstanding the requirements of chapter  
 24 21, relating to open meetings, and chapter 22,  
 25 relating to examination of public records, the  
 26 corporation shall keep as confidential those items on  
 27 the application for financial aid that the applicant

28 has specifically requested to be held in confidence.  
29 These items shall remain confidential until the  
30 applicant says otherwise or the corporation determines  
31 the items no longer need to be held confidential.

32 Sec. 29. Section 15E.89, Code Supplement 1993, is  
33 amended to read as follows:

34 15E.89 IOWA PRODUCT DEVELOPMENT SEED CAPITAL  
35 CORPORATION FUND.

36 1. There is created an "Iowa product development  
37 seed capital corporation fund". All funds of the  
38 corporation including the proceeds from the issuance  
39 of notes or sale of bonds under this division, any  
40 funds appropriated to the corporation, and income  
41 derived from other sources from the exercise of powers  
42 granted to the corporation under this division shall  
43 be paid into the Iowa product development seed capital  
44 corporation fund notwithstanding section 12.10. The  
45 money in the Iowa product development seed capital  
46 corporation fund, except moneys held by a trustee or a  
47 depository pursuant to a bond resolution or indenture  
48 relating to the issuance of bonds or notes pursuant to  
49 section 15E.90 or 15E.91, shall be paid out on the  
50 order of the person authorized by the corporation.

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1 The money in the Iowa product development seed capital  
2 corporation fund shall be used for repayment of notes  
3 and bonds issued under this division and the extension  
4 of financial aid granted by the corporation under this  
5 division, and the amount remaining may be used for the  
6 payment of the administrative and overhead costs of  
7 the corporation to the extent required. ~~There is also~~  
8 ~~created in the Iowa product development corporation~~  
9 ~~fund an Iowa technology assistance program account,~~  
10 ~~which shall provide seed capital for the~~

11 ~~commercialization of products, or the development of~~  
12 ~~processes or materials through research at Iowa~~  
13 ~~colleges and universities or by private industry.~~  
14 2. Notwithstanding section 8.33, no part of the  
15 Iowa product development corporation this fund shall  
16 revert at or after the close of a fiscal year unless  
17 otherwise provided by the general assembly, but shall  
18 remain in the fund and appropriated for the purposes  
19 of this division. The board shall seek to repay the  
20 state for appropriations by recommending to the  
21 general assembly reversions from income received from  
22 successful ventures. The board shall recommend such  
23 action at any time when the revenue available to the  
24 board is deemed sufficient to continue existing

25 operations.

26 3. Upon dissolution of the corporation, all  
27 remaining moneys in the Iowa seed capital corporation  
28 fund, as well as the net proceeds realized by the  
29 corporation through the liquidation of the assets of  
30 the corporation, shall revert to the state.

31 Sec. 30. Section 15E.90, Code 1993, is amended to  
32 read as follows:

33 15E.90 PRODUCT DEVELOPMENT SEED CAPITAL  
34 CORPORATION NOTES.

35 The corporation may issue Iowa product development  
36 seed capital corporation fund notes, the principal and  
37 interest of which shall be payable solely from the  
38 Iowa product development seed capital corporation fund  
39 established by this division. The fund notes of each  
40 issue shall be dated, shall mature at such times and  
41 may be made redeemable before maturity, at prices and  
42 under terms and conditions as determined by the  
43 corporation. The corporation shall determine the form  
44 and manner of execution of the fund notes, including  
45 any interest coupons to be attached, and shall fix the  
46 denominations and the places of payment of principal  
47 and interest, which may be any financial institution  
48 within or without the state or any agent, including  
49 the lender. If an officer whose signature or a  
50 facsimile of whose signature appears on fund notes or

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1 coupons ceases to be that officer before the delivery  
2 of the notes or coupons, the signature or facsimile is  
3 valid and sufficient for all purposes the same as if  
4 the officer had remained in office until delivery.  
5 The fund notes may be issued in coupon or in  
6 registered form, or both, as the corporation  
7 determines, and provision may be made for the  
8 registration of coupon fund notes as to principal  
9 alone and also as to both principal and interest, and  
10 for the conversion into coupon fund notes of any fund  
11 notes registered as to both principal and interest,  
12 and for the interchange of registered and coupon fund  
13 notes. Fund notes shall bear interest at rates as  
14 determined by the corporation and may be sold in a  
15 manner, either at public or private sale, and for a  
16 price as the corporation determines to be best to  
17 effectuate the purposes of the Iowa product  
18 development seed capital corporation fund. The  
19 proceeds of fund notes shall be used solely for the  
20 purposes for which issued and shall be disbursed in a  
21 manner and under restrictions as provided in this

22 division and in the resolution of the corporation  
23 providing for their issuance. The corporation may  
24 provide for the replacement of fund notes which become  
25 mutilated or are destroyed or lost.

26 Sec. 31. Section 15E.92, Code Supplement 1993, is  
27 amended to read as follows:

28 **15E.92 REPORTING AND FUND SOLVENCY.**

29 The chairperson of the corporation on or before  
30 December 31 of each fiscal year shall make and deliver  
31 a report to the governor and the legislative fiscal  
32 committee. The report shall include all transactions  
33 conducted by the corporation in the preceding fiscal  
34 year. The report shall also include a balance sheet  
35 outlining the financial solvency of the Iowa ~~product~~  
36 ~~development seed capital~~ corporation fund, a certified  
37 copy of any audits of the corporation conducted in the  
38 preceding fiscal year, and other information requested  
39 by the governor or the legislative fiscal committee.

40 Sec. 32. Section 15E.152, Code Supplement 1993, is  
41 amended by adding the following new subsection:

42 **NEW SUBSECTION. 7.** Establishment of a seed  
43 capital fund which shall be administered by the board  
44 to provide seed capital for the commercialization of  
45 product, or the development of processes or materials  
46 through research at Iowa colleges and universities or  
47 by private industry.

48 Sec. 33. Section 428A.8, unnumbered paragraph 1,  
49 Code 1993, is amended to read as follows:

50 On or before the tenth day of each month the county

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1 recorder shall determine and pay to the treasurer of  
2 state eighty-two and three-fourths percent of the  
3 receipts from the real estate transfer tax collected  
4 during the preceding month and the treasurer of state  
5 shall deposit ninety-five percent of the receipts in  
6 the general fund of the state and transfer five  
7 percent of the receipts to the Iowa finance authority  
8 for deposit in the housing improvement fund created in  
9 section 16.100.

10 Sec. 34. Sections 99E.31, 99E.32, and 99E.33, Code  
11 1993, are repealed effective June 30, 1994.

12 Sec. 35. BUDGET UNIT DESIGNATIONS. The department  
13 of management shall, prior to January 15, 1995,  
14 conform all budget unit designations to the  
15 designations used in the Code.

16 Sec. 36. EFFECTIVE DATES.

17 1. Sections 11 through 16, being deemed of  
18 immediate importance, take effect upon enactment.



- 19 2. Section 33 of this Act takes effect July 1,  
20 1995.”  
21 2. Title page, line 4, by inserting after the  
22 word “development” the following: “, and providing  
23 effective dates”.

TONY BISIGNANO

S-5493

1 Amend the amendment, S-5474, to House File 2411, as  
2 amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 17, by inserting after line 20 the  
5 following:

6 “Sec. \_\_\_\_ . Section 257.11, subsection 5,  
7 unnumbered paragraph 2, Code Supplement 1993, is  
8 amended to read as follows:

9 If a district was receiving additional weighting  
10 for superintendent sharing or administrator sharing  
11 under section 442.39, subsection 4, Code 1989, the  
12 district shall continue to be assigned additional  
13 weighting for superintendent sharing or administrator  
14 sharing by the school budget review committee under  
15 this subsection so that the district is assigned the  
16 additional weighting for sharing for a total period of  
17 five years. A school district receiving supplementary  
18 weighting under this subsection prior to July 1, 1994,  
19 may apply to the school budget review committee for  
20 additional allowable growth in an amount equal to the  
21 amount generated by the supplementary weighting as  
22 calculated under section 257.11, subsection 5, Code  
23 Supplement 1993.”

24 2. By renumbering as necessary.

O. GENE MADDOX

S-5494

1 Amend Senate Concurrent Resolution 112 as follows:

2 1. Page 4, line 14, by striking the word  
3 “housing” and inserting the following: “safety”.

JOHN P. KIBBIE

S-5495

1 Amend the amendment, S-5474, to House File 2411, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 17, lines 39 and 40, by striking the  
5 words "current fair market interest rate" and  
6 inserting the following: "prime rate plus six  
7 percent".

JOHN P. KIBBIE

S-5496

1 Amend House File 2377, as amended, passed, and re-  
2 printed by the House, as follows:  
3 1. By striking page 1, line 1, through page 4,  
4 line 13, and inserting the following:  
5 "Section 1. Section 22.7, Code Supplement 1993, is  
6 amended by adding the following new subsection:  
7 NEW SUBSECTION. 31. Information contained in a  
8 declaration of paternity completed and filed with the  
9 state registrar of vital statistics pursuant to  
10 section 144.12A, except to the extent that the  
11 information may be provided to persons in accordance  
12 with section 144.12A.  
13 Sec. 2. NEW SECTION. 144.12A DECLARATION OF  
14 PATERNITY REGISTRY.  
15 1. As used in this section, unless the context  
16 otherwise requires:  
17 a. "Child" means a person under eighteen years of  
18 age for whom paternity has not been established.  
19 b. "Court" means the juvenile court.  
20 c. "Father" means the male, biological parent of a  
21 child.  
22 d. "Putative father" means a man who is alleged to  
23 be or who claims to be the biological father of a  
24 child born to a woman to whom the man is not married  
25 at the time of the birth of the child.  
26 e. "Registrant" means a person who has registered  
27 pursuant to this section and who claims to be the  
28 father of a child.  
29 f. "Registrar" means the state registrar of vital  
30 statistics.  
31 g. "Registry" means the declaration of paternity  
32 registry established in this section.  
33 2. a. The registrar shall establish a declaration  
34 of paternity registry to record the name, address,  
35 social security number, and any other identifying  
36 information required by rule of the department of a  
37 putative father who wishes to register under this  
38 section prior to the birth of a child and no later  
39 than the date of the filing of the petition for  
40 termination of parental rights.  
41 b. The declaration does not constitute an

42 affidavit of paternity filed pursuant to section  
43 252A.3 and declarations filed shall be maintained by  
44 the registrar in a registry distinct from the registry  
45 used to maintain affidavits of paternity filed  
46 pursuant to section 252A.3. A declaration of  
47 paternity filed with the registry may be used as  
48 evidence of paternity in an action to establish  
49 paternity or to determine a support obligation with  
50 respect to the putative father.

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1 3. A person who files a declaration of paternity  
2 with the registrar shall include in the declaration  
3 all of the following:  
4 a. The person's name, current address, social  
5 security number, and any other identifying information  
6 requested by the department. If the person filing the  
7 declaration of paternity changes the person's address,  
8 the person shall notify the registrar of the new  
9 address in a manner prescribed by the department.  
10 b. The name, last known address, and social  
11 security number, if known, of the mother of the child,  
12 or any other identifying information requested by the  
13 department.  
14 c. The name of the child, if known, and the date  
15 and location of the birth of the child, if known.  
16 d. The registrar may accept a declaration of  
17 paternity prior to the birth of the child and no later  
18 than the date of the filing of the petition for  
19 termination of parental rights. The registrar shall  
20 not accept a declaration of paternity after the date  
21 of the filing of the petition for termination of  
22 parental rights.  
23 e. The registrar shall forward a copy of the  
24 declaration to the mother as notification that the  
25 person has registered with the registry.  
26 f. The registrar shall accept and immediately  
27 register, upon receipt, a declaration of paternity  
28 without a fee and without the signature of the  
29 biological mother. The registrar may charge a  
30 reasonable fee as established by rule of the  
31 department for processing searches of the registry.  
32 4. The department shall, upon request, provide the  
33 name, address, social security number, and any other  
34 identifying information of a registrant to the  
35 biological mother of the child; a court; the  
36 department of human services; the attorney of any  
37 party to an adoption, termination of parental rights,  
38 or establishment of paternity or support action; or to

39 the child support recovery unit for an action to  
40 establish paternity or support. The information shall  
41 not be divulged to any other person and shall be  
42 considered a confidential record as to any other  
43 person, except upon order of the court for good cause  
44 shown. If the registry has not received a declaration  
45 of paternity, the department shall provide a written  
46 statement to that effect to the person making the  
47 inquiry.  
48 5. a. Information provided to the registry may be  
49 revoked by the registrant by submission of a written  
50 statement signed and acknowledged by the registrant

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1 before a notary public.  
2 b. The statement shall include a declaration that  
3 to the best of the registrant's knowledge, the  
4 registrant is not the father of the named child or  
5 that paternity of the true father has been  
6 established.  
7 c. Revocation shall be deemed a nullity and the  
8 information provided by the registrant shall be  
9 expunged.  
10 d. Revocation is effective only following the  
11 birth of the child.  
12 6. The department shall adopt rules necessary to  
13 implement and administer this section. The rules  
14 shall include establishment of sites throughout the  
15 state for local distribution of declaration of  
16 paternity registration forms."  
17 2. Page 5, line 33, by striking the word  
18 "natural" and inserting the following: "biological".  
19 3. Page 5, line 34, by striking the word  
20 "natural" and inserting the following: "biological".  
21 4. Page 6, line 7, by striking the word "natural"  
22 and inserting the following: "biological".  
23 5. Page 6, line 24, by striking the word  
24 "natural" and inserting the following: "biological".  
25 6. Page 6, line 27, by striking the word  
26 "natural" and inserting the following: "biological".  
27 7. Page 6, line 34, by striking the word  
28 "natural" and inserting the following: "biological".  
29 8. Page 7, line 1, by striking the word "natural"  
30 and inserting the following: "biological".  
31 9. Page 7, line 7, by striking the word "natural"  
32 and inserting the following: "biological".  
33 10. Page 7, line 17, by inserting after the word  
34 "rights," the following: "including the parental  
35 rights of any putative biological parent after thirty

- 36 days from the issuance of a termination of parental  
 37 rights order issued pursuant to section 600A.9 and.  
 38 11. Page 7, line 18, by striking the word  
 39 "natural" and inserting the following: "biological".  
 40 12. Page 8, line 13, by striking the word  
 41 "natural" and inserting the following: "biological".  
 42 13. By striking page 8, line 32, through page 10,  
 43 line 1.  
 44 14. Page 10, line 6, by striking the word  
 45 "natural" and inserting the following: "biological".  
 46 15. Page 10, line 8, by striking the word  
 47 "natural" and inserting the following: "biological".  
 48 16. Page 10, line 10, by striking the word  
 49 "natural" and inserting the following: "biological".  
 50 17. Page 10, line 14, by inserting after the word

## Page 4

- 1 "rights" the following: "as applicable".  
 2 18. Page 10, line 24, by striking the word  
 3 "natural" and inserting the following: "biological".  
 4 19. Page 10, line 25, by striking the word  
 5 "natural" and inserting the following: "biological".  
 6 20. By striking page 10, line 30, through page  
 7 11, line 1, and inserting the following:  
 8 "NEW PARAGRAPH. e. Shall contain a notice to the  
 9 biological parent that if the biological parent  
 10 chooses to identify the other biological parent and  
 11 knowingly and intentionally identifies a person who is  
 12 not the other biological parent in the written release  
 13 of custody or in any other document related to the  
 14 termination of parental rights proceedings, the  
 15 biological parent who provides the incorrect  
 16 identifying information is guilty of a simple  
 17 misdemeanor."  
 18 21. Page 11, line 9, by striking the word  
 19 "natural" and inserting the following: "biological".  
 20 22. Page 11, by striking line 12 and inserting  
 21 the following: "description of the minor child's  
 22 biological parents and an account".  
 23 23. Page 11, by striking lines 16 through 22 and  
 24 inserting the following: "visits."  
 25 24. Page 11, line 23, by striking the word  
 26 "natural" and inserting the following: "biological".  
 27 25. Page 11, by striking line 27, and inserting  
 28 the following: "address of the biological parent to  
 29 the department."  
 30 26. Page 12, by striking lines 15 through 17 and  
 31 inserting the following:  
 32 "d.g. Shall be signed, not less than seventy-two

33 hours after the birth of the child to be released, by  
34 all living parents. The seventy-two hour".

35 27. Page 12, by striking lines 31 and 32 and  
36 inserting the following: "declaration of paternity in  
37 accordance with section 144.12A, or any unknown  
38 putative father, if any, except".

39 28. Page 12, line 33, by striking the word  
40 "natural" and inserting the following: "natural  
41 biological".

42 29. Page 12, line 34, by striking the word  
43 "natural" and inserting the following: "natural  
44 biological".

45 30. Page 13, line 32, by striking the word "AND"  
46 and inserting the following: "OR".

47 31. Page 14, by striking lines 7 through 14.

48 32. Page 14, by inserting after line 20 the  
49 following:

50 "Sec. \_\_\_\_ . Section 600A.9, subsection 2, Code

#### Page 5

1 1993, is amended to read as follows:

2 2. If an order is issued under subsection 1,  
3 paragraph "b" of this section, the juvenile court  
4 shall retain jurisdiction to change a guardian or  
5 custodian and to allow a terminated parent to request  
6 vacation or appeal of the termination order if the  
7 child is not on placement for adoption or a petition  
8 for adoption of the child is not on file within thirty  
9 days of issuance of the granting of the order. The  
10 period for request for vacation or appeal shall not be  
11 waived or extended and a vacation or appeal shall not  
12 be granted after the expiration of this period. The  
13 juvenile court shall grant the vacation request only  
14 if it is in the best interest of the child. The  
15 supreme court shall prescribe rules to establish a  
16 period of thirty days, which shall not be waived or  
17 extended, in which a terminated parent may request a  
18 vacation or appeal of a termination order."

19 33. Page 14, by striking lines 23 through 26 and  
20 inserting the following:

21 "1. Any biological parent who chooses to identify  
22 the other biological parent and who knowingly and  
23 intentionally identifies a person who is not the other  
24 biological parent in the written release of custody or  
25 in any other document related to the termination of  
26 parental rights proceedings is guilty of a simple  
27 misdemeanor."

28 34. Page 14, line 28 by striking the words "one  
29 hundred twenty-" and inserting the following:

30 "seventy-two".

31 35. By striking page 14, line 30 through page 15,  
32 line 1, and inserting the following:

33 "Sec. \_\_\_\_ . PENDING PROCEEDINGS UNAFFECTED. This  
34 Act does not apply to a termination of parental rights  
35 proceeding or an adoption proceeding pending on July  
36 1, 1994."

37 36. Title page, by striking line 3 and inserting  
38 the following: "penalties and an".

39 37. By renumbering, relettering, and correcting  
40 internal references as necessary.

TOM VILSACK  
AL STURGEON  
MARY E. KRAMER  
ELAINE SZYMONIAK  
SHELDON RITTMER  
FLORENCE D. BUHR  
PATTY JUDGE  
MERLIN E. BARTZ

S-5497

1 Amend the amendment, S-5476, to House File 2377, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, line 12, by inserting after the word  
5 "that" the following: "the biological parent and the  
6 adopted person have filed affidavits requesting that  
7 the court open the adoption record and that".

RAY TAYLOR

S-5498

1 Amend House File 2410, as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 37, lines 13 and 14, by striking the  
4 words "or contractor nontraditional employee" and  
5 inserting the following: "or contractor".

6 2. Page 37, by striking lines 22 through 28 and  
7 inserting the following:

8 "82. "Date of hire" means the earlier of either  
9 of the following:

10 a. The the first day for which the an employee or  
11 contractor is owed compensation by the payor of  
12 income.

13 b. The first day that an employee or contractor  
14 reports to work or performs labor or services for the  
15 payor of income."

- 16 3. Page 38, by striking lines 11 through 15.  
 17 4. Page 38, by striking lines 16 through 19 and  
 18 inserting the following:  
 19 "9. "Payor of income" includes both an employer  
 20 and a person doing business in the state who engages a  
 21 contractor for compensation."  
 22 5. Page 38, line 20, by striking the figure "11"  
 23 and inserting the following: "9".  
 24 6. Page 38, line 22, by striking the figure "12"  
 25 and inserting the following: "10".  
 26 7. Page 38, line 35, by striking the figure "13"  
 27 and inserting the following: "11".  
 28 8. By striking page 39, line 29 through page 41,  
 29 line 6.  
 30 9. Page 45, by inserting after line 4 the  
 31 following:  
 32 "Sec. \_\_\_\_ . Section 252G.4, Code Supplement 1993,  
 33 is repealed."  
 34 10. By renumbering, relettering, and correcting  
 35 internal references as necessary.

BERL E. PRIEBE  
 JOE J. WELSH  
 EMIL J. HUSAK  
 DERRYL McLAREN  
 H. KAY HEDGE  
 JOHN P. KIBBIE  
 TONY BISIGNANO  
 RANDAL J. GIANNETTO  
 JOHN W. JENSEN  
 RICHARD F. DRAKE  
 SHELDON RITTMER

S-5499

- 1 Amend the House amendment, S-5455, to Senate File  
 2 2038, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by striking lines 3 through 43.  
 5 2. By renumbering as necessary.

LARRY MURPHY

S-5500

- 1 Amend the House amendment, S-5455, to Senate File  
 2 2038, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by striking lines 5 through 43 and  
 5 inserting the following:



- 6 "Section 1. Section 321.11, Code 1993, is amended  
 7 by adding the following new unnumbered paragraph:  
 8 NEW UNNUMBERED PARAGRAPH. However, the department,  
 9 prior to releasing any information pursuant to this  
 10 section which is contained in records pertaining to  
 11 motor vehicle registration, other than commercial  
 12 motor vehicle records, shall obtain and keep on file a  
 13 record of the name and address of the person  
 14 requesting the information and a description of the  
 15 information released."  
 16 2. By renumbering as necessary.

LARRY MURPHY

S-5501

- 1 Amend House File 2350, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 28, by inserting after line 9 the  
 4 following:  
 5 "Sec. \_\_\_\_ . SENTENCING STUDY. The legislative  
 6 council is requested to establish an interim study  
 7 committee to review current criminal penalties and  
 8 sentencing practices, including but not limited to the  
 9 effects of mandatory minimum penalties on sentencing  
 10 practices and the effects of sentencing practices on  
 11 inmate populations at state and adult and residential  
 12 community-based correctional facilities. The  
 13 committee shall also conduct a comparative assessment  
 14 of the relative penalties imposed for various crimes  
 15 based not only on the threat posed by the prohibited  
 16 criminal conduct, but also by the risk generally  
 17 associated with particular criminal offenders."  
 18 2. By renumbering and correcting internal  
 19 references as necessary.

ANDY McKEAN  
 AL STURGEON  
 DONALD B. REDFERN  
 TOM VILSACK  
 MICHAEL E. GRONSTAL

S-5502

- 1 Amend the amendment, S-5474, to House File 2411, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 16, by striking lines 3 through 23 and  
 5 inserting the following:  
 6 "From the moneys appropriated in this lettered

7 paragraph, \$76,200 for the fiscal year beginning July  
8 1, 1994, and ending June 30, 1995, shall be expended  
9 for the salary of the administrator of the historical  
10 division of the department of cultural affairs, unless  
11 the director of the department of cultural affairs  
12 assumes the duties of the administrator of the  
13 historical division as a result of a vacancy during  
14 the fiscal year beginning July 1, 1994, and not more  
15 than five percent of the moneys appropriated for  
16 grants under this section for the fiscal year, with  
17 the exception of funds in the amount of \$76,200, if  
18 used to pay the salary of the administrator of the  
19 historical division, shall be used for administrative  
20 purposes. If the director of the department of  
21 cultural affairs assumes the duties of the  
22 administrator of the historical division during the  
23 fiscal year beginning July 1, 1994, the moneys  
24 allocated under this paragraph that would otherwise be  
25 used for the administrator's salary shall be used for  
26 purposes of the cultural enrichment grants program and  
27 shall not be used to increase the salary of the  
28 director."

JIM LIND

S-5503

1 Amend the amendment, S-5474, to House File 2411, as  
2 amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 11, by inserting after line 34 the  
5 following:  
6 "From the moneys appropriated in this lettered  
7 paragraph, \$25,000 for the fiscal year beginning July  
8 1, 1994, and ending June 30, 1995, shall be expended  
9 by the university to contract for services with the  
10 department of public health, for purposes of granting  
11 funds to a child farm safety program."

JIM RIORDAN

S-5504

1 Amend the amendment, S-5474, to House File 2411, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 6, by inserting after line 17 the  
5 following:  
6 "The college student aid commission shall conduct a  
7 study, in cooperation with Palmer college of

8 chiropractic, of the financial needs of Iowa resident  
9 chiropractic students and the demand for chiropractic  
10 health care practitioners in Iowa to determine the  
11 feasibility of establishing a chiropractic forgivable  
12 loan program modeled after the osteopathic forgivable  
13 loan program. The commission shall submit its  
14 findings to the general assembly by January 3, 1995."

LARRY MURPHY

S-5505

1 Amend the amendment, S-5474, to House File 2411, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 18, by inserting after line 34 the  
5 following:

6 "Sec. \_\_\_\_ . Section 279.51, subsection 1, paragraph  
7 c, Code 1993, is amended to read as follows:

8 c. For each of the fiscal years during the fiscal  
9 period beginning July 1, ~~1990~~ 1994, and ending June  
10 30, ~~1994~~ 1998, eight hundred thousand dollars of the  
11 funds appropriated shall be allocated for the school-  
12 based youth services education program established in  
13 subsection 3. However, of the funds allocated in this  
14 paragraph, for the fiscal year beginning July 1, 1994,  
15 and ending June 30, 1995, one hundred thousand dollars  
16 shall be granted to each of the four schools that  
17 received grants under subsection 3 during the fiscal  
18 year beginning July 1, 1993, and two hundred thousand  
19 dollars shall be granted to each of two schools that  
20 qualify for grants under subsection 3. During the  
21 fiscal period beginning July 1, 1995, and ending June  
22 30, 1998, of the funds allocated in this paragraph,  
23 two hundred thousand dollars shall be granted to each  
24 of the two schools that received grants under  
25 subsection 3 during the fiscal year beginning July 1,  
26 1994, and two hundred thousand dollars shall be  
27 granted to each of two schools that qualify for grants  
28 under subsection 3. A consortium of schools may  
29 qualify as a school for purposes of this subsection.  
30 Subject to the approval of the state board of  
31 education, the allocation made in this paragraph may  
32 be renewed for additional four-year periods of time."  
33 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5506

- 1 Amend the House amendment, S-5455, to Senate File
- 2 2038, as amended, passed, and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 43.
- 5 2. By renumbering as necessary.

MERLIN E. BARTZ  
MARY LOU FREEMAN  
RANDAL J. GIANNETTO  
WILLIAM D. PALMER

S-5507

- 1 Amend the House amendment, S-5455, to Senate File
- 2 2038, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 20, by inserting after the word
- 5 "vehicles;" the following: "private investigators
- 6 licensed under chapter 80A;"
- 7 2. Page 1, line 38, by inserting after the word
- 8 "vehicles;" the following: "private investigators
- 9 licensed under chapter 80A;"

RICHARD DRAKE

S-5508

- 1 Amend the House amendment, S-5456, to Senate File
- 2 2092, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 9 and
- 4 inserting the following:
- 5 "\_\_\_\_. Page 2, by striking lines 1 through 6 and
- 6 inserting after the following: "reserve account for
- 7 purposes of this subsection if the expenditures are
- 8 consistent with federal law and reserve level
- 9 guidelines as determined by the department of
- 10 management pursuant to subsection 1. Allowable
- 11 expenditures are limited to activities that increase
- 12 student access to education loans through the
- 13 execution of agreements, contracts, and other
- 14 instruments with any public or private person or
- 15 agency, including the United States department of
- 16 education, or to provide other alternative services
- 17 the commission determines meet the financing needs of
- 18 Iowa residents.""

JOHN P. KIBBIE

S-5509

- 1 Amend House File 2352, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 4, by striking lines 8 through 25.
- 4 2. By renumbering as necessary.

TOM VILSACK  
ANDY McKEAN

S-5510

- 1 Amend House File 2377, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. By striking page 1, line 1, through page 4,
- 4 line 13, and inserting the following:
- 5 "Section 1. Section 22.7, Code Supplement 1993, is
- 6 amended by adding the following new subsection:
- 7 NEW SUBSECTION. 31. Information contained in a
- 8 declaration of paternity completed and filed with the
- 9 state registrar of vital statistics pursuant to
- 10 section 144.12A, except to the extent that the
- 11 information may be provided to persons in accordance
- 12 with section 144.12A.
- 13 Sec. 2. NEW SECTION. 144.12A DECLARATION OF
- 14 PATERNITY REGISTRY.
- 15 1. As used in this section, unless the context
- 16 otherwise requires:
- 17 a. "Child" means a person under eighteen years of
- 18 age for whom paternity has not been established.
- 19 b. "Court" means the juvenile court.
- 20 c. "Father" means the male, biological parent of a
- 21 child.
- 22 d. "Putative father" means a man who is alleged to
- 23 be or who claims to be the biological father of a
- 24 child born to a woman to whom the man is not married
- 25 at the time of the birth of the child.
- 26 e. "Registrant" means a person who has registered
- 27 pursuant to this section and who claims to be the
- 28 father of a child.
- 29 f. "Registrar" means the state registrar of vital
- 30 statistics.
- 31 g. "Registry" means the declaration of paternity
- 32 registry established in this section.
- 33 2. a. The registrar shall establish a declaration
- 34 of paternity registry to record the name, address,
- 35 social security number, and any other identifying
- 36 information required by rule of the department of a
- 37 putative father who wishes to register under this
- 38 section prior to the birth of a child and no later

39 than the date of the filing of the petition for  
40 termination of parental rights.

41 b. The declaration does not constitute an  
42 affidavit of paternity filed pursuant to section  
43 252A.3 and declarations filed shall be maintained by  
44 the registrar in a registry distinct from the registry  
45 used to maintain affidavits of paternity filed  
46 pursuant to section 252A.3. A declaration of  
47 paternity filed with the registry may be used as  
48 evidence of paternity in an action to establish  
49 paternity or to determine a support obligation with  
50 respect to the putative father.

## Page 2

1 3. A person who files a declaration of paternity  
2 with the registrar shall include in the declaration  
3 all of the following:

4 a. The person's name, current address, social  
5 security number, and any other identifying information  
6 requested by the department. If the person filing the  
7 declaration of paternity changes the person's address,  
8 the person shall notify the registrar of the new  
9 address in a manner prescribed by the department.

10 b. The name, last known address, and social  
11 security number, if known, of the mother of the child,  
12 or any other identifying information requested by the  
13 department.

14 c. The name of the child, if known, and the date  
15 and location of the birth of the child, if known.

16 d. The registrar shall accept a declaration of  
17 paternity filed in accordance with this section.

18 e. The registrar shall forward a copy of the  
19 declaration to the mother as notification that the  
20 person has registered with the registry.

21 f. The registrar shall accept and immediately  
22 register, upon receipt, a declaration of paternity  
23 without a fee and without the signature of the  
24 biological mother. The registrar may charge a  
25 reasonable fee as established by rule of the  
26 department for processing searches of the registry.

27 4. The department shall, upon request, provide the  
28 name, address, social security number, and any other  
29 identifying information of a registrant to the  
30 biological mother of the child; a court; the  
31 department of human services; the attorney of any  
32 party to an adoption, termination of parental rights,  
33 or establishment of paternity or support action; or to  
34 the child support recovery unit for an action to  
35 establish paternity or support. The information shall

36 not be divulged to any other person and shall be  
 37 considered a confidential record as to any other  
 38 person, except upon order of the court for good cause  
 39 shown. If the registry has not received a declaration  
 40 of paternity, the department shall provide a written  
 41 statement to that effect to the person making the  
 42 inquiry.

43 5. a. Information provided to the registry may be  
 44 revoked by the registrant by submission of a written  
 45 statement signed and acknowledged by the registrant  
 46 before a notary public.

47 b. The statement shall include a declaration that  
 48 to the best of the registrant's knowledge, the  
 49 registrant is not the father of the named child or  
 50 that paternity of the true father has been

Page 3

1 established.

2 c. Revocation shall be deemed a nullity and the  
 3 information provided by the registrant shall be  
 4 expunged.

5 d. Revocation is effective only following the  
 6 birth of the child.

7 6. The department shall adopt rules necessary to  
 8 implement and administer this section. The rules  
 9 shall include establishment of sites throughout the  
 10 state for local distribution of declaration of  
 11 paternity registration forms."

12 2. Page 5, line 33, by striking the word  
 13 "natural" and inserting the following: "biological".

14 3. Page 5, line 34, by striking the word  
 15 "natural" and inserting the following: "biological".

16 4. Page 6, line 7, by striking the word "natural"  
 17 and inserting the following: "biological".

18 5. Page 6, line 24, by striking the word  
 19 "natural" and inserting the following: "biological".

20 6. Page 6, line 27, by striking the word  
 21 "natural" and inserting the following: "biological".

22 7. Page 6, line 34, by striking the word  
 23 "natural" and inserting the following: "biological".

24 8. Page 7, line 1, by striking the word "natural"  
 25 and inserting the following: "biological".

26 9. Page 7, line 7, by striking the word "natural"  
 27 and inserting the following: "biological".

28 10. Page 7, by striking lines 15 through 25.

29 11. Page 8, line 13, by striking the word  
 30 "natural" and inserting the following: "biological".

31 12. By striking page 8, line 32, through page 10,  
 32 line 1.

33 13. Page 10, line 6, by striking the word  
34 "natural" and inserting the following: "biological".  
35 14. Page 10, line 8, by striking the word  
36 "natural" and inserting the following: "biological".  
37 15. Page 10, line 10, by striking the word  
38 "natural" and inserting the following: "biological".  
39 16. Page 10, line 14, by inserting after the word  
40 "rights" the following: "as applicable".  
41 17. Page 10, line 24, by striking the word  
42 "natural" and inserting the following: "biological".  
43 18. Page 10, line 25, by striking the word  
44 "natural" and inserting the following: "biological".  
45 19. By striking page 10, line 30, through page  
46 11, line 1, and inserting the following:  
47 "NEW PARAGRAPH. e. Shall contain a notice to the  
48 biological parent that if the biological parent  
49 chooses to identify the other biological parent and  
50 knowingly and intentionally identifies a person who is

#### Page 4

1 not the other biological parent in the written release  
2 of custody or in any other document related to the  
3 termination of parental rights proceedings, the  
4 biological parent who provides the incorrect  
5 identifying information is guilty of a simple  
6 misdemeanor."  
7 20. Page 11, line 9, by striking the word  
8 "natural" and inserting the following: "biological".  
9 21. Page 11, by striking line 12 and inserting  
10 the following: "description of the minor child's  
11 biological parents and an account".  
12 22. Page 11, by striking lines 16 through 22 and  
13 inserting the following: "visits."  
14 23. Page 11, line 23, by striking the word  
15 "natural" and inserting the following: "biological".  
16 24. Page 11, by striking line 27, and inserting  
17 the following: "address of the biological parent to  
18 the department."  
19 25. Page 12, by striking lines 15 through 17 and  
20 inserting the following:  
21 "d g. Shall be signed, not less than seventy-two  
22 hours after the birth of the child to be released, by  
23 all living parents. The seventy-two hour".  
24 26. Page 12, by striking lines 31 and 32 and  
25 inserting the following: "declaration of paternity in  
26 accordance with section 144.12A, or any unknown  
27 putative father, if any, except".  
28 27. Page 12, line 33, by striking the word  
29 "natural" and inserting the following: "natural



30 biological".

31 28. Page 12, line 34, by striking the word  
32 "natural" and inserting the following: "natural  
33 biological".

34 29. Page 13, line 32, by striking the word "AND"  
35 and inserting the following: "OR".

36 30. Page 14, by striking lines 7 through 14.

37 31. Page 14, by inserting after line 20 the  
38 following:

39 "Sec. \_\_\_\_ . Section 600A.9, subsection 2, Code  
40 1993, is amended to read as follows:

41 2. If an order is issued under subsection 1,  
42 paragraph "b" of this section, the juvenile court  
43 shall retain jurisdiction to change a guardian or  
44 custodian and to allow a terminated parent or any  
45 putative biological parent to request vacation or  
46 appeal of the termination order if the child is not on  
47 placement for adoption or a petition for adoption of  
48 the child is not on file which request must be made  
49 within thirty days of issuance of the granting of the  
50 order. The period for request by a terminated parent

Page 5

1 or by a putative biological parent for vacation or  
2 appeal shall not be waived or extended and a vacation  
3 or appeal shall not be granted after the expiration of  
4 this period. The juvenile court shall grant the  
5 vacation request only if it is in the best interest of  
6 the child. The supreme court shall prescribe rules to  
7 establish a period of thirty days, which shall not be  
8 waived or extended, in which a terminated or putative  
9 biological parent may request a vacation or appeal of  
10 a termination order."

11 32. Page 14, by striking lines 23 through 26 and  
12 inserting the following:

13 "1. Any biological parent who chooses to identify  
14 the other biological parent and who knowingly and  
15 intentionally identifies a person who is not the other  
16 biological parent in the written release of custody or  
17 in any other document related to the termination of  
18 parental rights proceedings is guilty of a simple  
19 misdemeanor."

20 33. Page 14, line 28 by striking the words "one  
21 hundred twenty-" and inserting the following:  
22 "seventy-two-".

23 34. By striking page 14, line 30 through page 15,  
24 line 1, and inserting the following:

25 "Sec. \_\_\_\_ . PENDING PROCEEDINGS UNAFFECTED. This  
26 Act does not apply to a termination of parental rights

27 proceeding or an adoption proceeding pending on July  
28 1, 1994."

29 35. Title page, by striking line 3 and inserting  
30 the following: "penalties and an".

31 36. By renumbering, relettering, and correcting  
32 internal references as necessary.

TOM VILSACK  
AL STURGEON  
MARY E. KRAMER  
ELAINE SZYMONIAK  
SHELDON RITTMER  
FLORENCE BUHR  
PATTY JUDGE  
MERLIN E. BARTZ

HOUSE AMENDMENT TO  
SENATE FILE 2313

S-5511

1 Amend Senate File 2313, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 8 the  
4 following:

5 "\_\_\_ . The department shall consolidate the  
6 individual planning and agreement provisions of the  
7 family investment program and the family development  
8 and self-sufficiency grant program to ensure service  
9 coordination by providing that if a recipient is  
10 participating in the grant program, the recipient's  
11 family investment agreement shall be developed or  
12 revised in consultation with the family development  
13 and self-sufficiency grant program worker."

14 2. Page 3, line 6, by striking the figure  
15 "344,490,351" and inserting the following:  
16 "344,719,351".

17 3. Page 4, by striking line 19 and inserting the  
18 following:

19 "c. The department shall conduct a study of the  
20 needs of Iowans with mental retardation or other  
21 developmental disabilities who require an intermediate  
22 level of licensed care and shall make recommendations  
23 regarding the means to best address the needs  
24 identified, including the".

25 4. Page 4, line 26, by inserting after the words  
26 "of Iowa," the following: "the governor's planning  
27 council for developmental disabilities,".

28 5. Page 6, line 19, by inserting after the word  
29 "subsection." the following: "The department shall

30 report to the legislative fiscal committee of the  
31 legislative council concerning implementation of the  
32 prepaid mental health services plan for medical  
33 assistance patients, including but not limited to the  
34 decision-making process involved in the awarding of  
35 any contract under this subsection."

36 6. Page 8, by striking lines 11 through 23.

37 7. Page 8, by inserting before line 24 the  
38 following:

39 "9. The department of human services may employ  
40 not more than two additional full-time equivalent  
41 positions and shall use no more than \$45,000 of the  
42 funds appropriated in this section to develop a  
43 medical assistance home and community-based waiver for  
44 persons with brain injury who currently reside in a  
45 medical institution and who have been residents of a  
46 medical institution for a minimum of thirty  
47 consecutive days."

48 8. Page 8, by inserting before line 24 the  
49 following:

50 "9. The department shall not provide medical

Page 2

1 assistance coverage of drugs which are prescribed for  
2 an individual for fertility purposes."

3 9. Page 11, by inserting after line 28 the  
4 following:

5 " . . . During the 1994-1995 fiscal year, the  
6 department shall utilize the moneys deposited in the  
7 child day care credit fund created in section 237A.28  
8 for state child care assistance, in addition to the  
9 moneys appropriated for that purpose in this section."

10 10. Page 15, line 8, by inserting after the word  
11 "participants." the following: "The department may  
12 adopt emergency rules to implement the provisions of  
13 this subsection."

14 11. Page 16, line 13, by striking the figure  
15 "74,600,612" and inserting the following:

16 "74,617,612".

17 12. Page 18, by inserting after line 7 the  
18 following:

19 "f. The department shall not certify any  
20 additional enhanced residential treatment beds except  
21 those beds for which applications for certification  
22 were received on or before February 1, 1994, unless  
23 the director of human services approves the beds as  
24 necessary, based on the type of children to be served  
25 and the location of the enhanced residential treatment  
26 beds. The department may adopt emergency rules to

27 implement the provisions of this paragraph.

28 g. Of the funds appropriated in this section, not  
29 more than \$6,529,390 is allocated as the state match  
30 funding for psychiatric medical institutions for  
31 children."

32 13. Page 24, line 20, by inserting after the word  
33 "purchased." the following: "The department may adopt  
34 emergency rules to implement the provisions of this  
35 subsection."

36 14. Page 24, by inserting after line 20 the  
37 following:

38 "19. The director of human services shall appoint  
39 a committee to advise the director concerning managed  
40 care approaches and implementation considerations for  
41 determining service necessity for children served by  
42 psychiatric medical institutions for children (PMIC).  
43 The members of the committee shall include persons who  
44 are knowledgeable about these issues, as well as  
45 representatives of PMIC providers and in-patient  
46 psychiatric hospitals. The director shall select the  
47 system under which service-necessity determinations  
48 for PMICs will be managed and shall place the PMIC  
49 determinations under that system on or after November  
50 1, 1994. The director's decision shall be based on

### Page 3

1 the following criteria: the needs of the children  
2 served by PMIC facilities under the system in effect  
3 prior to November 1, 1994, the department's ability to  
4 assure prompt access to care, the department's ability  
5 to promote affordable effective care, the degree of  
6 coordination with other services for which the state  
7 is responsible, the department's ability to assure  
8 that service decisions support the principles of least  
9 restrictive and most appropriate care, and consistency  
10 of the service management system with legal  
11 expectations. If necessary to implement the  
12 director's decision, the department may transfer  
13 moneys appropriated in this section to the  
14 appropriation in this Act for medical assistance and  
15 amend the managed mental health care contract to  
16 include PMICs, or include PMIC placements in the  
17 statewide target for group foster care placements in  
18 subsection 2, paragraph "a", in which case the  
19 statewide target shall be increased to be not more  
20 than 1,733, as determined by the director. If the  
21 director decides to include PMICs in the statewide  
22 target, the regional plans developed by the department  
23 and the juvenile court pursuant to section 232.143

24 shall be revised to include PMIC placements. The  
 25 department may adopt emergency rules to implement the  
 26 provisions of this subsection.

27 20. The department shall appoint a committee to  
 28 review whether unnecessary or redundant reporting or  
 29 referral provisions are required by the department's  
 30 medical assistance children's service initiative.  
 31 Committee members shall include referral workers,  
 32 clinical assessment and consultation team members,  
 33 service providers, and other appropriate persons. The  
 34 committee shall submit a report to the director of  
 35 human services, and the director shall make a  
 36 determination regarding these issues by November 1,  
 37 1994. The department may adopt emergency rules to  
 38 appropriately revise the provisions in accordance with  
 39 the director's determination.

40 21. The department and the juvenile court shall  
 41 conduct an assessment of the service needs and  
 42 demographic characteristics of the children and  
 43 families served through the department's child  
 44 welfare, juvenile justice, and mental health systems.  
 45 The assessment shall be coordinated with the efforts  
 46 of the child welfare task force to develop profiles of  
 47 the general characteristics of children and families  
 48 utilizing those service systems. The department shall  
 49 report the findings of the assessment to the members  
 50 of the joint appropriations subcommittee on human

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1 services and the legislative fiscal bureau by June 30,  
 2 1995."

3 15. Page 24, line 29, by striking the figure  
 4 "2,456,126" and inserting the following: "2,256,126".

5 16. Page 25, line 4, by inserting after the word  
 6 "grant." the following: "The department may adopt  
 7 emergency rules to implement the provisions of this  
 8 subsection."

9 17. Page 25, line 5, by striking the figure  
 10 "500,000" and inserting the following: "300,000".

11 18. Page 25, by striking lines 16 and 17 and  
 12 inserting the following: "during the adolescent years  
 13 by emphasizing sexual abstinence as the only  
 14 completely safe and effective means of avoiding  
 15 pregnancy and sexually transmitted diseases and by  
 16 providing information regarding the comparative  
 17 failure rates of contraceptives, and by emphasizing  
 18 responsible decision making in relationships,".

19 19. Page 26, line 1, by inserting after the word  
 20 "services." the following: "The department may adopt

21 emergency rules to implement the provisions of this  
22 subsection.”  
23 20. Page 26, by striking lines 5 through 9.  
24 21. Page 29, by striking lines 18 through 20 and  
25 inserting the following: “appropriation.”  
26 22. Page 32, line 32, by striking the figure  
27 “29,090,958” and inserting the following:  
28 “29,277,958”.  
29 23. Page 37, line 13, by striking the figure  
30 “134,000” and inserting the following: “321,000”.  
31 24. Page 37, by inserting after line 22 the  
32 following:  
33 “9. The department of human services shall  
34 cooperate with the division of vocational  
35 rehabilitation of the department of education in  
36 assuring that counties are aware of any opportunities  
37 to utilize purchase of service funds to match federal  
38 funds available to provide vocational services to  
39 persons eligible for services under subsection 6.”  
40 25. Page 38, by striking lines 16 through 20.  
41 26. Page 42, line 13, by striking the figure  
42 “345” and inserting the following: “341”.  
43 27. Page 42, line 14, by striking the figure  
44 “360” and inserting the following: “356”.  
45 28. Page 42, line 15, by striking the figure  
46 “401” and inserting the following: “397”.  
47 29. Page 42, line 16, by striking the figure  
48 “427” and inserting the following: “423”.  
49 30. Page 43, line 7, by striking the figure  
50 “250,000” and inserting the following: “21,000”.

#### Page 5

1 31. Page 45, by inserting after line 25 the  
2 following:  
3 “Sec. \_\_\_\_ . FISCAL YEAR 1993-1994 COUNCIL ON HUMAN  
4 INVESTMENT APPROPRIATION. Moneys appropriated to the  
5 department of human services for administrative costs  
6 of the council on human investment in 1993 Iowa Acts,  
7 chapter 180, section 60, shall be considered  
8 encumbered for purposes of section 8.33 and shall be  
9 used during the succeeding fiscal year for the purpose  
10 designated.”  
11 32. Page 45, by inserting after line 25, the  
12 following:  
13 “Sec. 500. CHILD WELFARE TASK FORCE CONTINUED.  
14 The date by which the child welfare task force  
15 established in 1992 Iowa Acts, chapter 1241, section  
16 11, is required to complete its duties is extended to  
17 June 30, 1995. The task force shall perform planning

18 activities relating to the family preservation and  
19 support services amendments to the federal Budget  
20 Reconciliation Act of 1993, Pub. L. No. 103-66, §  
21 13711 et seq. The task force shall issue an interim  
22 report on or before November 15, 1994, concerning its  
23 findings and activities and shall issue a final report  
24 on or before the completion date provided in this  
25 section. As part of the final report, the task force  
26 shall examine profiles of general characteristics of  
27 children and families which utilize the systems in the  
28 state for child welfare, juvenile justice, and mental  
29 health."

30 33. Page 45, by inserting after line 25 the  
31 following:

32 "Sec. \_\_\_\_ . Section 99E.10, subsection 1, paragraph  
33 a, Code Supplement 1993, is amended by striking the  
34 paragraph and inserting in lieu thereof the following:

35 a. An amount equal to three-tenths of one percent  
36 of the gross lottery revenue shall be deposited in a  
37 gamblers assistance fund in the office of the  
38 treasurer of state. The director of human services  
39 shall administer the fund and shall provide that  
40 receipts are allocated on a monthly basis to provide  
41 programs which may include, but are not limited to,  
42 outpatient and follow-up treatment for persons  
43 affected by problem gambling, rehabilitation and  
44 residential treatment programs, information and  
45 referral services, and education and preventive  
46 services.

47 Sec. \_\_\_\_ . Section 99F.11, subsection 3, Code 1993,  
48 is amended to read as follows:

49 3. ~~Three~~ Three-tenths of one percent of the  
50 adjusted gross receipts shall be deposited in the

Page 6

1 gamblers assistance fund specified in section 99E.10,  
2 subsection 1, paragraph "a."

3 34. Page 46, by striking lines 5 through 26.

4 35. Page 47, by inserting after line 12 the  
5 following:

6 " \_\_\_\_ . Section 10, subsection 2, paragraph "f",  
7 relating to certification of additional enhanced  
8 residential treatment beds.

9 \_\_\_\_ . Section 10, subsection 19, relating to  
10 psychiatric medical institutions for children.

11 \_\_\_\_ . Section 10, subsection 20, relating to the  
12 department's medical assistance childrens' services  
13 initiative."

14 36. Page 47, by striking lines 17 and 18.

- 15 37. Page 47, by inserting before line 19, the  
 16 following:  
 17 "\_\_\_\_. Section 500, relating to the continuation of  
 18 the child welfare task force."  
 19 38. Page 47, by inserting before line 19 the  
 20 following:  
 21 "Sec. 2001. REPEAL. Section 237.23, Code  
 22 Supplement 1993, is repealed.  
 23 Sec. \_\_\_\_ . Section 2001 of this Act takes effect  
 24 June 30, 1994."  
 25 39. By renumbering, relettering, or redesignating  
 26 and correcting internal references as necessary.

S-5512

- 1 Amend House File 2377 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 8, by inserting after line 2 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 600.16A, subsection 4, Code  
 6 1993, is amended to read as follows:  
 7 4. An adopted person whose adoption became final  
 8 prior to July 4, 1941, and whose adoption record was  
 9 not required to be sealed at the time when the  
 10 adoption record was completed, shall not be required  
 11 to show good cause for an order opening the adoption  
 12 record under this subsection; provided that the court  
 13 shall consider any affidavit filed under this  
 14 subsection."  
 15 2. By renumbering as necessary.

LARRY MURPHY

S-5513

- 1 Amend House File 2418, as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 21, by inserting after line 31 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 97B.49, subsection 16,  
 6 paragraph a, subparagraph (4), Code Supplement 1993,  
 7 is amended to read as follows:  
 8 (4) The years of membership service required under  
 9 this paragraph include membership service as a sheriff  
 10 or deputy sheriff and membership service as an  
 11 employee in a protection occupation under paragraph  
 12 "d", subparagraph (2). The years of membership  
 13 service required under this paragraph also includes  
 14 membership service as an airport fire fighter employed  
 15 by the military division of the department of public



16 defense.

17 Sec. \_\_\_\_ . Section 97B.49, subsection 16, paragraph  
18 b, Code Supplement 1993, is amended to read as

19 follows:

20 b. (1) Notwithstanding other provisions of this  
21 chapter:

22 (1) (a) A member who retires from employment as a  
23 county sheriff or deputy sheriff who retires on or  
24 after July 1, 1988, and before July 1, 1990, and at  
25 the time of retirement is at least fifty-five years of  
26 age and has completed at least twenty-two years of  
27 membership service, may elect to receive in lieu of  
28 the receipt of any benefits under subsection 5 or 15,  
29 a monthly retirement allowance equal to one-twelfth of  
30 fifty percent of the member's three-year average  
31 covered wage as a member, with benefits payable during  
32 the member's lifetime.

33 (2) (b) A member who retires from employment as a  
34 county sheriff or deputy sheriff who retires on or  
35 after July 1, 1990, or a member who is or has been  
36 employed as a county sheriff or deputy sheriff who  
37 retires on or after July 1, 1994, and at the time of  
38 retirement is at least fifty-five years of age and has  
39 completed at least twenty-two years of membership  
40 service, may elect to receive in lieu of the receipt  
41 of any benefits under subsection 5 or 15, a monthly  
42 retirement allowance equal to one-twelfth of the same  
43 percentage of the member's three-year average covered  
44 wage as is provided in paragraph "a", with benefits  
45 payable during the member's lifetime.

46 (3) (c) The years of membership service required  
47 under this ~~paragraph~~ subparagraph shall include  
48 membership service as a sheriff or deputy sheriff and  
49 membership service under employment in a protection  
50 occupation included in paragraph "d", subparagraph

Page 2

1 (2).

2 (4) (d) For the purposes of this subsection,  
3 sheriff "sheriff" means a county sheriff as defined in  
4 section 39.17 and deputy sheriff "deputy sheriff"  
5 means a deputy sheriff appointed pursuant to section  
6 341.1 prior to July 1, 1981, or section 331.903 on or  
7 after July 1, 1981.

8 (2) Notwithstanding other provisions of this  
9 chapter:

10 (a) A member who is an airport fire fighter  
11 employed by the military division of the department of  
12 public defense or has been employed as an airport fire

13 fighter by the military division of the department of  
14 public defense who retires on or after July 1, 1994,  
15 and at the time of retirement is at least fifty-five  
16 years of age and has completed at least twenty-two  
17 years of membership service, may elect to receive in  
18 lieu of the receipt of any benefits under subsection 5  
19 or 15, a monthly retirement allowance equal to one-  
20 twelfth of the same percentage of the member's three-  
21 year average covered wage as is provided in paragraph  
22 "a", with benefits payable during the member's  
23 lifetime.

24 (b) The years of membership service required under  
25 this subparagraph shall include membership service as  
26 an airport fire fighter, regardless of whether the  
27 service occurred prior to the inclusion of airport  
28 fire fighters under this paragraph, and the inclusion  
29 of that service shall not affect the contribution  
30 rates paid by the member or the employer under this  
31 subsection.

32 (c) For the purposes of this subsection, "airport  
33 fire fighter" means an airport fire fighter employed  
34 by the military division of the department of public  
35 defense.

36 Sec. \_\_\_\_ . Section 97B.49, subsection 16, paragraph  
37 c, unnumbered paragraph 3, Code Supplement 1993, is  
38 amended to read as follows:

39 For the purpose of this subsection, "fraction of  
40 years of service" means a number, not to exceed one,  
41 equal to the sum of the years of membership service  
42 for a member retiring in a protection occupation,  
43 divided by twenty-five years, or the sum of the years  
44 of membership service for a member retiring as a  
45 sheriff or deputy sheriff or airport fire fighter  
46 divided by twenty-two years."

47 2. Page 21, by inserting after line 31 the  
48 following:

49 "Sec. \_\_\_\_ . Section 97B.49, subsection 16,  
50 paragraph d, subparagraph (2), Code Supplement 1993,

### Page 3

1 is amended to read as follows:

2 (2) A marshal ~~or police officer~~ in a city not  
3 covered under chapter 400 or a fire fighter or police  
4 officer of a city not participating in the retirement  
5 system established in chapter 411."

6 3. Page 21, by inserting after line 31 the  
7 following:

8 "Sec. \_\_\_\_ . Section 97B.49, subsection 16,  
9 paragraph d, subparagraph (4), Code Supplement 1993,

10 is amended by striking the subparagraph.”

11 4. Page 22, by inserting after line 7 the  
12 following:

13 “Sec. \_\_\_\_ . Section 97B.49, subsection 16,  
14 paragraph d, Code Supplement 1993, is amended by  
15 adding the following new subparagraph:  
16 **NEW SUBPARAGRAPH.** (9) An employee of a judicial  
17 district department of correctional services who is  
18 employed as a probation officer I, II, or III, or  
19 parole officer I, II, or III.”

20 5. Page 22, by striking lines 8 through 16 and  
21 inserting the following:

22 “Sec. \_\_\_\_ . Section 97B.49, subsection 16,  
23 paragraph j, Code Supplement 1993, is amended by  
24 striking the paragraph.”

25 6. Page 22, by inserting before line 17 the  
26 following:

27 “Sec. \_\_\_\_ . Section 97B.49, subsection 16, Code  
28 Supplement 1993, is amended by adding the following  
29 new paragraph:

30 **NEW PARAGRAPH.** l. For the fiscal year commencing  
31 July 1, 1994, and each succeeding fiscal year, each  
32 judicial district department of correctional services  
33 shall pay to the department of personnel from funds  
34 appropriated to that judicial district department of  
35 correctional services, the amount necessary to pay the  
36 employer share of the cost of the additional benefits  
37 provided to employees covered under paragraph “d”,  
38 subparagraph (9).”

39 7. Page 22, by inserting before line 17 the  
40 following:

41 “Sec. \_\_\_\_ . Section 97B.49, subsection 16, Code  
42 Supplement 1993, is amended by adding the following  
43 new paragraph:

44 **NEW PARAGRAPH.** m. For the fiscal year commencing  
45 July 1, 1994, and each succeeding fiscal year, there  
46 is appropriated from the general fund of the state to  
47 the department of personnel, from funds not otherwise  
48 appropriated, an amount necessary to pay the employer  
49 share of the cost of the additional benefits provided  
50 to airport fire fighters pursuant to paragraph “b”,

Page 4

1 subparagraph (2).”

2 8. Page 55, by inserting after line 11 the  
3 following:

4 “Sec. \_\_\_\_ . Section 724.6, subsection 2, Code  
5 Supplement 1993, is amended to read as follows:

6 2. Notwithstanding subsection 1, fire fighters, as

7 defined in section 411.1, subsection 9, airport fire  
 8 fighters included under section 97B.49, subsection 16,  
 9 paragraph "d" "b", subparagraph (4) (2), emergency  
 10 medical technicians-ambulance and emergency rescue  
 11 technicians, as defined in section 147.1, and advanced  
 12 emergency medical care providers, as defined in  
 13 section 147A.1, shall not, as a condition of  
 14 employment, be required to obtain a permit under this  
 15 section. However, the provisions of this subsection  
 16 shall not apply to a person designated as an arson  
 17 investigator by the chief fire officer of a political  
 18 subdivision."

19 9. Page 59, by inserting after line 33 the  
 20 following:

21 "Sec. \_\_\_\_ . STUDY CONCERNING SURVIVING SPOUSE  
 22 BENEFITS UNDER CHAPTERS 97A AND 411 -- REPORT. The  
 23 public retirement systems committee established in  
 24 section 97D.4 shall study the feasibility of  
 25 increasing the benefits paid to surviving spouses  
 26 under the Iowa department of public safety peace  
 27 officers' retirement, accident, and disability system  
 28 established in chapter 97A and the statewide fire and  
 29 police retirement system established in chapter 411.  
 30 The public retirement systems committee shall submit a  
 31 report to the general assembly on or before January  
 32 31, 1996, containing its findings and  
 33 recommendations."

34 10. Page 60, by striking lines 9 through 11 and  
 35 inserting the following: "community-based  
 36 correctional facilities. The study shall specify the  
 37 information".

38 11. Title page, line 3, by inserting after the  
 39 word "purposes," the following: "making  
 40 appropriations,".

41 12. By renumbering, relettering, redesignating,  
 42 and correcting internal references as necessary.

JOHN P. KIBBIE  
 SHELDON RITTMER  
 RICHARD F. DRAKE  
 MICHAEL E. GRONSTAL  
 WILLIAM W. DIELEMAN

S-5514

1 Amend House File 2418, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 9, line 12, by inserting after the word  
 4 "federal" the following: "and state".

5 2. Page 9, by striking lines 26 and 27 and

6 inserting the following: "for federal and state  
7 income tax purposes only and for all other purposes of  
8 this chapter shall be".

9 3. Page 10, by inserting after line 14 the  
10 following:

11 "Sec. 100. Section 97B.11A, as enacted in this  
12 Act, is amended to read as follows:

13 97B.11A PICKUP OF EMPLOYEE CONTRIBUTIONS.

14 1. Notwithstanding section 97B.11 or other  
15 provisions of this chapter, beginning January 1, 1995  
16 1996, member contributions required under section  
17 97B.11 which are picked up by the employer shall be  
18 considered employer contributions for federal and  
19 state income tax purposes, and each employer shall  
20 pick up the member contributions to be made under  
21 section 97B.11 by its employees. Each employer shall  
22 pick up these contributions by reducing the salary of  
23 each of its employees covered by this chapter by the  
24 amount which each employee is required to contribute  
25 under section 97B.11 and shall pay the amount picked  
26 up in lieu of the member contributions as provided in  
27 section 97B.14.

28 2. Member contributions picked up by each employer  
29 under subsection 1 shall be treated as employer  
30 contributions for federal and state income tax  
31 purposes only and for all other purposes of this  
32 chapter and the laws of this state shall be treated as  
33 employee contributions and deemed part of the  
34 employee's wages or salary."

35 4. Page 47, line 11, by inserting after the word  
36 "federal" the following: "and state".

37 5. Page 47, by striking lines 22 and 23 and  
38 inserting the following: "for federal and state  
39 income tax purposes only and for all other purposes of  
40 this chapter shall be".

41 6. Page 47, by striking lines 26 through 34.

42 7. Page 48, line 4, by inserting after the figure  
43 "97B" the following: "for the tax year beginning on  
44 January 1, 1995".

45 8. Page 48, by inserting after line 8 the  
46 following:

47 "Sec. 200. Section 422.7, subsection 30, as  
48 enacted in this Act, is amended by striking the  
49 subsection."

50 9. Page 62, by inserting after line 5 the

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1 following:

2 " —. The sections of this Act which amend section

- 3 97A.8, subsection 1, by enacting a new paragraph "i"  
 4 and amend section 411.8, subsection 1, by enacting a  
 5 new paragraph "i", take effect January 1, 1995, and  
 6 apply to tax years beginning on or after January 1,  
 7 1995."  
 8 10. Page 62, by striking lines 22 through 24.  
 9 11. Page 62, line 27, by striking the words "tax  
 10 years beginning on or after" and inserting the  
 11 following: "the tax year beginning on".  
 12 12. Page 62, by inserting after line 27 the  
 13 following:  
 14 "\_\_\_ . Section 100 of this Act, which amends  
 15 section 97B.11A, as enacted in this Act, takes effect  
 16 January 1, 1996, and applies to tax years beginning on  
 17 or after January 1, 1996."  
 18 13. Page 62, by inserting after line 27 the  
 19 following:  
 20 "\_\_\_ . Section 200 of this Act, which amends  
 21 section 422.7, subsection 30, as enacted in this Act,  
 22 by striking the subsection, takes effect January 1,  
 23 1996."  
 24 14. By renumbering, redesignating, and correcting  
 25 internal references as necessary.

JOHN P. KIBBIE  
 MICHAEL E. GRONSTAL  
 SHELDON RITTNER  
 RICHARD F. DRAKE  
 WILLIAM W. DIELEMAN

## S-5515

- 1 Amend the amendment, S-5512, to House File 2377, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 7 and 8 and  
 5 inserting the following:  
 6 "4. An adopted person whose adoption became final  
 7 fifty years or more prior to July 4, 1941, and whose  
 8 adoption record was of the current calendar year".

MERLIN E. BARTZ

## S-5516

- 1 Amend House File 2286, as passed by the House, as  
 2 follows:  
 3 1. Page 1, line 8, by inserting after the word  
 4 "two" the following: "three thousand dollars or less  
 5 for actions commenced on or after July 1, 1994, and

6 before July 1, 1995, and”.

7 2. Page 1, line 8, by inserting after the word  
8 “less” the following: “for actions commenced on or  
9 after July 1, 1995”.

10 3. Page 1, line 18, by inserting after the word  
11 “two” the following: “three thousand dollars or less  
12 for actions commenced on or after July 1, 1994, and  
13 before July 1, 1995, and”.

14 4. Page 1, line 18, by inserting after the word  
15 “less” the following: “for actions commenced on or  
16 after July 1, 1995”.

17 5. Page 1, line 25, by inserting after the word  
18 “two” the following: “three thousand dollars or less  
19 for actions commenced on or after July 1, 1994, and  
20 before July 1, 1995, and”.

21 6. Page 1, line 25, by inserting after the word  
22 “less” the following: “for actions commenced on or  
23 after July 1, 1995”.

24 7. Page 1, line 29, by inserting after the word  
25 “the” the following: “three or”.

TOM VILSACK

S-5517

1 Amend the amendment, S-5512, to House File 2377, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking line 12, and inserting the  
5 following: “record under this subsection, provided  
6 that the biological parent and the adopted person have  
7 filed affidavits requesting that the court open the  
8 adoption record”.

RAY TAYLOR

S-5518

1 Amend the amendment, S-5510, to House File 2377, as  
2 amended, passed, and reprinted by the House as  
3 follows:

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

6 “Section 1. Section 13.2, Code 1993, is amended by  
7 adding the following new subsection:

8 **NEW SUBSECTION.** 13. Prepare standard forms which  
9 contain information regarding the legal procedures  
10 related to and the consequences of the execution of a  
11 release of custody, termination of parental rights,  
12 and adoption. The attorney general shall distribute

13 the forms, upon request, to agencies and persons  
14 making independent placements pursuant to section  
15 600A.4 and shall collect and review completed forms  
16 forwarded to the office of the attorney general. The  
17 attorney general shall also appoint an assistant  
18 attorney general to provide assistance to biological  
19 parents who request assistance in completion of the  
20 form."

21 2. Page 3, by inserting after line 32, the  
22 following:

23 " \_\_\_\_ . Page 10, by inserting before line 2, the  
24 following:

25 "Sec. \_\_\_\_ . Section 600A.4, Code 1993, is amended  
26 by adding the following new subsection:

27 NEW SUBSECTION. 1A. a. Prior to the execution of  
28 a release of custody, the agency or person making the  
29 independent placement shall provide the biological  
30 parent who wishes to execute the release the standard  
31 information form prepared and distributed by the  
32 office of the attorney general. The form shall  
33 include information regarding the legal procedures  
34 relating to and the consequences of the execution of a  
35 release of custody, termination of parental rights,  
36 and adoption. The form shall also contain information  
37 which advises the biological parent of the parent's  
38 right to legal counsel and shall provide for the  
39 requesting of counsel through completion of the form.  
40 Upon receipt of the form, the biological parent shall  
41 read and sign the form certifying receipt and  
42 acknowledgment of the information provided in the  
43 form, and shall also complete the form to request or  
44 waive the provision of legal counsel. Following  
45 completion and signing of the form by the biological  
46 parent, the agency or person making the independent  
47 placement shall forward the form to the office of the  
48 attorney general.

49 b. The office of the attorney general shall  
50 prepare standard information forms which contain

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1 information regarding the legal procedures relating to  
2 and the consequences of the execution of a release of  
3 custody, termination of parental rights, and adoption.  
4 The forms shall be available, upon request, to any  
5 agency or person making an independent placement. The  
6 office of the attorney general shall provide  
7 instruction for completion of the forms and shall  
8 collect and review all forms completed and forwarded  
9 to the office. The office of the attorney general



- 10 shall appoint one assistant attorney general to  
 11 provide assistance to biological parents, who request  
 12 legal counsel through completion of the standard  
 13 form."  
 14 3. By renumbering as necessary.

TOM VILSACK  
 LARRY MURPHY

S-5519

- 1 Amend the amendment, S-5510, to House File 2377, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 3, by inserting after line 21 the  
 5 following:  
 6 "\_\_\_\_. Page 6, line 33, by inserting after the  
 7 word "provided" the following: "to the biological  
 8 parents prior to the birth of the child."  
 9 2. Page 3, by striking lines 33 and 34 and  
 10 inserting the following:  
 11 "\_\_\_\_. Page 10, line 5, by striking the word "a".  
 12 \_\_\_\_ . Page 10, by striking line 6 and inserting  
 13 the following: "three hours of counseling to the  
 14 biological parents."  
 15 3. By renumbering as necessary.

MARY KRAMER

S-5520

- 1 Amend House File 2375, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 99B.6, subsection 1, paragraph  
 6 k, Code 1993, as amended by 1994 Iowa Acts, House File  
 7 2179, section 1, is amended to read as follows:  
 8 k. A person under the age of ~~twenty-one~~ eighteen  
 9 years shall not participate in the gambling except  
 10 pursuant to sections 99B.3, 99B.4, 99B.5, and 99B.7.  
 11 Any licensee knowingly allowing a person under the age  
 12 of ~~twenty-one~~ eighteen to participate in the gambling  
 13 prohibited by this paragraph or any person knowingly  
 14 participating in gambling with a person under the age  
 15 of ~~twenty-one~~ eighteen, is guilty of a simple  
 16 misdemeanor."  
 17 2. Page 1, by inserting after line 11 the  
 18 following:  
 19 "Sec. \_\_\_\_ . Section 99D.11, subsection 7, Code

20 1993, as amended by 1994 Iowa Acts, House File 2179,  
21 section 4, is amended to read as follows:

22 7. A person under the age of ~~twenty-one~~ eighteen  
23 years shall not make a pari-mutuel wager."

24 3. Page 1, by inserting after line 17 the  
25 following:

26 "Sec. \_\_\_\_ . Section 99D.24, subsection 2, Code  
27 1993, as amended by 1994 Iowa Acts, House File 2179,  
28 section 5, is amended to read as follows:

29 2. A person knowingly permitting a person under  
30 the age of ~~twenty-one~~ eighteen years to make a pari-  
31 mutuel wager is guilty of a simple misdemeanor."

32 4. Page 2, by inserting after line 9 the  
33 following:

34 "Sec. \_\_\_\_ . Section 99E.18, subsection 2, Code  
35 1993, as amended by 1994 Iowa Acts, House File 2179,  
36 section 6, is amended to read as follows:

37 2. A ticket or share shall not be sold to a person  
38 who has not reached the age of ~~twenty-one~~ eighteen.  
39 This does not prohibit the lawful purchase of a ticket  
40 or share for the purpose of making a gift to a person  
41 who has not reached the age of ~~twenty-one~~ eighteen. A  
42 licensee or a licensee's employee who knowingly sells  
43 or offers to sell a lottery ticket or share to a  
44 person who has not reached the age of ~~twenty-one~~  
45 eighteen is guilty of a simple misdemeanor. In  
46 addition the license of a licensee shall be suspended.  
47 A prize won by a person who has not reached the age  
48 of ~~twenty-one~~ eighteen but who purchases a winning  
49 ticket or share in violation of this subsection shall  
50 be forfeited.

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1 Sec. \_\_\_\_ . Section 99F.9, subsection 6, Code 1993,  
2 as amended by 1994 Iowa Acts, House File 2179, section  
3 23, is amended to read as follows:

4 6. A person under the age of ~~twenty-one~~ eighteen  
5 years shall not make a wager on an excursion gambling  
6 boat and shall not be allowed in the area of the  
7 excursion boat where gambling is being conducted.  
8 ~~However, a person eighteen years of age or older may~~  
9 ~~be employed to work in a gambling area.~~

10 Sec. \_\_\_\_ . Section 99F.15, subsection 2, Code 1993,  
11 as amended by 1994 Iowa Acts, House File 2179, section  
12 27, is amended to read as follows:

13 2. A person knowingly permitting a person under  
14 the age of ~~twenty-one~~ eighteen years to make a wager

15 is guilty of a simple misdemeanor.”  
16 5. By renumbering as necessary.

MERLIN E. BARTZ  
BILL FINK

S-5521

1 Amend the amendment, S-5510, to House File 2377, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 4, by striking lines 14 through 18 and  
5 inserting the following:  
6 “ \_\_\_ . Page 11, by striking lines 23 through 29  
7 and inserting the following:  
8 “A biological parent may also provide ongoing  
9 information to the adoptive parents, as additional  
10 medical or social history information becomes known,  
11 by providing information to the clerk of court, the  
12 department of human services, or the agency which made  
13 the placement, and may provide the current address of  
14 the biological parent. The clerk of court, the  
15 department of human services, or the agency which made  
16 the placement shall transmit the information to the  
17 adoptive parents if the address of the adoptive  
18 parents is known.”  
19 2. By renumbering as necessary.

JOE WELSH  
ALLEN BORLAUG  
WILLIAM W. DIELEMAN  
MARY E. KRAMER  
RAY TAYLOR  
JOHN W. JENSEN

S-5522

1 Amend House File 2418, 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 19A.30, unnumbered paragraph  
6 1, Code 1993, is amended to read as follows:  
7 At the request of an employee of a state agency  
8 through contractual agreement, the director may  
9 arrange for the purchase of group or individual  
10 annuity contracts for any of the employees of that  
11 agency, which annuity contracts are issued by a  
12 nonprofit corporation issuing retirement annuities  
13 exclusively for educational institutions and their

14 employees or are purchased from any company the  
 15 employee chooses that is authorized to do business in  
 16 this state and or through an Iowa-licensed insurance  
 17 agent salesperson that the employee selects, for  
 18 retirement or other purposes, and may make payroll  
 19 deductions in accordance with the arrangements for the  
 20 purpose of paying the entire premium due and to become  
 21 due under the contract. The deductions shall be made  
 22 in the manner which will qualify the annuity premiums  
 23 for the benefits afforded under section ~~403b~~ 403(b) of  
 24 the Internal Revenue Code, as defined in section  
 25 422.3. The employee's rights under the annuity  
 26 contract are nonforfeitable except for the failure to  
 27 pay premiums. As used in this section, unless the  
 28 context otherwise requires, "annuity contract"  
 29 includes any custodial account which meets the  
 30 requirements of section 403(b)(7) of the Internal  
 31 Revenue Code, as defined in section 422.3."

32 2. By striking page 36, line 13 through page 37,  
 33 line 4 and inserting the following:

34 "9. At the request of an employee through  
 35 contractual agreement the board may arrange for the  
 36 purchase of group or individual annuity contracts for  
 37 any of its employees, which annuity contracts are  
 38 issued by a nonprofit corporation issuing retirement  
 39 annuities exclusively for educational institutions and  
 40 their employees or are purchased from any company the  
 41 employee chooses that is authorized to do business in  
 42 this state and or through an Iowa-licensed insurance  
 43 agent salesperson that the employee selects, for  
 44 retirement or other purposes, and may make payroll  
 45 deductions in accordance with the arrangements for the  
 46 purpose of paying the entire premium due and to become  
 47 due under the contract. The deductions shall be made  
 48 in the manner which will qualify the annuity premiums  
 49 for the benefits under section 403(b) of the Internal  
 50 Revenue Code, as defined in section 422.3. The

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1 employee's rights under the annuity contract are  
 2 nonforfeitable except for the failure to pay premiums.  
 3 If an existing tax-sheltered annuity contract is to be  
 4 replaced by a new contract, the agent or  
 5 representative of the company shall submit a letter of  
 6 intent by registered mail to the company being  
 7 replaced, to the insurance commissioner of the state  
 8 of Iowa, and to the agent's or representative's own  
 9 company at least thirty days prior to any action.  
 10 This letter of intent shall contain the policy number

11 and description of the contract being replaced and a  
 12 description of the replacement contract. As used in  
 13 this section, unless the context otherwise requires,  
 14 "annuity contract" includes any custodial account  
 15 which meets the requirements of section 403(b)(7) of  
 16 the Internal Revenue Code, as defined in section  
 17 422.3."

18 3. Page 37, by inserting before line 28 the  
 19 following:

20 "Sec. \_\_\_\_ . Section 262.21, unnumbered paragraph 1,  
 21 Code 1993, is amended to read as follows:

22 At the request of an employee through contractual  
 23 agreement the board may arrange for the purchase of  
 24 group or individual annuity contracts for any of its  
 25 employees, which annuity contracts are issued by a  
 26 nonprofit corporation issuing retirement annuities  
 27 exclusively for educational institutions and their  
 28 employees or are purchased from any company the  
 29 employee chooses that is authorized to do business in  
 30 this state; or the board may arrange for the purchase  
 31 of an individual mutual fund contract from any company  
 32 the employee chooses from a broker-dealer,  
 33 salesperson, or mutual fund registered in this state,  
 34 or through an Iowa-licensed salesperson that the  
 35 employee selects, for retirement or other purposes,  
 36 and may make payroll deductions in accordance with the  
 37 arrangements for the purpose of paying the entire  
 38 premium due and to become due under the contract. The  
 39 deductions shall be made in the manner which will  
 40 qualify the annuity premiums for the benefits under  
 41 section ~~403b~~ 403(b) of the Internal Revenue Code, as  
 42 defined in section 422.3. The employee's rights under  
 43 the annuity contract are nonforfeitable except for the  
 44 failure to pay premiums. As used in this section,  
 45 unless the context otherwise requires, "annuity  
 46 contract" includes any custodial account which meets  
 47 the requirements of section 403(b)(7) of the Internal  
 48 Revenue Code, as defined in section 422.3.

49 Sec. \_\_\_\_ . Section 273.3, subsection 14, Code 1993,  
 50 is amended to read as follows:

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1 14. At the request of an employee through  
 2 contractual agreement the board may purchase group or  
 3 individual annuity contracts for employees, which  
 4 annuity contracts are issued by a nonprofit  
 5 corporation issuing retirement annuities exclusively  
 6 for educational institutions and their employees or  
 7 are purchased from an insurance organization or mutual

8 ~~fund any company~~ the employee chooses for retirement  
 9 or other purposes that is authorized to do business in  
 10 this state, and or through an Iowa-licensed insurance  
 11 agent, securities dealer, or salesperson that the  
 12 employee selects, for retirement or other purposes.  
 13 The board may make payroll deductions for the purpose  
 14 of paying the entire premium due, and to become due,  
 15 in accordance with the terms of the contract. The  
 16 deductions shall be made in the manner which will  
 17 qualify the annuity premiums for the benefits under  
 18 section ~~403b~~ 403(b) of the Internal Revenue Code, as  
 19 defined in section 422.3. The employee's rights under  
 20 the annuity contract are nonforfeitable except for the  
 21 failure to pay premiums. As used in this section,  
 22 unless the context otherwise requires, "annuity  
 23 contract" includes any custodial account which meets  
 24 the requirements of section 403(b)(7) of the Internal  
 25 Revenue Code, as defined in section 422.3."  
 26 4. Page 38, by inserting after line 19 the  
 27 following:

28 "Sec. \_\_\_\_ . Section 294.16, Code 1993, is amended  
 29 to read as follows:

30 294.16 ANNUITY CONTRACTS.

31 At the request of an employee through contractual  
 32 agreement a school district may purchase group or  
 33 individual annuity contracts for employees, which  
 34 annuity contracts are issued by a nonprofit  
 35 corporation issuing retirement annuities exclusively  
 36 for educational institutions and their employees or  
 37 are purchased from an insurance organization or mutual  
 38 fund any company the employee chooses that is  
 39 authorized to do business in this state and or through  
 40 an Iowa-licensed insurance agent or from a securities  
 41 dealer, salesperson, or mutual fund registered in this  
 42 state that the employee selects, for retirement or  
 43 other purposes, and may make payroll deductions in  
 44 accordance with the arrangements for the purpose of  
 45 paying the entire premium due and to become due under  
 46 the contract. The deductions shall be made in the  
 47 manner which will qualify the annuity premiums for the  
 48 benefits under section 403(b) of the Internal Revenue  
 49 Code, as defined in section 422.3. The employee's  
 50 rights under the annuity contract are nonforfeitable

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1 except for the failure to pay premiums. As used in  
 2 this section, unless the context otherwise requires,  
 3 "annuity contract" includes any custodial account  
 4 which meets the requirements of section 403(b)(7) of

5 the Internal Revenue Code, as defined in section  
6 422.3."

7 5. Page 48, by inserting before line 18 the  
8 following:

9 "Sec. \_\_\_\_ . Section 509A.12, unnumbered paragraph  
10 1, Code 1993, is amended to read as follows:

11 At the request of an employee the governing body or  
12 the county board of supervisors shall by contractual  
13 agreement acquire an individual or group life  
14 insurance contract, annuity contract, interest in a  
15 mutual fund, security or any other deferred payment  
16 contract for the purpose of funding a deferred  
17 compensation program for an employee, from any company  
18 the employee may choose that is authorized to do  
19 business in this state ~~and from any life underwriter~~  
20 ~~duly licensed by this state or from any securities~~  
21 ~~dealer or through an Iowa-licensed salesperson~~  
22 ~~registered in this state to contract business in this~~  
23 ~~state that the employee selects.~~ The deferred  
24 compensation program shall be administered so that the  
25 director of revenue and finance or the director's  
26 designees remit one sum for the entire program  
27 according to a single billing."

28 6. Title page, line 1, by inserting after the  
29 word "to" the following: "public employee benefits  
30 and".

31 7. By renumbering as necessary.

JIM KERSTEN

S-5523

1 Amend the amendment, S-5510, to House File 2377, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 3, by inserting after line 28 the  
5 following:

6 " \_\_\_\_ . Page 8, by inserting after line 2 the  
7 following:

8 "Sec. \_\_\_\_ . Section 600.16, subsection 3, Code  
9 1993, is amended to read as follows:

10 3. Any person other than the adopting parents or  
11 the adopted person, who discloses information in  
12 violation of this section, is guilty of a simple  
13 misdemeanor for the first offense, a serious  
14 misdemeanor for a second offense, and an aggravated  
15 misdemeanor for a third or subsequent offense."

16 2. By renumbering as necessary.

JOE WELSH

HOUSE AMENDMENT TO  
SENATE FILE 2087

S-5524

- 1 Amend Senate File 2087 as follows:  
2 1. Page 1, line 34, by striking the word "hire"  
3 and inserting the following: "offer the new position  
4 to".  
5 2. Page 2, line 5, by striking the word "hired"  
6 and inserting the following: "offered the new  
7 position".  
8 3. Page 2, line 6, by striking the word "hire"  
9 and inserting the following: "offer a new position  
10 to".  
11 4. Page 2, line 7, by striking the word "one" and  
12 inserting the following: "two".  
13 5. Page 2, line 8, by striking the word "year"  
14 and inserting the following: "years".

S-5525

- 1 Amend the amendment, S-5510, to House File 2377, as  
2 amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 1, by inserting after line 50 the  
5 following:  
6 "c. Failure or refusal to file a declaration of  
7 paternity shall not be used as evidence to avoid a  
8 legally established obligation of financial support  
9 for a child."  
10 2. Page 3, by striking line 28 and inserting the  
11 following:  
12 "— . Page 7, by striking lines 18 and 19 and  
13 inserting the following: "with the exception of  
14 rights specifically retained in the adoption decree".  
15 — . Page 7, line 25, by inserting after the word  
16 "child." the following: "The adoption decree may  
17 provide that, following the issuance of the decree,  
18 the biological parents may retain rights including but  
19 not limited to visitation rights, if the biological  
20 parents and the adoptive parents agree to the  
21 retaining of rights and if the court determines that  
22 the retaining of rights is in the best interest of the  
23 child."  
24 3. Page 3, by inserting after line 30 the  
25 following:  
26 "— . Page 8, line 27, by striking the word  
27 "subsection" and inserting the following:  
28 "subsections".



29 —. Page 8, by inserting after line 27 the  
 30 following:  
 31 **“NEW SUBSECTION. 3A.** “Counseling” means unbiased  
 32 information provided to a biological parent, prior to  
 33 or after the birth of the child, by a counselor  
 34 qualified as prescribed by section 600A.4. Counseling  
 35 shall include all of the following:  
 36 a. An explanation and consideration of available  
 37 alternatives to adoption.  
 38 b. An explanation of the adoption process.  
 39 c. An explanation and consideration of the legal  
 40 and personal impact of termination of parental rights  
 41 and of adoption.  
 42 d. Assistance with the completion of the birth  
 43 parent medical and social history form.””  
 44 4. Page 3, by striking lines 33 through 44 and  
 45 inserting the following:  
 46 “ —. Page 10, by striking lines 5 through 29 and  
 47 inserting the following:  
 48 **“NEW PARAGRAPH. d.** Shall be preceded by a minimum  
 49 of three hours of counseling as defined in section  
 50 600A.2, to the biological parents of the child. The

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1 counseling shall be provided prior to or after the  
 2 birth of the child and prior to the execution of a  
 3 release of custody or the filing of a petition for  
 4 termination of parental rights, as applicable.  
 5 The counseling requirement may be waived by a court  
 6 for good cause shown. The counseling requirement of  
 7 this section does not apply to termination of parental  
 8 rights proceedings based upon the grounds specified in  
 9 section 232.116 and does not apply to termination of  
 10 parental rights proceedings based upon the grounds  
 11 specified in section 600A.8, subsection 5.  
 12 Counseling shall be provided only by a person who  
 13 is qualified under rules adopted by the department  
 14 which shall include a requirement that the person  
 15 complete a minimum number of hours of training in the  
 16 area of adoption-related counseling approved by the  
 17 department or, in the alternative, that the person has  
 18 a minimum level of experience, as determined by rules  
 19 of the department, in the provision of adoption-  
 20 related counseling. The counselor shall provide an  
 21 affidavit, which shall be attached to the release of  
 22 custody, certifying that the counselor has provided  
 23 the biological parents with counseling and that the  
 24 person is qualified to provide the counseling as  
 25 prescribed under this paragraph. If the court has

26 granted a waiver of the required counseling, the  
27 counselor shall attach a copy of the court order  
28 granting the waiver to the release of custody, in lieu  
29 of a certification of counseling.”

30 5. Page 4, by striking lines 7 and 8 and  
31 inserting the following:

32 “—. Page 11, by striking line 9 and inserting  
33 the following: “biological parents of the person to  
34 be adopted unless the biological parents wish to  
35 disclose their identities. The social”.

36 6. Page 4, line 26, by inserting after the figure  
37 “144.12A” the following: “and any putative father who  
38 has filed a declaration of paternity with a paternity  
39 registry in any state in which a paternity registry  
40 has been established”.

41 7. Page 4, by striking lines 31 through 33 and  
42 inserting the following:

43 “—. Page 12, by striking lines 34 and 35 and  
44 inserting the following: “abused the other ~~natural~~  
45 biological parent ~~while not cohabiting with that~~  
46 ~~parent as husband and wife~~, thereby producing the  
47 birth of the”.

48 —. Page 13, by striking lines 27 through 29 and  
49 inserting the following: “consecutive weeks in the  
50 county in which the child is believed to have been

### Page 3

1 conceived and the last known county in which the  
2 putative father is known to have resided, the last  
3 publication to be not less than five business days  
4 prior to the hearing on”.

5 8. Page 4, by inserting after line 38 the  
6 following:

7 “Sec. —. Section 600A.7, Code 1993, is amended  
8 by adding the following new subsection:

9 NEW SUBSECTION. 3. If a putative father files a  
10 declaration of paternity pursuant to section 144.12A,  
11 the putative father or the mother of the child may  
12 request that paternity be established pursuant to  
13 section 600B.41 prior to the granting of a dismissal  
14 of the petition to terminate parental rights.”

15 9. Page 5, by inserting after line 10 the  
16 following:

17 “Sec. —. Section 600A.9, Code 1993, is amended  
18 by adding the following new subsection:

19 NEW SUBSECTION. 3A. If an order is issued under  
20 subsection 1, paragraph “b”, in reference to the  
21 parental rights of the biological mother of a child,  
22 and if the biological or putative father of the child

23 subsequently appears and objects to termination of the  
24 biological or putative father's rights and the rights  
25 of the biological or putative father are not  
26 terminated, the order terminating the parental rights  
27 of the biological mother is void and, unless the  
28 biological mother objects, the rights of the  
29 biological mother shall be reinstated."  
30 10. By renumbering as necessary.

RALPH ROSENBERG

HOUSE AMENDMENT TO  
SENATE FILE 2236

S-5526

1 Amend Senate File 2236 as passed by the Senate as  
2 follows:

3 1. Page 10, line 2, by striking the word  
4 "prescriptions" and inserting the following:  
5 "prescription refills".

6 2. Page 10, line 8, by striking the word  
7 "prescriptions" and inserting the following:  
8 "prescription refills".

9 3. Title page, line 4, by striking the word  
10 "prescriptions" and inserting the following:  
11 "prescription refills".

12 4. Title page, line 5, by inserting after the  
13 word "school" the following: ", the school for the  
14 deaf, and the state hospital-school".

S-5527

1 Amend House File 2418, as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 16, line 10, by striking the words "one  
4 year" and inserting the following: "three years".

LEONARD L. BOSWELL

S-5528

1 Amend the House amendment, S-5455, to Senate File  
2 2038, as amended, passed, and reprinted by the Senate  
3 as follows:

4 1. Page 1, line 20, by inserting after the word  
5 "vehicles;" the following: "persons licensed to  
6 provide private investigation or private security  
7 services under chapter 80A;".

8 2. Page 1, line 38, by inserting after the word

9 "vehicles;" the following: "persons licensed to  
10 provide private investigation or private security  
11 services under chapter 80A;".

RICHARD F. DRAKE  
BERL E. PRIEBE

S-5529

1 Amend the amendment, S-5512, to House File 2377, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by striking lines 7 and 8 and  
5 inserting the following:  
6 "4. An adopted person whose adoption became final  
7 sixty years or more prior to July 4, ~~1941~~, and whose  
8 adoption record was of the current calendar year".

MERLIN E. BARTZ

S-5530

1 Amend House File 2418, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 14, by striking lines 13 through 19 and  
4 inserting the following: "the wages for the third  
5 year by combining the wages from the highest quarter  
6 or quarters not being used in the selection of the two  
7 highest years computing the average quarter of all  
8 quarters from the member's highest calendar year of  
9 covered wages and using the computed average quarter  
10 for each quarter in the third year in which no wages  
11 have been reported in combination with the final  
12 quarter or quarters of the member's service to create  
13 a full year. However, the department shall not use  
14 the member's final quarter of wages if using that  
15 quarter would reduce the member's three-year average  
16 covered wage. If the three-year".

JOHN P. KIBBIE  
RICHARD F. DRAKE  
MICHAEL E. GRONSTAL  
SHELDON RITTMER  
WILLIAM W. DIELEMAN

S-5531

1 Amend House File 2358, as amended, passed, and re-  
2 printed by the House, as follows:  
3 1. Page 1, line 3, by striking the words "shall

4 allocate any" and inserting the following: "is  
5 encouraged to explore funding opportunities for".

6 2. Page 1, line 7, by striking the words "as  
7 follows" and inserting the following: "by the  
8 following entities for the following purposes".

9 3. Page 1, by striking lines 18 and 19 and  
10 inserting the following:

11 "3. To be allocated within the state to promote".

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

14 "6. To the department of public health to be used  
15 for adolescent substance abuse prevention."

16 5. Page 1, by striking lines 26 through 30.

COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, Chairperson

S-5532

1 Amend House File 2323, as passed by the House, as  
2 follows:

3 1. Page 8, line 10, by inserting after the word  
4 "grant" the following: "of which a minimum of 4  
5 percent shall be set aside with one-half the actual  
6 amount set aside to be expended for a grant program  
7 for the homeless for the construction, rehabilitation,  
8 or expansion of group home shelter for the homeless  
9 and with the other one-half to be expended for a home  
10 ownership program to help lower income and very low  
11 income families achieve single family home ownership.  
12 However, after January 1, 1995, the department may  
13 allocate the set-aside money between the programs  
14 based on the number of applications received. If the  
15 allocation for the current federal fiscal year is not  
16 fully obligated, the excess shall be allocated to the  
17 general competitive program for the following federal  
18 fiscal year".

19 2. Page 17, by inserting after line 20 the  
20 following:

21 "Sec. \_\_\_\_ . PROCEDURE FOR EXPENDITURE OF ADDITIONAL  
22 FEDERAL FUNDS. If other federal grants, receipts, and  
23 funds and other nonstate grants, receipts, and funds  
24 become available or are awarded which are not  
25 available or awarded during the period in which the  
26 general assembly is in session, but which require  
27 expenditure by the applicable department or agency  
28 prior to March 15 of the fiscal year beginning July 1,  
29 1994, and ending June 30, 1995, these grants,  
30 receipts, and funds are appropriated to the extent  
31 necessary, provided that the fiscal committee of the

32 legislative council is notified within thirty days of  
 33 receipt of the grants, receipts, or funds and the  
 34 fiscal committee of the legislative council has an  
 35 opportunity to comment on the expenditure of the  
 36 grants, receipts, or funds."

37 3. Page 17, line 28, by inserting after the word  
 38 "law" the following: ", in the following amounts for  
 39 the purposes indicated".

40 4. Page 17, by inserting after line 28 the  
 41 following:

42 "1. For plant and animal disease and pest control,  
 43 grant number 10025:

44 ..... \$ 670,666

45 2. For assistance for intrastate meat and poultry,  
 46 grant number 10475:

47 ..... \$ 918,839

48 3. For farmers market nutrition program, grant  
 49 number 10577:

50 ..... \$ 320,647

#### Page 2

1 4. For soil and water conservation, grant number  
 2 10902:

3 ..... \$ 190,300

4 5. For food and drug -- research grants, grant  
 5 number 13103:

6 ..... \$ 166,241

7 6. For surface coal mining regulation, grant  
 8 number 15250:

9 ..... \$ 149,328

10 7. For abandoned mine land reclamation, grant  
 11 number 15252:

12 ..... \$ 2,204,461

13 8. For pesticide enforcement program, grant number  
 14 66700:

15 ..... \$ 599,081

16 9. For pesticide certification program, grant  
 17 number 66720:

18 ..... \$ 59,050"

19 5. Page 18, line 15, by inserting after the word  
 20 "law" the following: ", in the following amounts for  
 21 the purposes indicated".

22 6. Page 18, by inserting after line 15 the  
 23 following:

24 "1. For vocational rehabilitation -- FICA, grant  
 25 number 13802:

26 ..... \$ 464,218

27 2. For assistive technology information network,  
 28 grant number 84022:

29	.....	\$	22,980
30	3. For rehabilitation services -- basic support,		
31	grant number 84126:		
32	.....	\$	4,270,586
33	4. For rehabilitation training, grant number		
34	84129:		
35	.....	\$	27,073
36	5. For centers for independent living, grant		
37	number 84132:		
38	.....	\$	123,319
39	6. For independent living project, grant number		
40	84169:		
41	.....	\$	49,077
42	7. For older blind, grant number 84177:		
43	.....	\$	194,060
44	8. For supported employment, grant number 84187:		
45	.....	\$	63,626".
46	7. Page 19, line 26, by inserting after the word		
47	"law" the following: ", in the following amounts for		
48	the purposes indicated".		
49	8. Page 19, by inserting after line 26 the		
50	following:		

Page 3

1	"1. For historic preservation grants-in-aid, grant		
2	number 15904:		
3	.....	\$	490,100
4	2. For promotion of the arts -- education, grant		
5	number 45003:		
6	.....	\$	110,200
7	3. For promotion of the arts -- federal and state,		
8	grant number 45007:		
9	.....	\$	486,000
10	4. For promotion of the arts -- special projects,		
11	grant number 45011:		
12	.....	\$	31,500".
13	9. Page 19, line 34, by inserting after the word		
14	"law" the following: ", in the following amounts for		
15	the purposes indicated".		
16	10. Page 19, by inserting after line 34 the		
17	following:		
18	"1. For nutrition program for elderly, grant		
19	number 10570:		
20	.....	\$	2,090,803
21	2. For senior community service employment		
22	program, grant number 17235:		
23	.....	\$	1,008,816
24	3. For prevention of elder abuse, grant number		
25	93041:		

26	.....	\$	54,099
27	4. For preventive health, grant number 93043:		
28	.....	\$	215,025
29	5. For supportive services, grant number 93044:		
30	.....	\$	4,469,202
31	6. For nutrition, grant number 93045:		
32	.....	\$	5,761,049
33	7. For frail elderly, grant number 93046:		
34	.....	\$	90,296*
35	11. Page 20, line 7, by inserting after the word		
36	"law" the following: " , in the following amounts for		
37	the purposes indicated".		
38	12. Page 20, by inserting after line 7 the		
39	following:		
40	"1. For Trade Expansion Act, grant number 11309:		
41	.....	\$	295,000
42	2. For child support enforcement, grant number		
43	13783:		
44	.....	\$	109,068
45	3. For employment statistics, grant number 17002:		
46	.....	\$	1,400,416
47	4. For research and statistics, grant number		
48	17005:		
49	.....	\$	95,421
50	5. For labor certification, grant number 17202:		

## Page 4

1	.....	\$	108,885
2	6. For employment service, grant number 17207:		
3	.....	\$	11,640,817
4	7. For unemployment insurance grant to state,		
5	grant number 17225:		
6	.....	\$	19,730,000
7	8. For occupational safety and health, grant		
8	number 17500:		
9	.....	\$	1,585,286
10	9. For disabled veterans outreach, grant number		
11	17801:		
12	.....	\$	1,016,101
13	10. For local veterans employment representation,		
14	grant number 17804:		
15	.....	\$	1,382,805
16	11. For unemployment insurance trust receipts,		
17	grant number 17998:		
18	.....	\$	145,000,000*
19	13. Page 20, line 31, by inserting after the word		
20	"law" the following: " , in the following amounts for		
21	the purposes indicated".		
22	14. Page 20, by inserting after line 31 the		



23 following:

24	1. For juvenile justice and delinquency prevention, grant number 16540:		
26	.....	\$	545,924
27	2. For weatherization assistance, grant number		
28	81042:		
29	.....	\$	4,452,472
30	3. For client assistance, grant number 84161:		
31	.....	\$	108,100
32	4. For low-income home energy assistance, grant		
33	number 93568:		
34	.....	\$	25,214,357
35	5. For community services block grant, grant		
36	number 93572:		
37	.....	\$	4,330,117".
38	15. Page 21, line 4, by inserting after the word		
39	"law" the following: ", in the following amounts for		
40	the purposes indicated".		
41	16. Page 21, by inserting after line 4 the		
42	following:		
43	1. For assistance for intrastate meat and		
44	poultry, grant number 10475:		
45	.....	\$	19,480
46	2. For food and drug -- research grants, grant		
47	number 13103:		
48	.....	\$	5,819
49	3. For Title XVIII medicare inspections, grant		
50	number 13773:		

Page 5

1	.....	\$	2,659,692
2	4. For state medicaid fraud control unit, grant		
3	number 13775:		
4	.....	\$	1,790
5	5. For state medicaid fraud control, grant number		
6	93775:		
7	.....	\$	293,376".
8	17. Page 21, line 34, by inserting after the word		
9	"law" the following: ", in the following amounts for		
10	the purposes indicated".		
11	18. Page 21, by inserting after line 34 the		
12	following:		
13	1. For forestry incentive program, grant number		
14	10064:		
15	.....	\$	985,000
16	2. For cooperative forestry assistance, grant		
17	number 10664:		
18	.....	\$	490,000
19	3. For surface coal mining regulation, grant		

20	number 15250:		
21	.....	\$	28,128
22	4. For fish restoration, grant number 15605:		
23	.....	\$	4,715,400
24	5. For wildlife restoration, grant number 15611:		
25	.....	\$	2,300,000
26	6. For rare and endangered species conservation,		
27	grant number 15612:		
28	.....	\$	34,500
29	7. For acquisition, development, and planning,		
30	grant number 15916:		
31	.....	\$	500,000
32	8. For recreation boating safety financial		
33	assistance, grant number 20005:		
34	.....	\$	225,000
35	9. For Clean Lakes Act, grant number 66435:		
36	.....	\$	250,000
37	10. For consolidated environmental programs		
38	support, grant number 66600:		
39	.....	\$	8,091,391
40	11. For energy conservation, grant number 81041:		
41	.....	\$	297,274
42	12. For energy extension service, grant number		
43	81050:		
44	.....	\$	107,860
45	13. For grants for local government, grant number		
46	81052:		
47	.....	\$	323,066*
48	19. Page 22, line 21, by inserting after the word		
49	"law" the following: ", in the following amounts for		
50	the purposes indicated".		

## Page 6

1	20. Page 22, by inserting after line 21 the		
2	following:		
3	"1. For military operations -- Army national		
4	guard, grant number 12991:		
5	.....	\$	7,301,306
6	2. For hazardous materials transport, grant number		
7	20703:		
8	.....	\$	146,993
9	3. For population protection planning, grant		
10	number 83211:		
11	.....	\$	254,373
12	4. For emergency management training, grant number		
13	83403:		
14	.....	\$	108,631
15	5. For emergency management assistance, grant		
16	number 83503:		

17	.....	\$	897,619
18	6. For state and local maintenance and service,		
19	grant number 83504:		
20	.....	\$	52,200
21	7. For state disaster preparedness grants, grant		
22	number 83505:		
23	.....	\$	20,000
24	8. For state and local emergency operation		
25	centers, grant number 83512:		
26	.....	\$	2,100,000
27	9. For disaster assistance, grant number 83516:		
28	.....	\$	6,039,252
29	10. For hazard mitigation, grant number 83519:		
30	.....	\$	430,000".
31	21. Page 23, line 1, by inserting after the word		
32	"law" the following: " , in the following amounts for		
33	the purposes indicated".		
34	22. Page 23, by inserting after line 1 the		
35	following:		
36	"1. For agricultural experiment, grant number		
37	10203:		
38	.....	\$	3,870,819
39	2. For 1890 land grant colleges, grant number		
40	10205:		
41	.....	\$	50,000
42	3. For cooperative extension service, grant number		
43	10500:		
44	.....	\$	8,400,000
45	4. For school breakfast program, grant number		
46	10553:		
47	.....	\$	10,260
48	5. For school lunch program, grant number 10555:		
49	.....	\$	211,398
50	6. For maternal and child health, grant number		

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1	13110:		
2	.....	\$	105,435
3	7. For cancer treatment research, grant number		
4	13395:		
5	.....	\$	29,776
6	8. For general research, grant number 83500:		
7	.....	\$	207,896,969
8	9. For education of handicapped children, grant		
9	number 84009:		
10	.....	\$	20,713
11	10. For handicapped - state grants, grant number		
12	84027:		
13	.....	\$	263,417".

14	23. Page 24, line 13, by inserting after the word		
15	"law" the following: ", in the following amounts for		
16	the purposes indicated".		
17	24. Page 24, by inserting after line 13 the		
18	following:		
19	"1. For department of housing and urban		
20	development, grant number 14000:		
21	.....	\$	19,292
22	2. For department of justice, grant number 16000:		
23	.....	\$	400,000
24	3. For marijuana control, grant number 16580:		
25	.....	\$	58,000
26	4. For state and community highway safety, grant		
27	number 20600:		
28	.....	\$	2,191,569"
29	25. Page 24, line 21, by inserting after the word		
30	"law" the following: ", in the following amounts for		
31	the purposes indicated".		
32	26. Page 24, by inserting after line 21 the		
33	following:		
34	"1. For women, infants, and children, grant number		
35	10557:		
36	.....	\$	25,158,507
37	2. For food and drug -- research grants, grant		
38	number 13103:		
39	.....	\$	12,582
40	3. For primary care services, grant number 13130:		
41	.....	\$	61,148
42	4. For health services -- grants and contracts,		
43	grant number 13226:		
44	.....	\$	303,756
45	5. For drug abuse research grant, grant number		
46	13279:		
47	.....	\$	97,270
48	6. For prevention disability, grant number 13283:		
49	.....	\$	93,747
50	7. For treatment programs, grant number 13902:		

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1	.....	\$	242,784
2	8. For health programs for refugees, grant number		
3	13987:		
4	.....	\$	36,777
5	9. For alcohol and drug abuse block grant, grant		
6	number 13992:		
7	.....	\$	10,983,789
8	10. For radon control, grant number 66032:		
9	.....	\$	261,450
10	11. For toxic substance compliance monitoring,		

11	grant number 66701:		
12	.....	\$	200,082
13	12. For asbestos enforcement program, grant number		
14	66702:		
15	.....	\$	184,480
16	13. For drug-free schools -- communities, grant		
17	number 84186:		
18	.....	\$	1,283,809
19	14. For consumer protection safety, grant number		
20	87001:		
21	.....	\$	17,600
22	15. For regional delivery systems, grant number		
23	93110:		
24	.....	\$	341,116
25	16. For PB control -- elimination, grant number		
26	93116:		
27	.....	\$	93,412
28	17. For AIDS prevention project, grant number		
29	93118:		
30	.....	\$	948,613
31	18. For physician education, grant number 93161:		
32	.....	\$	315,151
33	19. For childhood lead, grant number 93197:		
34	.....	\$	305,672
35	20. For family planning projects, grant number		
36	93217:		
37	.....	\$	517,350
38	21. For immunization program, grant number 93268:		
39	.....	\$	630,370
40	22. For needs assessment grant, grant number		
41	93283:		
42	.....	\$	1,271,862
43	23. For model programs for adolescents, grant		
44	number 93902:		
45	.....	\$	710,408
46	24. For rural health, grant number 93913:		
47	.....	\$	49,489
48	25. For HIV cares grants, grant number 93917:		
49	.....	\$	110,588
50	26. For trauma care, grant number 93953:		

Page 9

1	.....	\$	164,301
2	27. For preventive health services, grant number		
3	93977:		
4	.....	\$	392,399
5	28. For preventive health blocks, grant number		
6	93991:		
7	.....	\$	1,417,241

8	29. For maternal and child health block grant,	
9	grant number 93994:	
10	.....	\$ 6,976,288*
11	27. Page 24, line 29, by inserting after the word	
12	"law" the following: ", in the following amounts for	
13	the purposes indicated".	
14	28. Page 24, by inserting after line 29 the	
15	following:	
16	"1. For food stamps, grant number 10551:	
17	.....	\$ 3,843,072
18	2. For administration expense for food stamps,	
19	grant number 10561:	
20	.....	\$ 9,728,338
21	3. For commodity support food program, grant	
22	number 10565:	
23	.....	\$ 312,671
24	4. For temporary emergency food assistance, grant	
25	number 10568:	
26	.....	\$ 382,000
27	5. For child care planning and development, grant	
28	number 13673:	
29	.....	\$ 14,281
30	6. For Title XVIII medicare inspections, grant	
31	number 13773:	
32	.....	\$ 100,000
33	7. For foster grandparents program, grant number	
34	72001:	
35	.....	\$ 359,097
36	8. For retired senior volunteer program, grant	
37	number 72002:	
38	.....	\$ 23,844
39	9. For disaster assistance, grant number 83516:	
40	.....	\$ 1,000,000
41	10. For projects with industries, grant number	
42	84128:	
43	.....	\$ 462,765
44	11. For mental health, grant number 93125:	
45	.....	\$ 105,679
46	12. For mental health training, grant number	
47	93244:	
48	.....	\$ 483,849
49	13. For family support payments to states, grant	
50	number 93560:	

## Page 10

1	.....	\$ 97,264,216
2	14. For job opportunities and basic skills	
3	training, grant number 93561:	
4	.....	\$ 18,089,007

5	15. For child support enforcement, grant number	
6	93563:	
7	.....	\$ 19,176,508
8	16. For refugee and entrant assistance, grant	
9	number 93566:	
10	.....	\$ 3,787,734
11	17. For child care development block grant, grant	
12	number 93575:	
13	.....	\$ 8,115,638
14	18. For developmental disabilities basic support,	
15	grant number 93630:	
16	.....	\$ 780,680
17	19. For children's justice, grant number 93643:	
18	.....	\$ 171,347
19	20. For child welfare services, grant number	
20	93645:	
21	.....	\$ 4,199,900
22	21. For crisis nursery, grant number 93656:	
23	.....	\$ 136,241
24	22. For foster care Title IV-E, grant number	
25	93658:	
26	.....	\$ 16,378,702
27	23. For adoption assistance, grant number 93659:	
28	.....	\$ 4,092,314
29	24. For social services block grant, grant number	
30	93667:	
31	.....	\$ 31,975,889
32	25. For child abuse basic, grant number 93669:	
33	.....	\$ 280,024
34	26. For child abuse challenge, grant number 93672:	
35	.....	\$ 57,507
36	27. For development of dependent care, grant	
37	number 93673:	
38	.....	\$ 50,601
39	28. For Title IV-E independent living, grant	
40	number 93674:	
41	.....	\$ 481,440
42	29. For sexually transmitted disease control	
43	program, grant number 93777:	
44	.....	\$ 2,387,500
45	30. For medical assistance, grant number 93778:	
46	.....	\$772,626,577
47	31. For community mental health services, grant	
48	number 93958:	
49	.....	\$ 2,100,000".
50	29. Page 25, line 2, by inserting after the word	

## Page 11

1	"law" the following: ", in the following amounts for	
2	the purposes indicated".	
3	30. Page 25, by inserting after line 2 the	
4	following:	
5	"1. For department of agriculture, grant number	
6	10000:	
7	.....	\$ 128,580
8	2. For young adult conservation corps, grant	
9	number 10663:	
10	.....	\$ 750,000
11	3. For state and local planning, grant number	
12	11305:	
13	.....	\$ 50,000
14	4. For procurement office/department of defense,	
15	grant number 12600:	
16	.....	\$ 83,000
17	5. For community development block grant state	
18	program, grant number 14228:	
19	.....	\$ 32,115,760
20	6. For national Affordable Housing Act, grant	
21	number 14239:	
22	.....	\$ 10,637,714
23	7. For department of labor, grant number 17000:	
24	.....	\$ 408,816
25	8. For Job Training Partnership Act, grant number	
26	17250:	
27	.....	\$ 28,280,312
28	9. For small business administration tree program,	
29	grant number 59045:	
30	.....	\$ 160,000*
31	31. Page 25, line 10, by inserting after the word	
32	"law" the following: ", in the following amounts for	
33	the purposes indicated".	
34	32. Page 25, by inserting after line 10 the	
35	following:	
36	"1. For airport improvement program -- federal	
37	aviation administration, grant number 20106:	
38	.....	\$ 100,000
39	2. For highway research, plan and construction,	
40	grant number 20205:	
41	.....	\$281,014,000
42	3. For motor carrier safety assistance, grant	
43	number 20217:	
44	.....	\$ 50,000
45	4. For local rail service assistance, grant number	
46	20308:	
47	.....	\$ 400,000
48	5. For urban mass transportation, grant number	



49 20507:  
 50 ..... \$ 2,000,000".

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- 1 33. Page 25, line 17, by inserting after the word  
 2 "law" the following: ", in the following amounts for  
 3 the purposes indicated".  
 4 34. Page 25, by inserting after line 17 the  
 5 following:  
 6 "1. For school breakfast program, grant number  
 7 10553:  
 8 ..... \$ 1,300,000  
 9 2. For school lunch program, grant number 10555:  
 10 ..... \$ 46,500,000  
 11 3. For special milk program for children, grant  
 12 number 10556:  
 13 ..... \$ 200,000  
 14 4. For child care food program, grant number  
 15 10558:  
 16 ..... \$ 4,100,000  
 17 5. For summer food service for children, grant  
 18 number 10559:  
 19 ..... \$ 300,000  
 20 6. For administration expenses for child  
 21 nutrition, grant number 10560:  
 22 ..... \$ 1,887,921  
 23 7. For public telecommunication facilities, grant  
 24 number 11550:  
 25 ..... \$ 45,000  
 26 8. For vocational rehabilitation - state  
 27 supplementary assistance, grant number 13625:  
 28 ..... \$ 588,317  
 29 9. For vocational rehabilitation - FICA, grant  
 30 number 13802:  
 31 ..... \$ 8,730,100  
 32 10. For Job Training Partnership Act, grant number  
 33 17250:  
 34 ..... \$ 178,000  
 35 11. For mine health and safety, grant number  
 36 17600:  
 37 ..... \$ 80,000  
 38 12. For veterans education, grant number 64111:  
 39 ..... \$ 183,696  
 40 13. For asbestos enforcement program, grant number  
 41 66702:  
 42 ..... \$ 14,850  
 43 14. For adult education, grant number 84002:  
 44 ..... \$ 2,293,233  
 45 15. For bilingual education, grant number 84003:

46	.....	\$	75,000
47	16. For civil rights, grant number 84004:		
48	.....	\$	307,469
49	17. For education of handicapped children, grant		
50	number 84009:		

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1	.....	\$	600,000
2	18. For E.C.I.A. -- chapter 1, grant number 84010:		
3	.....	\$	45,951,194
4	19. For migrant education, grant number 84011:		
5	.....	\$	270,991
6	20. For educationally deprived children, grant		
7	number 84012:		
8	.....	\$	415,512
9	21. For education for neglected -- delinquent		
10	children, grant number 84013:		
11	.....	\$	266,680
12	22. For handicapped education, grant number 84025:		
13	.....	\$	98,000
14	23. For handicapped -- state grants, grant number		
15	84027:		
16	.....	\$	24,676,416
17	24. For handicapped professional preparation,		
18	grant number 84029:		
19	.....	\$	118,000
20	25. For public library services, grant number		
21	84034:		
22	.....	\$	1,184,117
23	26. For interlibrary cooperation, grant number		
24	84035:		
25	.....	\$	263,812
26	27. For vocational education -- state grants,		
27	grant number 84048:		
28	.....	\$	9,676,906
29	28. For vocational education -- consumer and		
30	homemaking, grant number 84049:		
31	.....	\$	32,078
32	29. For vocational education -- state advisory		
33	councils, grant number 84053:		
34	.....	\$	168,643
35	30. For national diffusion network, grant number		
36	84073:		
37	.....	\$	95,405
38	31. For rehabilitation services -- basic support,		
39	grant number 84126:		
40	.....	\$	12,859,978
41	32. For rehabilitation training, grant number		
42	84129:		

43	.....	\$	81,723
44	33. For chapter 2 block grant, grant number 84151:		
45	.....	\$	5,086,312
46	34. For public library construction, grant number		
47	84154:		
48	.....	\$	240,000
49	35. For transition services, grant number 84158:		
50	.....	\$	507,559

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1	56. For emergency immigrant education, grant		
2	number 84162:		
3	.....	\$	33,405
4	57. For EESA Title II, grant number 84164:		
5	.....	\$	1,675,321
6	58. For independent living project, grant number		
7	84169:		
8	.....	\$	194,420
9	59. For education of handicapped -- incentive,		
10	grant number 84173:		
11	.....	\$	4,337,839
12	60. For education of handicapped -- infants and		
13	toddlers, grant number 84181:		
14	.....	\$	1,705,171
15	61. For Byrd scholarship program, grant number		
16	84185:		
17	.....	\$	113,950
18	62. For drug free schools/communities, grant		
19	number 84186:		
20	.....	\$	4,006,464
21	63. For supported employment, grant number 84187:		
22	.....	\$	268,632
23	64. For homeless youth and children, grant number		
24	84196:		
25	.....	\$	183,607
26	65. For star schools grant, grant number 84203:		
27	.....	\$	1,000,001
28	66. For even start, grant number 84213:		
29	.....	\$	557,824
30	67. For E.C.I.A. capital expense, grant number		
31	84216:		
32	.....	\$	495,884
33	68. For E.C.I.A. state improvements, grant number		
34	84218:		
35	.....	\$	180,000
36	69. For foreign language assistance, grant number		
37	84249:		
38	.....	\$	55,766
39	70. For literacy resource center, grant number		

40	84254:		
41	.....	\$	73,458
42	71. For AIDS prevention project, grant number		
43	93118:		
44	.....	\$	154,738
45	72. For headstart collaborative grant, grant		
46	number 93600:		
47	.....	\$	95,850
48	73. For serve America, grant number 94001:		
49	.....	\$	156,657*
50	35. Page 25, by inserting after line 25 the		

**Page 15**

- 1 following:
- 2 "Sec. \_\_\_\_ . GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE.
- 3 Federal grants, receipts, and funds and other nonstate
- 4 grants, receipts, and funds, available in whole or in
- 5 part for the fiscal year beginning July 1, 1994, and
- 6 ending June 30, 1995, are appropriated to the
- 7 governor's alliance on substance abuse for the
- 8 purposes set forth in the grants, receipts, or
- 9 conditions accompanying the receipt of the funds,
- 10 unless otherwise provided by law, in the following
- 11 amount for the purpose indicated.
- 12 For narcotics control assistance, grant number
- 13 16579:
- 14 ..... \$ 6,500,001\*.
- 15 36. By renumbering, relettering, or redesignating
- 16 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, Chairperson

**S-5533**

- 1 Amend House File 2418, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 37, by inserting before line 28 the
- 4 following:
- 5 "Sec. \_\_\_\_ . Section 279.46, Code 1993, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. Retirement incentives
- 8 provided through a program adopted pursuant to this
- 9 section shall not be considered retirement systems for
- 10 the purposes of section 20.9."
- 11 2. By renumbering as necessary.

BILL FINK

S-5534

- 1 Amend the amendment, S-5530, to House File 2418, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by striking lines 13 through 16 and  
5 inserting the following: "a full year. However, the  
6 department shall not use the member's final quarter of  
7 wages if using that quarter would reduce the member's  
8 three-year average covered wage. If the three-year".

MIKE CONNOLLY

S-5535

- 1 Amend House File 2418, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 18, line 19, by inserting after the word  
4 "employees" the following: ", as well as all employer  
5 contributions on behalf of the employees and  
6 accumulated interest on those contributions."  
7 2. Page 18, by striking lines 20 through 25 and  
8 inserting the following: "accumulation fund  
9 established in section 97A.8. Any additional costs  
10 pertaining to the payment of contributions to the  
11 system established in".  
12 3. Page 57, line 29, by inserting after the word  
13 "investigators" the following: ", as well as all  
14 employer contributions on behalf of the employees and  
15 accumulated interest on those contributions."  
16 4. By striking page 57, line 31 through page 58,  
17 line 3, and inserting the following: "fund  
18 established in section 97A.8. Any additional costs  
19 pertaining to the payment of contributions".

JOE WELSH

S-5536

- 1 Amend House File 2418, 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 19A.30, unnumbered paragraph  
6 1, Code 1993, is amended to read as follows:  
7 At the request of an employee of a state agency  
8 through contractual agreement, the director may  
9 arrange for the purchase of group or individual  
10 annuity contracts for any of the employees of that  
11 agency, which annuity contracts are issued by a

12 nonprofit corporation issuing retirement annuities  
13 exclusively for educational institutions and their  
14 employees or are purchased from any company the  
15 employee chooses that is authorized to do business in  
16 this state and or through an Iowa-licensed insurance  
17 agent salesperson that the employee selects, on a  
18 group or individual basis, for retirement or other  
19 purposes, and may make payroll deductions in  
20 accordance with the arrangements for the purpose of  
21 paying the entire premium due and to become due under  
22 the contract. The deductions shall be made in the  
23 manner which will qualify the annuity premiums for the  
24 benefits afforded under section ~~403b~~ 403(b) of the  
25 Internal Revenue Code, as defined in section 422.3.  
26 The employee's rights under the annuity contract are  
27 nonforfeitable except for the failure to pay premiums.  
28 As used in this section, unless the context otherwise  
29 requires, "annuity contract" includes any custodial  
30 account which meets the requirements of section  
31 403(b)(7) of the Internal Revenue Code, as defined in  
32 section 422.3."

33 2. By striking page 36, line 13 through page 37,  
34 line 4 and inserting the following:

35 "9. At the request of an employee through  
36 contractual agreement the board may arrange for the  
37 purchase of group or individual annuity contracts for  
38 any of its employees, which annuity contracts are  
39 issued by a nonprofit corporation issuing retirement  
40 annuities exclusively for educational institutions and  
41 their employees or are purchased from any company the  
42 employee chooses that is authorized to do business in  
43 this state and or through an Iowa-licensed insurance  
44 agent salesperson that the employee selects, on a  
45 group or individual basis, for retirement or other  
46 purposes, and may make payroll deductions in  
47 accordance with the arrangements for the purpose of  
48 paying the entire premium due and to become due under  
49 the contract. The deductions shall be made in the  
50 manner which will qualify the annuity premiums for the

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1 benefits under section 403(b) of the Internal Revenue  
2 Code, as defined in section 422.3. The employee's  
3 rights under the annuity contract are nonforfeitable  
4 except for the failure to pay premiums. If an  
5 existing tax-sheltered annuity contract is to be  
6 replaced by a new contract, the agent or  
7 representative of the company shall submit a letter of  
8 intent by registered mail to the company being

9 replaced, to the insurance commissioner of the state  
10 of Iowa, and to the agent's or representative's own  
11 company at least thirty days prior to any action.  
12 This letter of intent shall contain the policy number  
13 and description of the contract being replaced and a  
14 description of the replacement contract. As used in  
15 this section, unless the context otherwise requires,  
16 "annuity contract" includes any custodial account  
17 which meets the requirements of section 403(b)(7) of  
18 the Internal Revenue Code, as defined in section  
19 422.3."

20 3. Page 37, by inserting before line 28 the  
21 following:

22 "Sec. \_\_\_\_ . Section 262.21, unnumbered paragraph 1,  
23 Code 1993, is amended to read as follows:

24 At the request of an employee through contractual  
25 agreement the board may arrange for the purchase of  
26 group or individual annuity contracts for any of its  
27 employees, which annuity contracts are issued by a  
28 nonprofit corporation issuing retirement annuities  
29 exclusively for educational institutions and their  
30 employees or are purchased from any company the  
31 employee chooses that is authorized to do business in  
32 this state; or the board may arrange for the purchase  
33 of an individual mutual fund contract from any company  
34 the employee chooses from a broker-dealer;  
35 salesperson; or mutual fund registered in this state;  
36 or through an Iowa-licensed salesperson that the  
37 employee selects, on a group or individual basis, for  
38 retirement or other purposes, and may make payroll  
39 deductions in accordance with the arrangements for the  
40 purpose of paying the entire premium due and to become  
41 due under the contract. The deductions shall be made  
42 in the manner which will qualify the annuity premiums  
43 for the benefits under section ~~403b~~ 403(b) of the  
44 Internal Revenue Code, as defined in section 422.3.  
45 The employee's rights under the annuity contract are  
46 nonforfeitable except for the failure to pay premiums.  
47 As used in this section, unless the context otherwise  
48 requires, "annuity contract" includes any custodial  
49 account which meets the requirements of section  
50 403(b)(7) of the Internal Revenue Code, as defined in

Page 3

1 section 422.3.

2 Sec. \_\_\_\_ . Section 273.3, subsection 14, Code 1993,  
3 is amended to read as follows:

4 14. At the request of an employee through  
5 contractual agreement the board may purchase group or

6 individual annuity contracts for employees, which  
7 annuity contracts are issued by a nonprofit  
8 corporation issuing retirement annuities exclusively  
9 for educational institutions and their employees or  
10 are purchased from an insurance organization or mutual  
11 fund any company the employee chooses for retirement  
12 or other purposes that is authorized to do business in  
13 this state, and or through an Iowa-licensed insurance  
14 agent, securities dealer, or salesperson that the  
15 employee selects, on a group or individual basis, for  
16 retirement or other purposes. The board may make  
17 payroll deductions for the purpose of paying the  
18 entire premium due, and to become due, in accordance  
19 with the terms of the contract. The deductions shall  
20 be made in the manner which will qualify the annuity  
21 premiums for the benefits under section ~~403b~~ 403(b) of  
22 the Internal Revenue Code, as defined in section  
23 422.3. The employee's rights under the annuity  
24 contract are nonforfeitable except for the failure to  
25 pay premiums. As used in this section, unless the  
26 context otherwise requires, "annuity contract"  
27 includes any custodial account which meets the  
28 requirements of section 403(b)(7) of the Internal  
29 Revenue Code, as defined in section 422.3."

30 4. Page 38, by inserting after line 19 the  
31 following:

32 "Sec. \_\_\_\_ . Section 294.16, Code 1993, is amended  
33 to read as follows:

34 294.16 ANNUITY CONTRACTS.

35 At the request of an employee through contractual  
36 agreement a school district may purchase group or  
37 individual annuity contracts for employees, which  
38 annuity contracts are issued by a nonprofit  
39 corporation issuing retirement annuities exclusively  
40 for educational institutions and their employees or  
41 are purchased from an insurance organization or mutual  
42 fund any company the employee chooses that is  
43 authorized to do business in this state and or through  
44 an Iowa-licensed insurance agent or from a securities  
45 dealer, salesperson, or mutual fund registered in this  
46 state that the employee selects, on a group or  
47 individual basis, for retirement or other purposes,  
48 and may make payroll deductions in accordance with the  
49 arrangements for the purpose of paying the entire  
50 premium due and to become due under the contract. The

Page 4

1 deductions shall be made in the manner which will  
2 qualify the annuity premiums for the benefits under



3 section 403(b) of the Internal Revenue Code, as  
 4 defined in section 422.3. The employee's rights under  
 5 the annuity contract are nonforfeitable except for the  
 6 failure to pay premiums. As used in this section,  
 7 unless the context otherwise requires, "annuity  
 8 contract" includes any custodial account which meets  
 9 the requirements of section 403(b)(7) of the Internal  
 10 Revenue Code, as defined in section 422.3."

11 5. Page 48, by inserting before line 18 the  
 12 following:

13 "Sec. \_\_\_\_ . Section 509A.12, unnumbered paragraph  
 14 1, Code 1993, is amended to read as follows:

15 At the request of an employee the governing body or  
 16 the county board of supervisors shall by contractual  
 17 agreement acquire an individual or group life  
 18 insurance contract, annuity contract, interest in a  
 19 mutual fund, security or any other deferred payment  
 20 contract for the purpose of funding a deferred  
 21 compensation program for an employee, from any company  
 22 the employee may choose that is authorized to do  
 23 business in this state and from any life underwriter  
 24 duly licensed by this state or from any securities  
 25 dealer or through an Iowa-licensed salesperson  
 26 registered in this state to contract business in this  
 27 state that the employee selects on a group or  
 28 individual basis. The deferred compensation program  
 29 shall be administered so that the director of revenue  
 30 and finance or the director's designees remit one sum  
 31 for the entire program according to a single billing."

32 6. By renumbering as necessary.

JIM KERSTEN  
 WILLIAM D. PALMER

S-5537

1 Amend House File 2418, as amended, passed, and  
 2 reprinted by the House as follows:

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

5 "Sec. \_\_\_\_ . **NEW SECTION. 97A.3A TRANSFER OF**  
 6 **BENEFITS TO ANOTHER SYSTEM.**

7 1. Notwithstanding any other provision of law to  
 8 the contrary, a member of the system established under  
 9 this chapter who terminates membership service, does  
 10 not apply for a service retirement allowance and is  
 11 not receiving an ordinary or accidental disability  
 12 retirement allowance under section 97A.6, and is  
 13 subsequently employed by a city participating in the  
 14 statewide fire and police retirement system

15 established in chapter 411, may transfer membership  
16 service earned under this chapter to the statewide  
17 fire and police retirement system. Upon the written  
18 request of the person requesting a transfer of  
19 membership service, with a written verification by the  
20 board of trustees created in section 411.36, the board  
21 of trustees of this system shall transmit to the board  
22 of trustees created in section 411.36, within thirty  
23 days of the receipt of the request, the person's  
24 accumulated contributions and the actuarial equivalent  
25 of the amount in the pension accumulation fund which  
26 would be necessary to fund a service retirement  
27 allowance equal to one twenty-second times the number  
28 of years of membership service completed under the  
29 system established in this chapter, to be deposited in  
30 the fund created in section 411.8.

31 2. Notwithstanding any other provision of law to  
32 the contrary, if a person transfers membership service  
33 in accordance with this section, the person shall  
34 receive credit for years of service under chapter 411  
35 for the years of membership service transferred, and  
36 if applicable, compensation which was earned by the  
37 person while a member under this system shall be  
38 included in determining the average final compensation  
39 under chapter 411. The boards of trustees of both  
40 systems shall interpret this section in a manner which  
41 provides that persons transferring membership service  
42 under this section shall not lose benefits which would  
43 have otherwise accrued had the person been a member of  
44 the system established in chapter 411 during the  
45 period of time in which the person was actually a  
46 member under the system established in this chapter."

47 2. Page 39, by inserting after line 23 the  
48 following:

49 "Sec. \_\_\_\_ . NEW SECTION. 411.3A TRANSFER OF  
50 BENEFITS TO ANOTHER SYSTEM.

Page 2

1 1. Notwithstanding any other provision of law to  
2 the contrary, a member of the system established under  
3 this chapter who terminates membership service, does  
4 not apply for a service retirement allowance and is  
5 not receiving an ordinary or accidental disability  
6 retirement allowance under section 411.6, and is  
7 subsequently employed by the state in a position  
8 included in membership service under section 97A.3,  
9 may transfer membership service earned under this  
10 chapter to the Iowa department of public safety peace  
11 officers' retirement, accident and disability system.

12 Upon the written request of the person requesting a  
13 transfer of membership service, with a written  
14 verification by the board of trustees created in  
15 section 97A.5, the board of trustees of this system  
16 shall transmit to the board of trustees created in  
17 section 97A.5, within thirty days of the receipt of  
18 the request, the person's accumulated contributions  
19 and the actuarial equivalent of the amount in the fire  
20 and police retirement fund which would be necessary to  
21 fund a service retirement allowance equal to one  
22 twenty-second times the number of years of membership  
23 service completed under the system established in this  
24 chapter, to be deposited in the pension accumulation  
25 fund created in section 97A.8.

26 2. Notwithstanding any other provision of law to  
27 the contrary, if a person transfers membership service  
28 in accordance with this section, the person shall  
29 receive credit for years of service under chapter 97A  
30 for the years of membership service transferred, and  
31 if applicable, compensation which was earned by the  
32 person while a member under this system shall be  
33 included in determining the average final compensation  
34 under chapter 97A. The boards of trustees of both  
35 systems shall interpret this section in a manner which  
36 provides that persons transferring membership service  
37 under this section shall not lose benefits which would  
38 have otherwise accrued had the person been a member of  
39 the system established in chapter 97A during the  
40 period of time in which the person was actually a  
41 member under the system established in this chapter."

42 3. Page 59, by striking lines 14 through 33.

43 4. By renumbering as necessary.

JOE J. WELSH

S-5538

1 Amend House File 2261, as passed by the House, as  
2 follows:

3 1. Page 5, by inserting after line 29 the fol-  
4 lowing:

5 "Sec. \_\_\_\_ CHILD PROTECTION TASK FORCE. The  
6 legislative council is requested to establish a task  
7 force for the 1994 interim to review federal and state  
8 laws, regulations, and policies regarding child  
9 protection, including the central child abuse  
10 registry, and to make recommendations for changes in  
11 the child protection system. The task force members  
12 shall include legislators, individuals knowledgeable  
13 concerning child protection and prevention of child

14 abuse, and other interested persons. The task force  
15 shall submit a report of its findings and  
16 recommendations to the general assembly on or before  
17 January 9, 1995. The department of human services  
18 shall seek federal or private funding for the costs of  
19 the task force.  
20 Sec. \_\_\_\_ . EFFECTIVE DATE. Section 9 of this Act  
21 takes effect July 1, 1995.”  
22 2. By renumbering as necessary.

ROBERT E. DVORSKY  
ELAINE SZYMONIAK  
MAGGIE TINSMAN

S-5539

1 Amend House File 2177, as amended, passed, and re-  
2 printed by the House, as follows:  
3 1. Page 2, by striking lines 26 through 29 and  
4 inserting the following: “underground storage tank  
5 fund created in section 455G.3; and the moneys so  
6 deposited are a continuing appropriation for  
7 expenditure under chapter 455G; and moneys so  
8 appropriated shall not be used for other purposes. Of  
9 the moneys deposited in the underground storage tank  
10 fund under this paragraph, four million one hundred  
11 thousand dollars of the revenue per quarter, shall be  
12 used for expenditure under chapter 455G. The  
13 remainder of the moneys deposited under this paragraph  
14 shall only be used for the underground storage tank  
15 fund’s share of corrective action costs pursuant to  
16 section 455G.9. The moneys shall be a continuing  
17 appropriation and shall not be used for purposes other  
18 than as specified in this paragraph.”  
19 2. Page 2, by inserting after line 19 the  
20 following:  
21 “Sec. \_\_\_\_ . Section 424.3, Code 1993, is amended by  
22 adding the following new subsection:  
23 NEW SUBSECTION. 6. The cost factor is an amount  
24 per gallon of diminution determined by the board  
25 pursuant to this subsection. The board, after public  
26 hearing, shall determine, or shall adjust, the cost  
27 factor to the greater of either an amount reasonably  
28 calculated to generate an annual average revenue, year  
29 to year, of sixteen million four hundred thousand  
30 dollars from the charge, excluding penalties and  
31 interest, or ten dollars. The board may determine or  
32 adjust the cost factor at any time but shall at  
33 minimum determine the cost factor at least once each  
34 fiscal year.”

- 35 3. Page 2, by inserting after line 29 the fol-  
 36 lowing:  
 37 "Sec. \_\_\_\_ . Section 423.24, subsection 1, Code  
 38 Supplement 1993, is amended by adding the following  
 39 new paragraph:  
 40 NEW PARAGRAPH. e. Twenty-five percent of all such  
 41 revenue, up to a maximum of four million one hundred  
 42 thousand dollars per quarter, shall be deposited into  
 43 and credited to the Iowa comprehensive petroleum  
 44 underground storage tank fund created in section  
 45 455G.3, and the moneys so deposited are a continuing  
 46 appropriation for expenditure under chapter 455G, and  
 47 moneys so appropriated shall not be used for other  
 48 purposes."  
 49 4. Page 16, by inserting after line 22 the  
 50 following:

## Page 2

- 1 "Sec. \_\_\_\_ . REPEALS."  
 2 5. Page 16, line 23, by striking the word and  
 3 figure "Sec. 20." and inserting the following: "1."  
 4 6. Page 16, line 24, by striking the words and  
 5 figures "repealed effective July 1, 2017" and  
 6 inserting the following: "amended by striking the  
 7 paragraph, effective July 1, 2004".  
 8 7. Page 16, by inserting after line 24 the fol-  
 9 lowing:  
 10 "2. Section 423.24, subsection 1, paragraph "e",  
 11 is amended by striking the subsection, effective July  
 12 1, 2017.  
 13 3. Section 424.3, subsection 5, is amended by  
 14 striking the subsection, effective July 1, 2004.  
 15 Sec. \_\_\_\_ . EFFECTIVE DATES.  
 16 1. Section 423.24, subsection 1, paragraph "e",  
 17 takes effect July 1, 2004.  
 18 2. Section 424.3, subsection 6, takes effect July  
 19 1, 2004."  
 20 8. By renumbering as necessary.

H. KAY HEDGE  
 BERL E. PRIEBE

S-5540

- 1 Amend the amendment, S-5532, to House File 2323, as  
 2 passed by the House, as follows:  
 3 1. Page 3, by inserting after line 12 the  
 4 following:  
 5 "It is the intent of the general assembly that the

6 department of cultural affairs place an emphasis on  
7 programs which provide grants to local arts and  
8 cultural organizations when making application for  
9 federal funds during the fiscal year beginning July 1,  
10 1994, for the federal fiscal year which begins on  
11 October 1, 1995.”

JIM LIND

S-5541

1 Amend the amendment, S-5279, to House File 642, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 2, by inserting after line 38 the fol-  
5 lowing:

6 “ \_\_\_\_ . Page 10, by inserting after line 11 the  
7 following:

8 “Sec. \_\_\_\_ . Section 317.9, Code 1993, is amended to  
9 read as follows:

10 317.9 DUTY OF BOARD TO ENFORCE.

11 The responsibility for the enforcement of the  
12 provisions of this chapter shall be vested in the  
13 board of supervisors as to all farm lands, railroad  
14 lands including railroad right-of-ways under section  
15 327G.81, abandoned cemeteries, state lands and state  
16 parks, primary and secondary roads; roads, streets and  
17 other lands within cities unless otherwise provided.

18 Sec. \_\_\_\_ . Section 317.14, subsection 3, Code 1993,  
19 is amended to read as follows:

20 3. That unless ~~said~~ the order is complied with the  
21 weed commissioner shall cause ~~said~~ the weeds to be  
22 destroyed and the cost ~~thereof~~ of the weed destruction  
23 will be taxed against the real estate on which the  
24 noxious weeds are destroyed regardless of the real  
25 estate's tax status.”

26 2. Page 4, by inserting after line 17 the  
27 following:

28 “ \_\_\_\_ . Page 12, by inserting after line 12 the  
29 following:

30 Sec. \_\_\_\_ . Section 359A.3, Code 1993, is amended to  
31 read as follows:

32 359A.3 POWERS OF FENCE VIEWERS.

33 The fence viewers shall have power to determine any  
34 controversy arising under this chapter including  
35 railroad right-of-ways under section 327G.81, upon  
36 giving five days' notice in writing to the opposite  
37 party or parties, prescribing the time and place of  
38 meeting to hear and determine the matter named in said  
39 notice. Upon request of any landowner, the fence

40 viewers shall give such notice to all adjoining  
41 landowners liable for the erection, maintenance,  
42 rebuilding, trimming, or cutting back, or repairing of  
43 a partition fence, or to pay for an existing hedge or  
44 fence.””

## BRAD BANKS

S-5542

1 Amend Senate File 2294 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 “Section 1. FINDINGS AND POLICY.

5 1. The general assembly finds and declares the  
6 following:

7 a. The production and processing of agricultural  
8 commodities and products represents the foundation of  
9 this state’s economy, and the economic viability of  
10 this nation is contingent upon the production of  
11 wealth generated primarily from materials, including  
12 food and fiber, produced on farms.

13 b. The future economic prosperity of this state  
14 depends upon new innovations that improve processes  
15 and products utilizing agricultural commodities and  
16 livestock.

17 c. Iowa’s traditional investment in livestock  
18 production is an essential part of this state’s  
19 continuing efforts to revitalize its rural economy,  
20 and to ensure general prosperity for all of the  
21 state’s population.

22 d. It is increasingly necessary to support  
23 industries in this state which rely upon agricultural  
24 commodities to manufacture value-added products.

25 e. Renewable fuel and oil industries promise to  
26 utilize agricultural products in order to reduce the  
27 state’s dependency upon petroleum products, reduce  
28 atmospheric contamination of this state’s environment  
29 from the combustion of fossil fuels, and produce  
30 coproducts, such as corn gluten feed, distillers  
31 grain, and solubles, which can be used to increase  
32 livestock production in this state.

33 2. This state adopts a policy of enhancing  
34 agricultural production, including livestock  
35 production, through support of the renewable fuel  
36 industry. State agencies including the department of  
37 agriculture and land stewardship, the department of  
38 economic development, and the department of natural  
39 resources shall cooperate in order to ensure that this  
40 policy is carried out.

41 Sec. 2. Section 15.313, subsection 2, paragraph b,  
42 Code 1993, is amended by striking the paragraph.

43 Sec. 3. Section 15.313, subsection 3, Code 1993,  
44 is amended to read as follows:

45 3. The director shall submit annually at a regular  
46 or special meeting preceding the beginning of the  
47 fiscal year, for approval by the economic development  
48 board, the proposed allocation of funds from the  
49 strategic investment fund to be made for that fiscal  
50 year to the community economic betterment program, the

Page 2

1 value-added agricultural products and processes  
2 financial assistance program, the business development  
3 finance corporation, the self-employment loan program,  
4 and the targeted small business financial assistance  
5 program and for comprehensive management assistance.  
6 If funds are available under a federal microloan  
7 demonstration program, the director may recommend an  
8 allocation for that purpose. The plans may provide  
9 for increased or decreased allocations if the demand  
10 in a program indicates that the need exceeds the  
11 allocation for that program. The director shall  
12 report on a monthly basis to the board on the status  
13 of the funds and may present proposed revisions for  
14 approval by the board in January and April of each  
15 year. Unobligated and unencumbered moneys remaining  
16 in the strategic investment fund or any of its  
17 accounts on June 30 of each year shall be considered  
18 part of the fund for purposes of the next year's  
19 allocation.

20 Sec. 4. Section 15.318, Code 1993, is amended by  
21 adding the following new subsections:

22 NEW SUBSECTION. 16. The capacity of the proposed  
23 project to create products by adding value to  
24 agricultural commodities.

25 NEW SUBSECTION. 17. The degree to which the  
26 proposed project relies upon agricultural or value-  
27 added research conducted at a college or university,  
28 including a regents institution, community college, or  
29 a private university or college.

30 Sec. 5. Section 15E.111, Code 1993, is amended to  
31 read as follows:

32 15E.111 VALUE-ADDED AGRICULTURAL PRODUCTS AND  
33 PROCESSES FINANCIAL ASSISTANCE PROGRAM.

34 1. ~~Contingent on the availability of funding for~~  
35 ~~this program, the~~ The department may ~~shall~~ establish a  
36 value-added agricultural products and processes  
37 financial assistance program. The purpose of the



38 program is to foster encourage the increased  
 39 utilization of agricultural commodities produced in  
 40 this state. The program shall assist in efforts to  
 41 revitalize rural regions of this state, by committing  
 42 resources to provide financial or technical assistance  
 43 to new or existing value-added production facilities.  
 44 In awarding financial assistance, the department shall  
 45 commit resources to assist the following:  
 46 a. Facilities which are involved in the  
 47 development of new innovative products, practices, and  
 48 processes related to agriculture through specialized  
 49 financial or technical assistance to facilitate the  
 50 acquisition of capital.

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1 b. Renewable fuel production facilities. As used  
 2 in this section, "renewable fuel" means an energy  
 3 source which is derived from an organic compound  
 4 capable of powering machinery, including an engine or  
 5 power plant.  
 6 Financial assistance awarded under this section may  
 7 be in the form of a loan, loan guarantee, grant,  
 8 production incentive payment, or a combination of  
 9 financial assistance. The department shall not award  
 10 more than twenty-five percent of the amount allocated  
 11 to the value-added agricultural products and processes  
 12 financial assistance fund during any fiscal year to  
 13 support a single person. The department shall not  
 14 provide financial or technical assistance to support a  
 15 value-added production facility, if the facility or a  
 16 person owning a controlling interest in the facility,  
 17 has demonstrated a continuous disregard for the health  
 18 and safety of its employees, or the quality of the  
 19 environment. Evidence of such continuous disregard  
 20 shall include a history of violating state or federal  
 21 law protecting occupational health and safety or the  
 22 environment, including but not limited to violations  
 23 of occupational safety and health standards enforced  
 24 by the division of labor services of the department of  
 25 employment services pursuant to chapter 84A, or rules  
 26 enforced by the environmental protection division of  
 27 the department of natural resources pursuant to  
 28 chapter 455B.  
 29 2. A person is eligible to apply for assistance  
 30 under this section, if the person satisfies the  
 31 following requirements:  
 32 a. The person is a resident of this state, or the  
 33 person's principal place of business is The existing  
 34 or proposed facility is located in this state.

35 b. The person applies to the department of  
36 economic development in a manner and according to  
37 procedures required by the department.  
38 c. The person submits a business plan which  
39 demonstrates managerial and technical expertise.  
40 d. The person operates for profit or not for  
41 profit and under a single management, and either  
42 employs fewer than twenty employees or has an annual  
43 gross income of less than three million dollars  
44 computed as the average of the three preceding fiscal  
45 years.  
46 3. The department of economic development may  
47 shall grant financial or technical assistance to a  
48 person determined by the department to be eligible to  
49 receive assistance under this section, upon review and  
50 evaluation of the person's application by the

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1 agricultural products advisory council as established  
2 in section 15.203. The department shall consider the  
3 council's evaluation in granting or denying  
4 assistance. The department shall not approve an  
5 application for assistance under this section to  
6 refinance an existing loan or to finance traditional  
7 agricultural production or processing operations,  
8 except as provided in this section. A traditional  
9 production or processing operation means any activity  
10 relating to farming as defined in section 9H.1, or the  
11 processing of agricultural commodities produced from  
12 farming, including crops or livestock, into goods  
13 which are commonly processed from agricultural  
14 commodities. The size of a production or processing  
15 operation shall not be considered in determining  
16 whether an operation is traditional. An application  
17 is eligible for consideration if the application seeks  
18 assistance for any of the following purposes: The  
19 department shall not directly award financial  
20 assistance for the establishment or operation of a  
21 livestock production operation, regardless of whether  
22 the operation is related to a renewable fuel  
23 production facility.  
24 4. The department shall select an applicant to  
25 receive financial or technical assistance based on the  
26 following criteria:  
27 a. The feasibility of the existing or proposed  
28 facility to remain a viable enterprise and the degree  
29 to which the facility will increase the utilization of  
30 agricultural commodities produced in this state.  
31 b. The extent to which the existing or proposed

- 32 facility is located in a rural region of the state.  
 33 c. The proportion of local match to be contributed  
 34 to the project.  
 35 d. The level of need of the region where the  
 36 existing facility is or the proposed facility is to be  
 37 located.  
 38 5. An application based on innovation shall be  
 39 considered if any of the following apply:  
 40 a. The development of value-added agricultural  
 41 processes production process is not commonly available  
 42 in this state which are to be carried out by the  
 43 person in this state.  
 44 b. The development of an innovative or diversified  
 45 agricultural product is not commonly produced in this  
 46 state which is to be carried out by the person in this  
 47 state.  
 48 c. The development of an innovative processing;  
 49 packaging; marketing; or management practice not  
 50 commonly available in this state which is to be

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- 1 carried out by the person in this state.  
 2 4. Assistance by the department granted to an  
 3 eligible person shall be subject to the following  
 4 restrictions:  
 5 a. The person shall not receive financial  
 6 assistance totaling more than eighty thousand dollars  
 7 under this program.  
 8 b. Interest on a loan shall not exceed the current  
 9 fair market interest rate. A loan shall not exceed  
 10 fifty thousand dollars.  
 11 c. A loan guarantee shall not exceed eighty  
 12 thousand dollars. A loan guarantee shall guarantee  
 13 not more than eighty percent of a conventionally  
 14 obtained loan.  
 15 d. A grant shall not exceed twenty-five thousand  
 16 dollars. A grant shall be made only to provide  
 17 leverage for a conventionally obtained loan. The  
 18 conventionally obtained loan must be for an amount  
 19 significantly larger than the amount of the grant.  
 20 5. Notwithstanding restrictions contained in  
 21 subsection 4, the department may use up to five  
 22 thousand dollars to contract for technical assistance  
 23 in order to aid a person having a pending or approved  
 24 application under this section.  
 25 6. a. The department shall consider an  
 26 application to assist a renewable fuel production  
 27 facility. An application based on ethanol fuel  
 28 production shall be considered by the department if

29 all of the following apply:

30 (1) All fermentation, distillation, and  
31 dehydration of the ethanol will occur at the proposed  
32 facility.

33 (2) The ethanol produced at the proposed facility  
34 will be at least one hundred ninety-nine proof and  
35 must be denatured.

36 b. The department shall give priority to  
37 supporting proposed renewable fuel production  
38 facilities which directly support livestock production  
39 operations as follows:

40 (1) The highest priority shall be given to a  
41 project involving a facility which utilizes a  
42 coproduct of renewable fuel production to support at  
43 least one thousand head of cattle, or a number of  
44 other species of livestock based upon an equivalency  
45 formula established by the department.

46 (2) If the department has several proposals having  
47 the highest priority, a preference shall be given to a  
48 proposal in which the livestock operation:

49 (a) Is located in an agricultural area as provided  
50 in chapter 352.

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1 (b) Is located in close proximity to and is an  
2 integral part of the renewable fuel production  
3 facility. However, the owner of the facility is not  
4 required to hold an interest in the land on which the  
5 livestock are produced. The livestock may be produced  
6 under the terms of a contract, in which a person  
7 regularly engaged in livestock production provides for  
8 the care and feeding of the livestock on behalf of the  
9 facility's owner.

10 c. The department of natural resources shall  
11 cooperate with the department of economic development  
12 in order to assist an applicant in complying with all  
13 applicable environmental regulations. The department  
14 of natural resources shall acknowledge receipt of an  
15 application for a permit not later than two weeks  
16 following receipt of the application by the  
17 department. Within twelve weeks following receipt of  
18 the application, the department shall issue the permit  
19 or reply to the applicant describing reasons why the  
20 permit cannot be issued.

21 d. The department of economic development shall  
22 contract with a consultant who is knowledgeable  
23 regarding the establishment and operation of renewable  
24 fuel production facilities, and specifically  
25 facilities which support livestock production

26 operations. The consultant shall be available to  
27 provide business planning assistance to persons who  
28 have received financial incentives pursuant to this  
29 section. The business planning assistance shall  
30 include evaluation of methods to most profitably  
31 manage operations and market livestock produced at the  
32 facility. The business planning assistance shall  
33 provide for adequate environmental protection of this  
34 state's natural resources from the operation of the  
35 facility.

36 7. The university of Iowa, Iowa state university,  
37 and the university of northern Iowa shall cooperate in  
38 assisting facilities receiving financial assistance  
39 under this section. Iowa state university, including  
40 the Iowa cooperative extension service in agriculture  
41 and home economics, shall cooperate in assisting each  
42 renewable fuel production facility supporting  
43 livestock operations, including advising producers  
44 regarding nutrition and management practices.  
45 Community colleges and private universities and  
46 colleges are not precluded from providing this  
47 assistance.

48 8. The department of economic development shall  
49 prepare a report each three months detailing the  
50 progress of the department and other agencies provided

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1 in this section. The office of renewable fuel and  
2 oil, the department of natural resources, and Iowa  
3 state university may contribute a summary of their  
4 activities. The report shall describe and evaluate  
5 the performance of the consultant. The report shall  
6 be delivered to the secretary of the senate and the  
7 chief clerk of the house; the legislative service  
8 bureau; the chairpersons and ranking members of the  
9 senate standing committee on agriculture; the senate  
10 standing committee on small business, economic  
11 development, and tourism; the house of representatives  
12 standing committee on agriculture; and the house of  
13 representatives standing committee on small business,  
14 economic development, and trade.

15 Sec. 6. Section 15E.112, Code 1993, is amended to  
16 read as follows:

17 15E.112 VALUE-ADDED AGRICULTURAL PRODUCTS AND  
18 PROCESSES FINANCIAL ASSISTANCE ACCOUNT FUND.

19 1. A value-added agricultural products and  
20 processes financial assistance account fund is  
21 established within the strategic investment fund  
22 created in section 15.313 created within the state

23 treasury under the control of the department. The  
 24 account fund shall consist of any money appropriated  
 25 by the general assembly for that purpose; moneys  
 26 allocated to the account from the strategic investment  
 27 fund; and any other moneys available to and obtained  
 28 or accepted by the department from the federal  
 29 government or private sources for placement in the  
 30 account fund. Until July 1, 2000, moneys shall be  
 31 deposited in the fund as provided in section 423.24.  
 32 Not more than one percent of the total moneys  
 33 available to support value-added agricultural products  
 34 and processes pursuant to section 423.24 during each  
 35 quarter shall be used by the department for  
 36 administration of the value-added agricultural  
 37 products and processes financial assistance program,  
 38 as provided in section 15E.111. Except as otherwise  
 39 provided in subsection 2, the ~~The~~ assets of the  
 40 account fund shall be used by the department only for  
 41 carrying out the purposes of section 15E.111.  
 42 2. The ~~In~~ administering the fund and the value-  
 43 added agricultural products and processes financial  
 44 assistance program, the department may use moneys in  
 45 the account to do any of the following:  
 46 a. Contract, sue and be sued, and adopt  
 47 administrative rules necessary to carry out the  
 48 provisions of this section and section 15E.111; but,  
 49 However, the department shall not in any manner  
 50 directly or indirectly pledge the credit of the state.

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1 b. Authorize payment from the account fund for  
 2 costs, commissions, attorney fees, and other  
 3 reasonable expenses, including expenses related to and  
 4 the following:  
 5 (1) Carrying out duties necessary for insuring or  
 6 guaranteeing loans under section 15E.111, and for the  
 7 recovery of loan moneys insured or guaranteed or the  
 8 management of property acquired in connection with  
 9 such loans.  
 10 (2) Supporting a contract with a consultant  
 11 knowledgeable regarding the establishment and  
 12 operation of renewable fuel production facilities as  
 13 provided in section 15E.111. The department may  
 14 require a person receiving financial incentives to  
 15 contribute to the amount required to support the  
 16 consultant. However, the person shall not be required  
 17 to contribute more than the department.  
 18 3. Payments of interest, recaptures of awards, or  
 19 repayments of moneys loaned under the value-added

20 agricultural products and processes financial  
 21 assistance program shall be deposited into the  
 22 strategic investment into the fund. Section 8.33 does  
 23 not apply to any moneys in the fund. Unencumbered or  
 24 unobligated moneys in the fund derived from moneys  
 25 deposited pursuant to section 423.24, which are in  
 26 excess of four million dollars of unencumbered or  
 27 unobligated moneys in the fund deposited pursuant to  
 28 that section, which are remaining on June 30 of each  
 29 fiscal year, shall be credited on August 31 to the  
 30 road use tax fund as created in section 312.1.

31 4. The fund is subject to an annual audit by the  
 32 auditor of state. Moneys in the fund, which may be  
 33 subject to warrants written by the director of revenue  
 34 and finance, shall be drawn upon the written  
 35 requisition of the director of the department of  
 36 economic development or an authorized representative  
 37 of the director.

38 Sec. 7. Section 18.115, subsection 5, Code  
 39 Supplement 1993, is amended to read as follows:

40 5. Of all new passenger vehicles and light pickup  
 41 trucks purchased by the state vehicle dispatcher,  
 42 institutions under the control of the state board of  
 43 regents, community colleges, and any other state  
 44 agency purchasing such new vehicles and trucks,  
 45 beginning July 1, 1992, a minimum of five percent, and  
 46 beginning July 1, 1994, a minimum of ten percent of  
 47 all such vehicles and trucks purchased shall be  
 48 equipped with engines which utilize alternative  
 49 methods of propulsion including but not limited to  
 50 those propelled by flexible fuels, compressed any of

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1 the following:

2 a. A flexible fuel, which is any of the following:

3 (1) A fuel blended with not more than fifteen  
 4 percent gasoline and at least eighty-five percent  
 5 ethanol.

6 (2) A fuel which is a mixture of diesel fuel and  
 7 processed soybean oil. At least twenty percent of the  
 8 mixed fuel by volume must be processed soybean oil.

9 (3) A renewable fuel approved by the office of  
 10 renewable fuel and oil pursuant to section 159A.2.

11 b. Compressed or liquified natural gas; propane;

12 c. Propane gas solar,

13 d. Solar energy; or electricity.

14 e. Electricity. For the purpose of this

15 subsection, "flexible fuels" means fuels which are  
 16 blended with eighty-five percent ethanol and fifteen

17 percent gasoline.

18 PARAGRAPH DIVIDED. The provisions of this  
 19 subsection do not apply to such vehicles and trucks  
 20 purchased and directly used for the following  
 21 purposes: law enforcement; or off-road maintenance  
 22 work; or work vehicles used to pull loaded trailers.  
 23 This subsection also does not apply to school  
 24 corporations, with the exceptions of those designated  
 25 above.

26 PARAGRAPH DIVIDED. It is the intent of the general  
 27 assembly that the members of the midwest energy  
 28 compact promote the development and purchase of motor  
 29 vehicles equipped with engines which utilize  
 30 alternative methods of propulsion.

31 Sec. 8. Section 19A.3, subsection 22, Code 1993,  
 32 is amended to read as follows:

33 22. The appointee serving as the coordinator of  
 34 the office of renewable fuel and oil, as provided in  
 35 section 159A.3.

36 Sec. 9. Section 20.4, subsection 13, Code 1993, is  
 37 amended to read as follows:

38 13. The appointee serving as the coordinator of  
 39 the office of renewable fuel and oil, as provided in  
 40 section 159A.3.

41 Sec. 10. Section 159.20, subsection 10, Code 1993,  
 42 is amended to read as follows:

43 10. Assist the office of renewable fuel and oil  
 44 and the renewable fuel and oil advisory committee in  
 45 administering the provisions of chapter 159A.

46 Sec. 11. Section 159A.1, subsection 3, Code 1993,  
 47 is amended to read as follows:

48 3. This state adopts a policy of enhancing  
 49 agricultural production through support of the  
 50 renewable fuel industry by encouraging the development

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1 and consumption of fuels and oils produced by  
 2 agricultural commodities, as provided in this chapter,  
 3 including rules adopted by the office of renewable  
 4 fuel and oil and the renewable fuel and oil advisory  
 5 committee.

6 Sec. 12. Section 159A.2, Code 1993, is amended to  
 7 read as follows:

8 159A.2 DEFINITIONS.

9 As used in this chapter, unless the context  
 10 otherwise requires:

11 1. "Committee" means the renewable fuel and oil  
 12 advisory committee established pursuant to section  
 13 159A.4.



14 2. "Coordinator" means the administrative head of  
15 the office of renewable fuel and oil appointed by the  
16 department as provided in section 159A.3.

17 3. "Fund" means the renewable fuel and oil fund  
18 established pursuant to section 159A.7.

19 4. "Office" means the office of renewable fuel and  
20 oil created pursuant to section 159A.3.

21 5. "Renewable fuel" means an energy source at  
22 least in part derived from an organic compound;  
23 including a photosynthate, which may be used to power  
24 capable of powering machinery, including an engine or  
25 power plant. A renewable fuel includes but is not  
26 limited to ethanol-blended or soydiesel fuel.

27 6. "Renewable fuel and oil activities" means  
28 either of the following:

29 a. The research, development, production,  
30 promotion, marketing, or consumption of a renewable  
31 fuel or oil.

32 b. The research, development, transfer, or use of  
33 technologies which directly or indirectly increase the  
34 supply or demand of a renewable fuel or oil.

35 7. "Renewable oil" means a fluid, other than a  
36 renewable fuel, and including a lubricant, at least in  
37 part containing a product derived from harvesting and  
38 processing crops or slaughtering and processing  
39 livestock, which may be used in the operation of a  
40 mechanism, including an engine or motor.

41 8. "Soydiesel fuel" means a fuel which is a  
42 mixture of diesel fuel and processed soybean oil, if  
43 at least twenty percent of the mixed fuel by volume is  
44 processed soybean oil.

45 Sec. 13. Section 159A.3, Code 1993, is amended to  
46 read as follows:

47 159A.3 OFFICE OF RENEWABLE FUEL AND OIL.

48 1. An office of renewable fuel and oil is created  
49 within the department and shall be staffed by a  
50 coordinator who shall be appointed by the secretary.

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1 It shall be the policy of the office to further  
2 renewable fuel and oil activities. The office shall  
3 first further renewable fuel and oil activities based  
4 on the following considerations:

5 a. The price competitiveness of the renewable fuel  
6 or oil.

7 b. The production capacity and supply of the  
8 renewable fuel or oil.

9 c. The ease and safety of transporting and storing  
10 the renewable fuel or oil.

11 d. The degree to which the renewable fuel or oil  
12 is currently developed for ready transfer to current  
13 engine technology.

14 e. The degree to which the renewable fuel or oil  
15 is environmentally protective.

16 f. The degree to which the renewable fuel or oil  
17 provides economic development opportunities.

18 2. The duties of the office include, but are not  
19 limited to, the following:

20 a. Serving as advisor to the department regarding  
21 regulations, including federal and state standards,  
22 relating to oxygenate octane enhancers, as defined in  
23 section 214A.1.

24 b. Serving as advisor to the department regarding  
25 renewable fuel and oil programs.

26 c. Serving as monitor of regulations administered  
27 in the state, in other states, or by the federal  
28 government. The office shall collect information and  
29 data prepared by state agencies related to these  
30 regulations, and provide referral and assistance to  
31 interested persons and agencies.

32 d. Cooperating with persons and agencies involved  
33 in renewable fuel or oil activities, including other  
34 states and the federal government, to standardize  
35 regulations and coordinate programs, in order to  
36 increase administrative effectiveness and reduce  
37 administrative duplication.

38 e. Implementing policies and procedures designed  
39 to facilitate communication between persons involved  
40 in renewable fuel or oil activities.

41 f. Assisting state or federal agencies, or  
42 assisting commercial enterprises or commodity  
43 organizations which are located in or desiring to  
44 locate in the state. The assistance may include  
45 support of public research relating to renewable fuel  
46 or oil activities.

47 g. Conducting studies relating to the viability of  
48 producing or using a renewable fuel or oil, and  
49 methods and schedules required to ensure a practicable  
50 transition to the use of a renewable fuel or oil.

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1 h. Preparing an annual report to the secretary  
2 regarding renewable fuel and oil activities. The  
3 report shall include a review of research and research  
4 results, areas of study with promising potential, a  
5 summary of initiatives in other states, and an  
6 analysis of state and federal regulations and  
7 programs.

8 i. Promoting the use of by-products resulting from  
9 the production of renewable fuel and oil.

10 j. Cooperating with the committee in carrying out  
11 the purposes of the committee as provided in section  
12 159A.5. The office shall regularly inform the  
13 committee regarding its operations and programs  
14 administered under this chapter, including financial  
15 reports concerning the fund.

16 k. Approve a renewable fuel which may be used as a  
17 flexible fuel powering a motor vehicle required to be  
18 purchased by state agencies.

19 3. a. A chief purpose of the office is to further  
20 the production and consumption of ethanol fuel in this  
21 state. The office shall be the primary state agency  
22 charged with the responsibility to promote public  
23 consumption of ethanol fuel.

24 b. The office shall promote the production and  
25 consumption of soydiesel fuel in this state.

26 4. The office shall cooperate with the Wallace  
27 technology transfer foundation of Iowa in formulating  
28 long-range strategic plans to guide state investment  
29 in applied research, development, and commercial  
30 transfer of selected scientific and technological  
31 innovation relating to renewable fuel or oil  
32 technology.

33 5. The office and state entities, including the  
34 department, the committee, the Iowa department of  
35 economic development, the state department of  
36 transportation, the department of natural resources,  
37 state board of regents' institutions, and the Wallace  
38 technology transfer foundation of Iowa, shall  
39 cooperate to implement this section.

40 Sec. 14. Section 159A.4, subsection 1, unnumbered  
41 paragraph 1, Code 1993, is amended to read as follows:

42 A renewable fuel and oil advisory committee is  
43 established within the department. The committee  
44 shall be composed of the following persons:

45 Sec. 15. Section 159A.4, subsection 1, Code 1993,  
46 is amended by adding the following new paragraph after  
47 paragraph h and relettering the subsequent paragraphs:  
48 **NEW PARAGRAPH.** i. A person representing the Iowa  
49 soybean association.

50 Sec. 16. Section 159A.4, unnumbered paragraph 2,

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1 Code 1993, is amended to read as follows:

2 The governor shall appoint persons who shall be  
3 confirmed by the senate, pursuant to section 2.32, to  
4 serve as voting members of the committee. However,

5 the secretary of agriculture shall appoint the person  
6 representing the department of agriculture and land  
7 stewardship, the director of the Iowa department of  
8 economic development shall appoint the person  
9 representing that department, the director of the  
10 state department of transportation shall appoint the  
11 person representing that department, and the director  
12 of the department of natural resources shall appoint  
13 the person representing that department. The governor  
14 may make appointments of persons representing  
15 organizations listed under paragraphs "g" and "h"  
16 through "i" from a list of candidates which shall be  
17 provided by the organization upon request by the  
18 governor.

19 Sec. 17. Section 159A.5, subsections 1, 2, 4, 5,  
20 Code Supplement 1993, are amended to read as follows:

21 1. The purpose of the committee is to provide  
22 general oversight of operations of the office and to  
23 advise the office about all aspects concerning the  
24 production and consumption of renewable fuels fuel and  
25 oil. However, the committee shall not control policy  
26 decisions or direct the administration of this  
27 chapter.

28 2. The committee shall monitor conditions,  
29 practices, policies, programs, and procedures  
30 affecting the production and consumption of renewable  
31 fuel and oil.

32 4. The committee shall review the annual report to  
33 the secretary regarding renewable fuel and oil  
34 activities, as provided in section 159A.3. The  
35 committee may make written comments concerning the  
36 contents of the report. Upon request of the  
37 committee, the coordinator shall include the comments  
38 as part of the report.

39 5. The committee, in cooperation with the  
40 coordinator, shall do all of the following:

41 a. Review the operations of the office and shall  
42 make recommendations regarding the effectiveness of  
43 programs provided under this chapter.

44 b. Establish performance goals for the office and  
45 adopt recommendations relating to improving the  
46 functions of the office and furthering the purposes of  
47 this chapter.

48 c. Encourage full support of programs designed to  
49 inform the public or targeted groups regarding  
50 renewable fuel and oil production and consumption.

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1 d. Support promotional programs or marketing  
2 strategies designed to encourage public consumption of  
3 renewable fuel and oil.

4 e. Review the distribution of ethanol production  
5 incentive payments to qualified persons, pursuant to  
6 section 159A.8.

7 Sec. 18. Section 159A.6, Code 1993, is amended to  
8 read as follows:

9 159A.6 POINT-OF-SALE PUBLIC PROMOTION PROGRAM.

10 The office shall establish a program to promote the  
11 advantages related to the use of renewable fuel and  
12 oil as an alternative to nonrenewable fuel and oil.  
13 Promotions shall be designed to inform the ultimate  
14 consumer of advantages associated with using renewable  
15 fuel and oil, and emphasize the benefits to the  
16 natural environment. The promotion shall inform  
17 consumers at the businesses of retail dealers of the  
18 motor vehicle fuel and oil.

19 Sec. 19. Section 159A.7, Code Supplement 1993, is  
20 amended to read as follows:

21 159A.7 RENEWABLE FUEL AND OIL FUND.

22 1. A renewable fuel and oil fund is created in the  
23 state treasury under the control of the office of  
24 renewable fuel and oil. The fund is composed of  
25 moneys accepted by the office. ~~Moneys in the fund~~  
26 ~~shall be deposited into the renewable fuel activities~~  
27 ~~account or the ethanol production incentive account.~~  
28 The fund may include moneys appropriated by the  
29 general assembly, and other moneys available to and  
30 obtained or accepted by the office, including moneys  
31 from the United States, other states in the union,  
32 foreign nations, state agencies, political  
33 subdivisions, and private sources.

34 Moneys in the fund shall be used only to administer  
35 carry out the provisions of this chapter.

36 2. Moneys in the renewable fuel activities account  
37 fund shall be allocated at the beginning of each  
38 fiscal year as follows:

39 a. ~~Up to At least forty percent may shall be~~  
40 dedicated to support promotion and advertising of  
41 ethanol fuel.

42 b. Up to thirty percent may be dedicated to  
43 support research at the university of Iowa.

44 c. ~~Up to thirty percent may be dedicated to~~  
45 ~~support research at Iowa state university of science~~  
46 ~~and technology, and the university of northern Iowa.~~

47 d. ~~c.~~ The Any remaining balance shall be used by  
48 the office to support other projects or programs

49 developed by the office.

50 3. Moneys Until July 1, 2000, moneys shall be

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1 deposited in the ethanol production incentive account  
2 fund as provided in section 423.24. One Not more than  
3 one percent of the total moneys available to support  
4 value-added agricultural products and processes  
5 pursuant to section 423.24 deposited in the account  
6 during each quarter shall be allocated to the  
7 department for administration of the office. Remaining  
8 moneys shall be allocated to provide financial  
9 incentives to support the increased production of  
10 ethanol derived from an organic compound, including a  
11 photosynthate, as provided in section 159A.8.

12 4. Moneys in the fund are subject to an annual  
13 audit by the auditor of state. The fund is subject to  
14 warrants by the director of revenue and finance, drawn  
15 upon the written requisition of the coordinator.

16 5. In administering the fund, the office may do  
17 all of the following:

18 a. Contract, sue and be sued, and adopt procedures  
19 necessary to administer this section. However, the  
20 office shall not in any manner, directly or  
21 indirectly, pledge the credit of the state.

22 b. Authorize payment from the accounts, from  
23 income received by investment of moneys in the fund,  
24 fund for administrative costs, commissions, attorney  
25 and accountant fees, and other reasonable expenses  
26 related to and necessary for administering the  
27 accounts fund.

28 6. Section 8.33 does not apply to moneys in the  
29 renewable fuel activities account fund. Income  
30 received by investment of moneys in the account fund  
31 shall remain in that account the fund. Moneys  
32 appropriated for a state fiscal year to the ethanol  
33 production incentive account which remain unobligated  
34 and unencumbered on July 31 of the following state  
35 fiscal year shall be credited to the road use tax fund  
36 as provided in section 423.24.

37 Sec. 20. Section 214A.16, Code 1993, is amended to  
38 read as follows:

39 214A.16 NOTICE OF BLENDED FUEL -- DECAL.

40 All motor vehicle fuel kept, offered, or exposed  
41 for sale, or sold at retail containing over one  
42 percent ethanol, methanol, or any combination of  
43 oxygenate octane enhancers shall be identified as  
44 "with" either "ethanol", "methanol",  
45 "ethanol/methanol", or similar wording on a decal.

46 All diesel fuel kept, offered, or exposed for sale, or  
47 sold at retail containing over one percent soybean oil  
48 by volume shall be identified as "with soydiesel" or  
49 similar wording on a decal. The design and location  
50 of the decals may shall be prescribed by rules adopted

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1 by the department. The department shall adopt the  
2 rules to be effective by January 1, 1995. A decal  
3 identifying a renewable fuel shall be consistent with  
4 standards adopted pursuant to section 159A.6. If  
5 Until the department does not establish establishes  
6 standards for a decal relating to a specific oxygenate  
7 octane enhancer decals, the wording shall be on a  
8 white adhesive decal with black letters at least one-  
9 half inch high and at least one-quarter inch wide  
10 placed between thirty and forty inches above the  
11 driveway level on the front sides of any container or  
12 pump from which the motor fuel is sold. The  
13 department may approve an application to place a decal  
14 in a special location on a pump or container or use a  
15 decal with special lettering or colors, if the decal  
16 appears clear and conspicuous to the consumer. The  
17 application shall be made in writing pursuant to  
18 procedures adopted by the department. Designs for a  
19 decal identifying a renewable fuel shall be consistent  
20 with standards adopted pursuant to section 159A.6.  
21 Sec. 21. Section 216B.3, subsection 16, Code  
22 Supplement 1993, is amended to read as follows:

23 16. a. A motor vehicle purchased by the  
24 commission shall not operate on gasoline other than  
25 gasoline blended with at least ten percent ethanol. A  
26 state issued credit card used to purchase gasoline  
27 shall not be valid to purchase gasoline other than  
28 gasoline blended with at least ten percent ethanol.  
29 The motor vehicle shall also be affixed with a  
30 brightly visible sticker which notifies the traveling  
31 public that the motor vehicle is being operated on  
32 gasoline blended with ethanol. However, the sticker  
33 is not required to be affixed to an unmarked vehicle  
34 used for purposes of providing law enforcement or  
35 security.

36 b. Of all new passenger vehicles and light pickup  
37 trucks purchased by the commission, a minimum of ten  
38 percent of all such vehicles and trucks purchased  
39 shall be equipped with engines which utilize  
40 alternative methods of propulsion, including but not  
41 limited to any of the following:

42 (1) A flexible fuel which is either of the

43 following:

44 (a) A fuel blended with not more than fifteen  
 45 percent gasoline and at least eighty-five percent  
 46 ethanol.

47 (b) A fuel which is a mixture of diesel fuel and  
 48 processed soybean oil. At least twenty percent of the  
 49 mixed fuel by volume must be processed soybean oil.

50 (c) A renewable fuel approved by the office of

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1 renewable fuel and oil pursuant to section 159A.3.

2 (2) Compressed or liquified natural gas.

3 (3) Propane gas.

4 (4) Solar energy.

5 (5) Electricity.

6 The provisions of this paragraph "b" do not apply  
 7 to vehicles and trucks purchased and directly used for  
 8 law enforcement or off-road maintenance work.

9 Sec. 22. Section 260C.19A, Code Supplement 1993,  
 10 is amended to read as follows:

11 260C.19A MOTOR VEHICLES REQUIRED TO OPERATE ON  
 12 ETHANOL-BLENDED GASOLINE ALTERNATIVE FUELS.

13 1. A motor vehicle purchased by or used under the  
 14 direction of the board of directors to provide  
 15 services to a merged area shall not, on or after  
 16 January 1, 1993, operate on gasoline other than  
 17 gasoline blended with at least ten percent ethanol.  
 18 The motor vehicle shall also be affixed with a  
 19 brightly visible sticker which notifies the traveling  
 20 public that the motor vehicle is being operated on  
 21 gasoline blended with ethanol. However, the sticker  
 22 is not required to be affixed to an unmarked vehicle  
 23 used for purposes of providing law enforcement or  
 24 security.

25 2. Of all new passenger vehicles and light pickup  
 26 trucks purchased by or under the direction of the  
 27 board of directors to provide services to a merged  
 28 area, a minimum of ten percent of all such vehicles  
 29 and trucks purchased shall be equipped with engines  
 30 which utilize alternative methods of propulsion,  
 31 including but not limited to any of the following:

32 a. A flexible fuel which is either of the  
 33 following:

34 (1) A fuel blended with not more than fifteen  
 35 percent gasoline and at least eighty-five percent  
 36 ethanol.

37 (2) A fuel which is a mixture of diesel fuel and  
 38 processed soybean oil. At least twenty percent of the  
 39 mixed fuel by volume must be processed soybean oil.



40 (3) A renewable fuel approved by the office of  
 41 renewable fuel and oil pursuant to section 159A.3.  
 42 b. Compressed or liquified natural gas.  
 43 c. Propane gas.  
 44 d. Solar energy.  
 45 e. Electricity.  
 46 The provisions of this subsection do not apply to  
 47 vehicles and trucks purchased and directly used for  
 48 law enforcement or off-road maintenance work.  
 49 Sec. 23. Section 262.25A, Code Supplement 1993, is  
 50 amended by adding the following new subsection:

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1 NEW SUBSECTION. 3. Of all new passenger vehicles  
 2 and light pickup trucks purchased by or under the  
 3 direction of the state board of regents to provide  
 4 services to a merged area, a minimum of ten percent of  
 5 all such vehicles and trucks purchased shall be  
 6 equipped with engines which utilize alternative  
 7 methods of propulsion, including but not limited to  
 8 any of the following:

9 a. A flexible fuel which is either of the  
 10 following:

11 (1) A fuel blended with not more than fifteen  
 12 percent gasoline and at least eighty-five percent  
 13 ethanol.

14 (2) A fuel which is a mixture of processed soybean  
 15 oil and diesel fuel. At least twenty percent of the  
 16 fuel by volume must be processed soybean oil.

17 (3) A renewable fuel approved by the office of  
 18 renewable fuel and oil pursuant to section 159A.3.

19 b. Compressed or liquified natural gas.

20 c. Propane gas.

21 d. Solar energy.

22 e. Electricity.

23 The provisions of this subsection do not apply to  
 24 vehicles and trucks purchased and directly used for  
 25 law enforcement or off-road maintenance work.

26 Sec. 24. NEW SECTION. 266.19 RENEWABLE FUEL --  
 27 ASSISTANCE.

28 The university shall cooperate in assisting  
 29 renewable fuel production facilities supporting  
 30 livestock operations managed by persons receiving  
 31 assistance pursuant to the value-added agricultural  
 32 products and processes financial assistance program  
 33 established in section 15E.111.

34 Sec. 25. Section 307.21, Code Supplement 1993, is  
 35 amended by adding the following new subsection:

36 NEW SUBSECTION. 4A. Of all new passenger vehicles

37 and light pickup trucks purchased by the  
 38 administrator, a minimum of ten percent of all such  
 39 vehicles and trucks purchased shall be equipped with  
 40 engines which utilize alternative methods of  
 41 propulsion, including but not limited to any of the  
 42 following:

43 a. A flexible fuel which is either of the  
 44 following:

45 (1) A fuel blended with not more than fifteen  
 46 percent gasoline and at least eighty-five percent  
 47 ethanol.

48 (2) A fuel which is a mixture of processed soybean  
 49 oil and diesel fuel. At least twenty percent of the  
 50 fuel by volume must be processed soybean oil.

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1 (3) A renewable fuel approved by the office of  
 2 renewable fuel and oil pursuant to section 159A.3.

3 b. Compressed or liquified natural gas.

4 c. Propane gas.

5 d. Solar energy.

6 e. Electricity.

7 The provisions of this subsection do not apply to  
 8 vehicles and trucks purchased and directly used for  
 9 law enforcement or off-road maintenance work.

10 Sec. 26. Section 423.24, subsection 1, paragraph  
 11 b, Code Supplement 1993, is amended to read as  
 12 follows:

13 b. Beginning on July 1, 1993, three and one-half  
 14 percent of the revenue, not to exceed one million  
 15 dollars per quarter, derived from the use tax on motor  
 16 vehicles, trailers, and motor vehicle accessories and  
 17 equipment as collected pursuant to section 423.7,  
 18 shall be deposited in the ethanol production incentive  
 19 account of the renewable fuel fund created in section  
 20 159A.7 used to support value-added agricultural  
 21 products and processes.

22 Ninety-nine percent of these moneys shall be  
 23 deposited in the value-added agricultural products and  
 24 processes financial assistance fund as created in  
 25 section 15E.112. One percent of these moneys shall be  
 26 deposited in the renewable fuel and oil fund as  
 27 created in section 159A.7.

28 PARAGRAPH DIVIDED. Moneys deposited according to  
 29 this paragraph "b" are a continuing appropriation for  
 30 expenditure under section 159A.8 sections 15E.112 and  
 31 159A.7. Moneys deposited during a state fiscal year  
 32 to the ethanol production incentive account which  
 33 remain unobligated and unencumbered on July 31 of the

34 following state fiscal year shall be credited to the  
35 road use tax fund as provided in this section.  
36 Sec. 27. Section 455B.104, Code Supplement 1993,  
37 is amended by adding the following new unnumbered  
38 paragraph:

39 NEW UNNUMBERED PARAGRAPH. The department shall  
40 assist persons applying for assistance to establish  
41 and operate renewable fuel production facilities  
42 pursuant to the value-added agricultural products and  
43 processes financial assistance program established in  
44 section 15E.111.

45 Sec. 28. NEW SECTION. 904.312A MOTOR VEHICLES.

46 1. A motor vehicle purchased by the department  
47 shall not operate on gasoline other than gasoline  
48 blended with at least ten percent ethanol. A state-  
49 issued credit card used to purchase gasoline shall not  
50 be valid to purchase gasoline other than gasoline

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1 blended with at least ten percent ethanol. The motor  
2 vehicle shall also be affixed with a brightly visible  
3 sticker which notifies the traveling public that the  
4 motor vehicle is being operated on gasoline blended  
5 with ethanol. However, the sticker is not required to  
6 be affixed to an unmarked vehicle used for purposes of  
7 providing law enforcement or security.

8 2. Of all new passenger vehicles and light pickup  
9 trucks purchased by the department, a minimum of ten  
10 percent of all such vehicles and trucks purchased  
11 shall be equipped with engines which utilize  
12 alternative methods of propulsion, including but not  
13 limited to any of the following:

14 a. A flexible fuel which is either of the  
15 following:

16 (1) A fuel blended with not more than fifteen  
17 percent gasoline and at least eighty-five percent  
18 ethanol.

19 (2) A fuel which is a mixture of diesel fuel and  
20 processed soybean oil. At least twenty percent of the  
21 mixed fuel by volume must be processed soybean oil.

22 (3) A renewable fuel approved by the office of  
23 renewable fuel and oil pursuant to section 159A.3.

24 b. Compressed or liquified natural gas.

25 c. Propane gas.

26 d. Solar energy.

27 e. Electricity.

28 The provisions of this subsection do not apply to  
29 vehicles and trucks purchased and directly used for  
30 law enforcement or off-road maintenance work.

## 31 Sec. 29. SOYDIESEL DEMONSTRATION PROJECTS.

32 1. The state department of transportation shall  
33 conduct a demonstration project using diesel trucks  
34 owned by the department. The trucks shall operate  
35 using soydiesel fuel for at least twenty thousand  
36 miles. The projects shall be under the oversight of  
37 the renewable fuel and oil advisory committee. The  
38 state department of transportation shall evaluate the  
39 performance of vehicles operating on soydiesel fuel,  
40 including the rate of repairs on the vehicles and  
41 comments of persons operating and maintaining the  
42 vehicles. The department shall submit its findings  
43 and recommendations to the renewable fuel and oil  
44 advisory committee as part of the reports provided in  
45 subsection 2.

46 2. Notwithstanding section 423.24, for the period  
47 beginning on July 1, 1993, and ending July 1, 1994,  
48 two and one-half percent of the total moneys used to  
49 support value-added agricultural products and  
50 processes as provided in that section shall be

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1 allocated for purposes of conducting soydiesel  
2 demonstration projects administered by the state  
3 department of transportation under the oversight of  
4 the renewable fuel and oil advisory committee.

5 a. The office of renewable fuel and oil shall  
6 allocate the moneys to the state department of  
7 transportation. The department shall apply the moneys  
8 to match moneys used to support one or more special  
9 projects operations assistance grants which  
10 demonstrate the use of soydiesel fuel in one or more  
11 public transit systems.

12 b. The state department of transportation shall  
13 evaluate the performance of vehicles operating on  
14 soydiesel fuel, including the rate of repairs on the  
15 vehicles and comments of persons operating and  
16 maintaining the vehicles. The department shall submit  
17 initial findings and recommendations to the renewable  
18 fuel and oil advisory committee which shall submit a  
19 report to the senate and chief clerk of the house, the  
20 legislative service bureau, the chairpersons and  
21 ranking members of the senate standing committee on  
22 agriculture, the senate standing committee on small  
23 business, economic development and tourism, the house  
24 of representatives standing committee on agriculture,  
25 and the house of representatives standing committee on  
26 small business, economic development and trade. The  
27 department shall submit final findings and

28 recommendations to the renewable fuel and oil advisory  
29 committee which shall submit a report to the general  
30 assembly. The initial report shall be due on October  
31 1, 1994. The final report shall be due on March 1,  
32 1995.

33 c. Moneys described pursuant to this subsection  
34 are allocated contingent upon a contribution made by  
35 either a private or public source to support soydiesel  
36 fuel demonstration projects in Iowa commencing during  
37 the fiscal year beginning July 1, 1993, and ending  
38 June 30, 1994.

39 d. Moneys available under this section which  
40 remain unexpended or unobligated on June 30, 1994,  
41 shall remain available to support the demonstration  
42 project and shall not revert pursuant to section 8.33.  
43 Moneys remaining unexpended or unobligated on June 30,  
44 1995, shall be credited to the value-added  
45 agricultural products and processes financial  
46 assistance fund as created in section 15E.112.

47 Sec. 30. ETHANOL PRODUCTION AND LIVESTOCK FEEDING  
48 EDUCATION PROJECT.

49 1. For the period beginning July 1, 1993, and  
50 ending June 30, 1994, the department of economic

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1 development shall allocate one and one-quarter percent  
2 of the total moneys used to support value-added  
3 agricultural products and processes as provided in  
4 section 423.24 to Iowa state university for purposes  
5 of sponsoring at least four seminars in different  
6 regions throughout the state, and a conference in a  
7 central location of the state. The seminars and the  
8 conference shall provide information relating to  
9 establishing and managing ethanol production  
10 facilities, the use of ethanol production coproducts  
11 to feed livestock, and the relationship between  
12 ethanol production and livestock feeding operations.  
13 The university shall, to every extent possible, invite  
14 nationally recognized experts to provide information  
15 regarding ethanol production processes, livestock  
16 nutrition, capitalization of production facilities,  
17 operational requirements, and marketing opportunities.

18 2. The department of economic development and  
19 relevant organizations representing agricultural  
20 producers as designated by the department shall  
21 cooperate with the university, and shall provide  
22 information and a representative to appear at each  
23 seminar and the conference. The department shall  
24 provide information regarding financial and technical

25 assistance available from the department.

26 3. The university shall submit a report not later  
27 than December 1 to the secretary of the senate and the  
28 chief clerk of the house, describing the seminars and  
29 conference, including attendance numbers, and an  
30 analysis regarding the results of the project in  
31 attracting persons to begin ethanol production and  
32 livestock feeding operations.

33 4. Moneys available under this section which  
34 remain unexpended or unobligated on June 30, 1994,  
35 shall remain available to support the education  
36 project and shall not revert pursuant to section 8.33.  
37 Moneys remaining unexpended or unobligated on June 30,  
38 1995, shall be credited to the value-added  
39 agricultural products and processes financial  
40 assistance fund as created in section 15E.112.

41 Sec. 31. MICROBUSINESS RURAL ENTERPRISE  
42 DEMONSTRATION PROJECT.

43 1. As used in this section:

44 a. "Department" means the department of economic  
45 development.

46 b. "Microbusiness or microbusiness enterprise"  
47 means a business producing services with five or fewer  
48 full-time equivalent employee positions, and with  
49 asset requirements of up to twenty-five thousand  
50 dollars.

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1 c. "Microbusiness organization" means a nonprofit  
2 corporation organized under chapter 504A which is  
3 exempt from taxation pursuant to section 501(c) of the  
4 Internal Revenue Code, and which has a principal  
5 mission of actively engaging in microbusiness  
6 development, training, technical assistance, and  
7 access to capital for the start-up or expansion of  
8 microbusinesses.

9 2. For the period beginning July 1, 1993, and  
10 ending June 30, 1994, the department shall allocate  
11 two and one-half percent of the total moneys used to  
12 support value-added agriculture products and processes  
13 as provided in section 423.24 to be used for the  
14 purpose of conducting a microbusiness rural enterprise  
15 demonstration project.

16 3. The department shall contract with a  
17 microenterprise organization actively engaged in  
18 microbusiness enterprise in order to assist the  
19 establishment of this demonstration project. In order  
20 to qualify as the demonstration project, the  
21 microenterprise organization must:

- 22 a. Demonstrate a past performance and a capacity  
23 to successfully engage in microbusiness development.
- 24 b. Have a statewide commitment and focus to  
25 microbusiness development.
- 26 c. Provide training and technical assistance.
- 27 d. Demonstrate an ability to provide access to  
28 capital for start-up or expansion of a microbusiness.
- 29 e. Have established linkages with financial  
30 institutions.
- 31 f. Demonstrate an ability to provide follow-up  
32 technical assistance after a microbusiness start-up or  
33 expansion.
- 34 4. Moneys appropriated pursuant to this section  
35 which remain unexpended or unobligated on June 30,  
36 1994, shall be available to support the demonstration  
37 project and shall not revert pursuant to section 8.33.  
38 Moneys remaining unexpended or unobligated on June 30,  
39 1995, shall be available to support the demonstration  
40 project and shall not revert pursuant to section 8.33,  
41 but may be credited to the value-added agricultural  
42 products and processes financial assistance fund as  
43 created in section 15E.112.
- 44 5. The department shall submit a report to the  
45 secretary of the senate and the chief clerk of the  
46 house not later than November 1, 1994. The report  
47 shall detail the activities of the microenterprise  
48 organization, and describe the success of the project.
- 49 Sec. 32. TRANSFER OF UNOBLIGATED MONEYS. Any  
50 unobligated moneys required to be or actually

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1 deposited in the ethanol production incentive account  
2 of the renewable fuel fund as provided in section  
3 423.24 prior to the effective date of this Act, other  
4 than moneys dedicated to the administration of the  
5 office of renewable fuel, shall be transferred to the  
6 value-added agricultural products and processes  
7 assistance fund as created in section 15E.112, in  
8 order to carry out the provisions of this Act.

9 Sec. 33. REPEALS.

10 1. 1992 Iowa Acts, chapter 1099, section 11, is  
11 repealed.

12 2. Section 159A.8, Code 1993, is repealed.

13 Sec. 34. ELIMINATION OF FUNDING SOURCE --  
14 DIRECTIONS TO CODE EDITOR.

15 1. Section 423.24, subsection 1, paragraph b, Code  
16 Supplement 1993, is amended by striking the paragraph.

17 2. No moneys shall be deposited into the value-  
18 added agricultural products and processes financial

19 assistance fund or the renewable fuel and oil fund,  
 20 pursuant to section 423.24, as provided in this Act,  
 21 after June 30, 2000.

22 3. Notwithstanding this section, restrictions upon  
 23 the amount of money used to support administrative  
 24 expenses by the department of economic development  
 25 shall continue to apply to moneys deposited in the  
 26 value-added agricultural products and processes  
 27 financial assistance fund, pursuant to section 423.24,  
 28 as provided in this Act, after June 30, 2000.

29 4. Any unencumbered or unobligated moneys in the  
 30 value-added agricultural products and processes  
 31 financial assistance fund derived from moneys  
 32 deposited pursuant to section 423.24, which are in  
 33 excess of four million dollars of the unencumbered or  
 34 unobligated moneys in the fund deposited pursuant to  
 35 that section, which are remaining on June 30, 2000,  
 36 shall be credited on August 31, 2000, to the road use  
 37 tax fund as created in section 312.1.

38 5. The Code editor is directed to eliminate  
 39 provisions within sections of this Act wherever  
 40 references to section 423.24, subsection 1, paragraph  
 41 "b", appear in those provisions.

42 6. This section takes effect on July 1, 2000.

43 Sec. 35. EFFECTIVE DATE. This Act, being deemed  
 44 of immediate importance, takes effect upon enactment."

45 2. Title page, by striking lines 1 through 4 and  
 46 inserting the following: "An Act relating to  
 47 agricultural development and rural revitalization, by  
 48 providing for value-added agricultural products and  
 49 processes, providing for programs and moneys,  
 50 providing for repeal of provisions, and providing

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1 effective dates."

PATTY JUDGE

S-5543

1 Amend House File 2155, 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. \_\_\_\_ . Section 256B.9, subsection 1, Code  
 6 1993, is amended by adding the following new  
 7 paragraph:

8 **NEW PARAGRAPH. f.** Students enrolled in nonpublic  
 9 schools who receive services pursuant to section



10 256.12, subsection 2, shall be weighted at a level  
11 sufficient to cover the costs incurred by the local  
12 school district in the provision of those services.

13 Sec. \_\_\_\_ . Section 256B.9, subsection 4, Code 1993,  
14 is amended to read as follows:

15 4. On December 1, 1987, and no later than December  
16 1 every two years thereafter, for the school year  
17 commencing the following July 1, the director of the  
18 department of education shall report to the school  
19 budget review committee the average costs of providing  
20 instruction for children requiring special education  
21 in the categories of the weighting plan established  
22 under this section, and for providing services to  
23 nonpublic school students pursuant to section 256.12,  
24 subsection 2, and the director of the department of  
25 education shall make recommendations to the school  
26 budget review committee for needed alterations to make  
27 the weighting plan suitable for subsequent school  
28 years. The school budget review committee shall  
29 establish the weighting plan for each school year  
30 after the school year commencing July 1, 1987, and  
31 shall report the plan to the director of the  
32 department of education. Commencing December 1, 1990,  
33 the school budget review committee may establish  
34 weights to the nearest hundredth. The school budget  
35 review committee shall not alter the weighting  
36 assigned to pupils in a regular curriculum, but it may  
37 increase or decrease the weighting assigned to each  
38 category of children requiring special education by  
39 not more than two-tenths of the weighting assigned to  
40 pupils in a regular curriculum. The state board of  
41 education shall adopt rules under chapter 17A, to  
42 implement the weighting plan for each year and to  
43 assist in identification and proper indexing of each  
44 child in the state who requires special education.

45 Sec. \_\_\_\_ . Section 257.31, subsection 12, Code  
46 Supplement 1993, is amended to read as follows:

47 12. a. The committee shall review the  
48 recommendations of the director of the department of  
49 education relating to the special education weighting  
50 plan, and shall establish a weighting plan for each

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1 school year pursuant to section 256B.9, and report the  
2 plan to the director of the department of education.

3 b. The committee shall review the recommendations  
4 of the director of the department of education  
5 relating to nonpublic school students receiving public  
6 school services pursuant to section 256.12, subsection

- 7 2. and shall establish a weighting to provide funds  
 8 sufficient to cover the costs incurred by the local  
 9 school district in the provision of those services and  
 10 report the weighting to the director of the department  
 11 of education."  
 12 2. By renumbering as necessary.

MARY E. KRAMER

S-5544

- 1 Amend the House amendment, S-5455, to Senate File  
 2 2038, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by striking lines 1 through 43.  
 5 2. By striking page 2, line 23 through page 3,  
 6 line 20, and inserting the following:  
 7 "\_\_\_ . Title page, by striking lines 2 and 3 and  
 8 inserting the following: "transportation records.""

ELAINE SZYMONIAK

S-5545

- 1 Amend House File 2415 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 7, line 2, by striking the figure  
 4 "350,000" and inserting the following: "400,000".

BERL E. PRIEBE  
 MERLIN E. BARTZ

S-5546

- 1 Amend the amendment, S-5531, to House File 2358, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 9 through 11 and  
 5 inserting the following:  
 6 "\_\_\_ . Page 1, by striking lines 18 through 20 and  
 7 inserting the following:  
 8 "3. To be allocated to educational institutions to  
 9 be used for programs on farm vehicle safety and  
 10 extraction from farm machinery.""  
 11 2. Page 1, by inserting after line 15 the follow-  
 12 ing:  
 13 "7. To the state department of transportation to  
 14 be allocated to the Iowa highway patrol, local police  
 15 departments and county sheriff's offices for purchase  
 16 of pen-based mobile computers to enhance the

17 implementation of Iowa's mobile accident reporting  
18 system and to facilitate the development of additional  
19 computer-based enforcement reporting systems.

20 8. To the state department of transportation to be  
21 used to develop software to allow origination of  
22 uniform citations from computerized devices and for  
23 electronic communication of the record of the citation  
24 from the issuing agency to the court and electronic  
25 communication of the abstract of conviction from the  
26 court to the state department of transportation.””

27 3. By renumbering as necessary.

JOE WELSH  
RICHARD F. DRAKE .

S-5547

1 Amend the House amendment, S-5456, to Senate File  
2 2092, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 9 and  
4 inserting the following:

5 “ — . By striking page 1, line 33 through page 2,  
6 line 6.”

MIKE CONNOLLY

S-5548

1 Amend House File 2415, as amended, passed, and re-  
2 printed 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 and other designated funds to the  
7 department of economic development for the fiscal year  
8 beginning July 1, 1994, and ending June 30, 1995, on  
9 the condition that the department shall not use any  
10 moneys appropriated under this Act for further  
11 development or expansion of industrial site locator  
12 programs until the industrial site locator program at  
13 the university of northern Iowa is completed and fully  
14 implemented and the department and the university have  
15 reported to the general assembly on plans for  
16 coordination and cooperation between the department  
17 and the university, including access by the department  
18 to the database and technology of the university  
19 program, the following amounts, or so much thereof as  
20 is necessary, to be used for the purposes designated:

21 1. ADMINISTRATIVE SERVICES DIVISION  
22 a. General administration

23 For salaries, support, maintenance, miscellaneous  
 24 purposes, for providing that a business receiving  
 25 moneys from the department for the purpose of job  
 26 creation shall make available ten percent of the new  
 27 jobs created for qualified promise jobs program  
 28 participants, and for providing a written report to  
 29 the joint economic development appropriations  
 30 subcommittee and the legislative fiscal bureau not  
 31 later than January 15, 1995, regarding the structure  
 32 of or plans to implement an advertising sales program:  
 33 ..... \$ 892,000  
 34 ..... FTEs 22.00  
 35 The director shall coordinate efforts with the  
 36 workforce coordinator to implement the intent of the  
 37 general assembly regarding businesses receiving job  
 38 creation moneys and shall report to the joint economic  
 39 development appropriations subcommittee regarding the  
 40 number of jobs to be created by each business, the  
 41 number of qualified promise jobs participants applying  
 42 with the business, and the number of promise jobs  
 43 participants hired.  
 44 b. Primary research and computer center  
 45 For salaries, support, maintenance, miscellaneous  
 46 purposes, and for not more than the following full-  
 47 time equivalent positions:  
 48 ..... \$ 326,000  
 49 ..... FTEs 5.50  
 50 c. Film office

## Page 2

1 For salaries, support, maintenance, miscellaneous  
 2 purposes, and for not more than the following full-  
 3 time equivalent positions:  
 4 ..... \$ 182,000  
 5 ..... FTEs 2.00  
 6 2. BUSINESS DEVELOPMENT DIVISION  
 7 a. Business development operations  
 8 For salaries, support, maintenance, miscellaneous  
 9 purposes, and for not more than the following full-  
 10 time equivalent positions:  
 11 ..... \$ 3,000,000  
 12 ..... FTEs 16.00  
 13 b. Small business programs  
 14 For salaries, support, maintenance, miscellaneous  
 15 purposes, and for not more than the following full-  
 16 time equivalent positions for the small business  
 17 program, the small business advisory council, targeted  
 18 small business program, business incubators, and for  
 19 deaf interpreters funded through the economic

20 development deaf interpreters revolving fund  
 21 established in section 15.108, subsection 7, paragraph  
 22 "j":

23 .....	\$	310,000
24 .....	FTEs	5.50

25 The department shall report to the joint economic  
 26 development appropriations subcommittee and the  
 27 legislative fiscal bureau regarding the utilization of  
 28 the deaf interpreters by January 15, 1995, and the  
 29 department shall coordinate with the division of deaf  
 30 services in the provision of deaf interpreter  
 31 services.

32 c. Federal procurement office

33 For salaries, support, maintenance, miscellaneous  
 34 purposes, and for not more than the following full-  
 35 time equivalent positions:

36 .....	\$	98,000
37 .....	FTEs	3.00

38 Notwithstanding section 8.33, moneys remaining  
 39 unencumbered or unobligated on June 30, 1995, shall  
 40 not revert and shall be available for expenditure  
 41 during the fiscal year beginning July 1, 1995, for the  
 42 same purposes.

43 d. Strategic investment fund

44 For deposit in the strategic investment fund for  
 45 salaries, support, and for not more than the following  
 46 full-time equivalent positions:

47 .....	\$	4,922,000
48 .....	FTEs	10.00

49 e. Targeted small business incubator

50 For transfer directly to the targeted small

Page 3

1 business incubator in Des Moines, for computer  
 2 equipment and other equipment, for the fiscal year  
 3 beginning July 1, 1994, and ending June 30, 1995:  
 4 For funding, with local matching funds, the  
 5 targeted small business incubator in Des Moines:

6 .....	\$	10,000
---------	----	--------

7 f. Insurance economic development

8 There is appropriated from moneys collected by the  
 9 division of insurance in excess of the anticipated  
 10 gross revenues under section 505.7, subsection 3, to  
 11 the department for the fiscal year beginning July 1,  
 12 1994, and ending June 30, 1995, the following amount,  
 13 or so much thereof as is necessary, for insurance  
 14 economic development and international insurance  
 15 economic development:

16 .....	\$	200,000
----------	----	---------

17 3. COMMUNITY AND RURAL DEVELOPMENT DIVISION

18 a. Community assistance

19 For salaries, support, maintenance, miscellaneous  
20 purposes, and for not more than the following full-  
21 time equivalent positions for administration of the  
22 community economic preparedness program, the Iowa  
23 community betterment program, and the city development  
24 board:

25 ..... \$ 571,000  
26 ..... FTEs 7.50

27 b. Main street/rural main street program

28 For salaries and support for not more than the  
29 following full-time equivalent positions:

30 ..... \$ 400,000  
31 ..... FTEs 3.00

32 Notwithstanding section 8.33, moneys committed to  
33 grantees under contract from the general fund of the  
34 state that remain unexpended on June 30 of the fiscal  
35 year shall not revert to any fund but shall be  
36 available for expenditure for purposes of the contract  
37 during the succeeding fiscal year.

38 c. Rural development program

39 For salaries, support, maintenance, miscellaneous  
40 purposes, for not more than the following full-time  
41 equivalent positions for rural resource coordination,  
42 rural community leadership, and the rural enterprise  
43 fund:

44 ..... \$ 450,000  
45 ..... FTEs 4.50

46 There is also appropriated from the rural community  
47 2000 program revolving fund established in section  
48 15.287 to the rural development program for the  
49 purposes of the program including the rural enterprise  
50 fund and collaborative skills development training:

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1 ..... \$ 226,000

2 Notwithstanding section 8.33, moneys committed to  
3 grantees under contract from the general fund of the  
4 state or through transfers from the Iowa community  
5 development loan fund or from the rural community 2000  
6 program revolving fund that remain unexpended at the  
7 end of the fiscal year shall not revert but shall be  
8 available for expenditure for purposes of the contract  
9 during the succeeding fiscal year.

10 d. Community development block grant and HOME

11 For administration and related federal housing and  
12 urban development grant administration for salaries,  
13 support, maintenance, miscellaneous purposes, and for

14 not more than the following full-time equivalent  
 15 positions:  
 16 ..... \$ 380,000  
 17 ..... FTEs 18.75

18 e. Councils of governments  
 19 There is appropriated from the rural community 2000  
 20 program revolving fund established in section 15.287  
 21 to provide to Iowa's councils of governments funds for  
 22 planning and technical assistance funds to assist  
 23 local governments to develop community development  
 24 strategies for addressing long-term and short-term  
 25 community needs:

26 ..... \$ 178,000

27 4. INTERNATIONAL DIVISION

28 a. International trade operations  
 29 For conducting foreign trade missions on behalf of  
 30 Iowa businesses, salaries, support, maintenance,  
 31 miscellaneous purposes, for allocating \$100,000, or so  
 32 much thereof as is necessary, to fund the United  
 33 States midwest Japan conference, and for not more than  
 34 the following full-time equivalent positions:

35 ..... \$ 776,000  
 36 ..... FTEs 7.00

37 b. Foreign trade offices  
 38 For salaries, support, maintenance, miscellaneous  
 39 purposes, and for not more than the following full-  
 40 time equivalent positions:

41 ..... \$ 585,000

42 c. Export trade assistance program  
 43 For export trade activities, including a program to  
 44 encourage and increase participation in trade shows  
 45 and trade missions by providing financial assistance  
 46 to businesses for a percentage of their costs of  
 47 participating in trade shows and trade missions, by  
 48 providing for the lease/sublease of showcase space in  
 49 existing world trade centers, by providing temporary  
 50 office space for foreign buyers, international

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1 prospects, and potential reverse investors, and by  
 2 providing other promotional and assistance activities,  
 3 provided that the department shall consult with the  
 4 department of agriculture and land stewardship prior  
 5 to allocating export trade assistance program moneys,  
 6 including salaries and support for not more than the  
 7 following full-time equivalent positions:

8 ..... \$ 317,000  
 9 ..... FTEs 0.25

10 d. Agricultural product advisory council

11 For support, maintenance, and miscellaneous  
 12 purposes:  
 13 ..... \$ 1,330  
 14 e. For transfer to the partner state program which  
 15 the department may use to contract with private groups  
 16 or organizations which are the most appropriate to  
 17 administer this program and the groups and  
 18 organizations participating in the program shall, to  
 19 the fullest extent possible, provide the funds to  
 20 match the appropriation made in this subsection of the  
 21 funds transferred, and \$10,000 shall be used only to  
 22 establish a partner state program with Vietnam:  
 23 ..... \$ 106,000  
 24 If the United States department of state denies the  
 25 establishment of a partner state program with Vietnam,  
 26 \$10,000 shall be allocated to the agriculture museum  
 27 in Cambridge, Iowa.  
 28 f. For transfer to the Iowa peace institute for  
 29 the purpose of continuing to expand conflict  
 30 resolution and negotiation efforts in Iowa's schools  
 31 and communities and reporting to the joint  
 32 appropriations subcommittee on economic development by  
 33 January 15, 1995, on all such activities undertaken:  
 34 ..... \$ 96,000  
 35 g. For transfer to the international development  
 36 foundation for the purposes of the foundation and  
 37 reporting to the joint appropriations subcommittee on  
 38 economic development by January 15, 1995, regarding  
 39 actual and planned expenditures for fiscal year 1995:  
 40 ..... \$ 265,000  
 41 Notwithstanding section 8.33, moneys that remain  
 42 unexpended on June 30 of the fiscal year shall not  
 43 revert to any fund but shall be available for  
 44 expenditure for the purposes of the foundation during  
 45 the succeeding fiscal year.  
 46 5. TOURISM DIVISION  
 47 a. Tourism operations  
 48 For salaries, support, maintenance, miscellaneous  
 49 purposes, and for not more than the following full-  
 50 time equivalent positions, provided that the

## Page 6

1 appropriation shall not be used for advertising  
 2 placements for in-state and out-of-state tourism  
 3 marketing:  
 4 ..... \$ 710,000  
 5 ..... FTEs 17.77  
 6 b. Tourism advertising  
 7 For contracting exclusively for tourism advertising



8 for in-state and out-of-state tourism marketing  
 9 services, tourism promotion programs, electronic  
 10 media, print media, and printed materials:  
 11 ..... \$ 2,437,000

12 The department shall not use the moneys  
 13 appropriated in this lettered paragraph unless the  
 14 department develops public-private partnerships with  
 15 Iowa businesses in the tourism industry, Iowa tour  
 16 groups, Iowa tourism organizations, and political  
 17 subdivisions in this state to assist in the  
 18 development of advertising efforts. The department  
 19 shall, to the fullest extent possible, develop  
 20 cooperative efforts for advertising with contributions  
 21 from other sources.

22 c. Welcome center program  
 23 To implement the recommendations of the statewide  
 24 long-range plan for developing and operating welcome  
 25 centers throughout the state, and for planning to  
 26 construct the next welcome center to be funded at  
 27 living history farms:  
 28 ..... \$ 250,000

29 Notwithstanding section 8.33, moneys committed to  
 30 grantees under contract that remain unexpended on June  
 31 30 of the fiscal year shall not revert to any fund but  
 32 shall be available for expenditure for purposes of the  
 33 contract during the succeeding fiscal year.

34 6. WORKFORCE DEVELOPMENT DIVISION

35 a. Youth work force programs  
 36 For purposes of the conservation corps, including  
 37 salary, support, maintenance, miscellaneous purposes,  
 38 and for not more than the following full-time  
 39 equivalent positions:  
 40 ..... \$ 1,000,000  
 41 ..... FTEs 2.40

42 The department may combine for administrative and  
 43 budget purposes the youth workforce conservation  
 44 program and the Iowa corps program.

45 Notwithstanding section 8.33, moneys committed to  
 46 grantees under contract that remain unexpended on June  
 47 30 of the fiscal year shall not revert to any fund but  
 48 shall be available for expenditure for purposes of the  
 49 contract during the succeeding fiscal year.

50 b. Job retraining program

1 To the community college job training fund created  
 2 in section 260F.6, including salaries and support for  
 3 not more than the following full-time equivalent  
 4 positions:

5 ..... \$ 327,000  
 6 ..... FTEs 1.30

7 There is appropriated from the rural community 2000  
 8 program revolving fund established in section 15.287  
 9 to the community college job training fund created in  
 10 section 260F.6, subsection 1, \$125,000. It is the  
 11 intent of the general assembly that up to \$100,000 of  
 12 all funds appropriated to the program and some or all  
 13 of the full-time equivalent positions may be used for  
 14 the administration of the Iowa small business new jobs  
 15 training Act.

16 c. Workforce investment program

17 For purposes of the workforce investment program,  
 18 for a competitive grant program by the department in  
 19 consultation with the state job training coordinating  
 20 council for projects that increase Iowa's pool of  
 21 available labor via training and support services with  
 22 priority given to projects which serve displaced  
 23 homemakers or welfare recipients, including salaries  
 24 and support for not more than the following full-time  
 25 equivalent positions:

26 ..... \$ 476,000  
 27 ..... FTEs 0.90

28 The department shall ensure that the workforce  
 29 investment program is coordinated with services  
 30 provided under the federal Job Training Partnership  
 31 Act and that welfare recipients receive priority for  
 32 services under both programs.

33 Notwithstanding section 8.33, moneys committed to  
 34 grantees under contract that remain unexpended at the  
 35 end of the fiscal year, shall not revert to any fund  
 36 but shall be available for expenditure for purposes of  
 37 the contract during the succeeding fiscal year.

38 d. Labor management councils

39 For salaries, support, maintenance, miscellaneous  
 40 purposes, and for not more than the following full-  
 41 time equivalent positions:

42 ..... \$ 174,000  
 43 ..... FTEs 0.50

44 The department shall not use moneys appropriated in  
 45 this lettered paragraph for grants to grantees who do  
 46 not facilitate the active participation of labor as  
 47 members of labor management councils or who fail to  
 48 make a good faith effort to either schedule meetings  
 49 during nonworking hours or obtain voluntary agreements  
 50 with employers to allow employees time off to attend

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1 labor management council meetings with no loss of pay  
2 or other benefits.

3 Notwithstanding section 8.33, moneys committed to  
4 grantees under contract that remain unexpended on June  
5 30 of the fiscal year shall not revert to any fund but  
6 shall be available for expenditure for purposes of the  
7 contract during the succeeding fiscal year.

8 Sec. 2. Notwithstanding section 15E.120,  
9 subsections 5, 6, and 7, and section 15.287, there is  
10 appropriated from the Iowa community development loan  
11 fund from the moneys available during the fiscal year  
12 beginning July 1, 1994, and ending June 30, 1995, to  
13 the department of economic development for the rural  
14 development program to be used by the department for  
15 the purposes of the program.

16 Sec. 3. Notwithstanding section 15.251, subsection  
17 2, there is appropriated from the job training fund  
18 created in the office of the treasurer of state to the  
19 department of economic development for the fiscal year  
20 beginning July 1, 1994, and ending June 30, 1995, the  
21 following amounts, or so much thereof as is necessary,  
22 to be used for the purposes designated:

23	1. For administration of chapter 260E, including		
24	salaries, support, maintenance, miscellaneous		
25	purposes, and for not more than the following full-		
26	time equivalent positions:		
27	.....	\$	150,000
28	.....	FTEs	2.40
29	2. For the target alliance program:		
30	.....	\$	30,000
31	3. For the job retraining program under section		
32	260F.6:		
33	.....	\$	273,000

34 Sec. 4. There is appropriated from the general  
35 fund of the state to the Wallace technology transfer  
36 foundation for the fiscal year beginning July 1, 1994,  
37 and ending June 30, 1995, the following amount, or so  
38 much thereof as is necessary, to be used for the  
39 purposes designated:

40 For salaries, support, maintenance, and other  
41 operational purposes, for administering the industrial  
42 technology access program, for approving and  
43 submitting to the governor and general assembly not  
44 later than January 15 an annual report relating to  
45 performance goals of and efforts by the foundation to  
46 improve the modernization of industrial facilities,  
47 for funding the small business innovation research  
48 program, for funding activities as provided in section

49 15E.158, for continuing, to the extent possible, the  
50 current allocation of apprenticeship funds to the

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1 community colleges for transferring \$50,000 of the  
2 funds appropriated in this section to the Iowa quality  
3 coalition for productivity enhancement projects, and  
4 for allocating \$350,000 to the industrial technology  
5 assistance program and for not more than the following  
6 full-time equivalent positions:

7 .....	\$	2,540,000
8 .....	FTEs	4.00

9 Sec. 5. There is appropriated from the general  
10 fund of the state to the Iowa seed capital corporation  
11 fund established in section 15E.89, for not more than  
12 the following full-time equivalent positions:

13 .....	\$	853,000
14 .....	FTEs	5.00

15 Sec. 6. There is appropriated from the general  
16 fund of the state to the Iowa state university of  
17 science and technology for the fiscal year beginning  
18 July 1, 1994, and ending June 30, 1995, the following  
19 amounts, or so much thereof as is necessary, to be  
20 used for the purposes designated:

21 1. For funding and maintaining in their current  
22 locations the existing small business development  
23 centers, for establishing a new small business  
24 development center, and for using \$38,000 or so much  
25 thereof as is necessary for salary increases of up to  
26 four percent for non-Iowa state university employees:

27 .....	\$	1,139,000
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28 2. For funding the institute for physical research  
29 and technology:

30 .....	\$	3,900,000
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31 Sec. 7. There is appropriated from the general  
32 fund of the state to the state university of Iowa for  
33 the fiscal year beginning July 1, 1994, and ending  
34 June 30, 1995, the following amount, or so much  
35 thereof as is necessary, to be used for the purpose  
36 designated:

37 For funding the advanced drug development program  
38 at the Oakdale research park:

39 .....	\$	491,389
----------	----	---------

40 The board of regents shall submit a report on the  
41 progress of regents institutions in meeting the  
42 strategic plan for technology transfer and economic  
43 development to the chairpersons of the joint  
44 appropriations subcommittee on economic development,  
45 the joint appropriations subcommittee on education,

46 the majority leader, and minority leader of the  
 47 senate, the majority and minority leaders of the house  
 48 of representatives, the secretary of the senate, the  
 49 chief clerk of the house of representatives, and the  
 50 legislative fiscal bureau by November 1, 1994.

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1 Sec. 8. Not later than July 1, 1995, the  
 2 department of economic development, with consultation  
 3 and input from the general assembly, and  
 4 representatives from business, labor, and education  
 5 shall study and present recommendations to the general  
 6 assembly which shall include but not be limited to the  
 7 privatization and decentralization of Iowa's economic  
 8 development efforts, the identification of areas  
 9 appropriate to statewide economic development efforts  
 10 and areas appropriate for regional economic  
 11 development efforts, benchmark budgeting for statewide  
 12 and regional efforts, the deregulation of economic  
 13 development activities, and collaboration between  
 14 public and private entities.

15 Sec. 9. 1993 Iowa Acts, chapter 167, section 3,  
 16 subsection 3, is amended to read as follows:

17 3. For the workforce coordinator:

18 .....	\$	73,000
19 .....	FTEs	1.00

20 Any funds allocated for salary and benefits for the  
 21 workforce coordinator, and not expended on June 30,  
 22 1994, shall not revert, notwithstanding section 8.33,  
 23 but shall remain in the fund for expenditure for  
 24 purposes of the fund during the succeeding year.

25 Sec. 10. There is appropriated from the general  
 26 fund of the state to the Iowa finance authority for  
 27 the fiscal year beginning July 1, 1994, and ending  
 28 June 30, 1995, the following amount, or so much  
 29 thereof as is necessary, to be used for the purpose  
 30 designated:

31 For deposit in the housing improvement fund created		
32 in section 16.100 for purposes of the fund:		
33 .....	\$	500,000

34 Sec. 11. There is appropriated from the deaf  
 35 interpreters revolving fund established in section  
 36 15.108, subsection 7, paragraph "j", to the strategic  
 37 investment fund for the fiscal year beginning July 1,  
 38 1994, and ending June 30, 1995, the following amount:

39 .....	\$	40,000
----------	----	--------

40 Sec. 12. RURAL COMMUNITY 2000 TRANSFER. Notwith-  
 41 standing the provisions in section 15.287 or 16.100 or  
 42 in other provision of law providing that moneys in the

43 fund shall remain in the rural community 2000  
44 revolving fund of the state, \$40,000 of the moneys in  
45 the revolving fund which remain unencumbered on July  
46 1, 1993, shall be used to fund the Iowa members' cost  
47 share for the 1993 study phase of the Lewis and Clark  
48 rural water system.

49 Sec. 13. Section 15.108, subsection 9, Code  
50 Supplement 1993, is amended by adding the following

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1 new paragraph:

2 NEW PARAGRAPH. f. Coordinate the sale of  
3 advertising in state publications. Receipts from the  
4 sale of advertising shall be retained by the  
5 department and distributed to the agency responsible  
6 for a publication in which advertising is offered.  
7 However, the department of economic development shall  
8 first retain sufficient receipts from the sale of  
9 advertising to offset the costs of an advertising  
10 sales position. Additionally, the department may  
11 retain up to eight percent of the gross advertising  
12 receipts to offset indirect costs incurred by the  
13 department to support the activity. The department  
14 shall report to the joint economic development  
15 appropriations subcommittee and the legislative fiscal  
16 bureau on the moneys received through the sale of  
17 advertising and a detailed description of the  
18 disposition of all moneys received.

19 Sec. 14. Section 15.318, Code 1993, is amended by  
20 adding the following new subsection:

21 NEW SUBSECTION. 16. In cases where projects being  
22 reviewed at the same time are given equivalent ratings  
23 under subsections 1 through 15, preference in funding  
24 shall be given to the project which is located in the  
25 county which has the highest percentage of low-and-  
26 moderate-income individuals. If the projects are  
27 located in the same county, preference in funding  
28 shall be given to the project which is located in the  
29 city which has the highest percentage of low-and-  
30 moderate-income individuals.

31 Sec. 15. Section 15E.81, Code 1993, is amended to  
32 read as follows:

33 15E.81 TITLE.

34 This division may be cited as the "Iowa ~~Product~~  
35 ~~Development Seed Capital~~ Corporation Act".

36 Sec. 16. Section 15E.82, subsections 1, 2, and 5,  
37 Code 1993, are amended to read as follows:

38 1. "Board" means the board of directors of the  
39 Iowa ~~product development seed capital~~ corporation.

40 2. "Corporation" means the Iowa product  
41 development seed capital corporation.  
42 5. "President" means the president of the Iowa  
43 product development seed capital corporation.  
44 Sec. 17. Section 15E.83, Code 1993, is amended to  
45 read as follows:  
46 15E.83 PRODUCT DEVELOPMENT SEED CAPITAL  
47 CORPORATION.  
48 1. There is created a corporate body called the  
49 "Iowa product development seed capital corporation".  
50 The corporation is a quasi-public instrumentality and

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1 the exercise of the powers granted to the corporation  
2 in this division is an essential governmental  
3 function.  
4 2. The corporation shall be governed by a board of  
5 seven directors who shall serve a term of four years.  
6 Each term shall begin and end as provided in section  
7 69.19. No more than a simple majority of the members  
8 of the board shall belong to the same political party  
9 as provided in section 69.16. Each director shall  
10 serve at the pleasure of the governor and shall be  
11 appointed by the governor, subject to confirmation by  
12 the senate pursuant to section 2.32. A director is  
13 eligible for reappointment. A vacancy on the board of  
14 directors shall be filled in the same manner as an  
15 original appointment. For the initial appointments to  
16 the board of directors, the governor shall appoint  
17 three members whose terms shall commence upon  
18 appointment and shall expire April 30, 1985, and four  
19 members whose terms shall commence upon appointment  
20 and shall expire April 30, 1987.  
21 3. The board of directors shall annually elect one  
22 member as chairperson and one member as secretary.  
23 The board may elect other officers of the corporation  
24 as necessary. Members shall be reimbursed for  
25 necessary expenses incurred in the performance of  
26 duties from funds appropriated to the Iowa department  
27 of economic development corporation.  
28 4. Each director of the corporation shall take an  
29 oath of office and the record of each oath shall be  
30 filed in the office of the secretary of state.  
31 5. The corporation shall receive information and  
32 cooperate with other agencies of the state and the  
33 political subdivisions of the state.  
34 6. The corporation shall be a part of the Iowa  
35 department of economic development which shall provide  
36 all staff and administrative assistance. The

37 corporation shall submit to the department for its  
38 approval all plans, programs, initiatives and budgets.  
39 Sec. 18. Section 15E.86, Code 1993, is amended to  
40 read as follows:

41 15E.86 PRESIDENT.

42 The director of the department of economic  
43 development board shall ~~appoint~~ employ a president of  
44 the corporation who shall serve at the pleasure of the  
45 director board and shall receive the compensation  
46 determined by the director board. The president is a  
47 state employee. The president shall not be a member  
48 of the board of directors. The president is the chief  
49 administrative and operational officer of the  
50 corporation and shall direct and supervise the

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1 administrative affairs and the general management of  
2 the corporation subject to the direction and oversight  
3 of the director board. The president may employ other  
4 employees as designated by the board. The president  
5 shall provide copies of all minutes, documents, and  
6 other records of the corporation and shall provide a  
7 certificate which attests to truthfulness of the  
8 copies, if requested. Persons dealing with the  
9 corporation may rely upon the certificates. The  
10 president shall keep a record of all proceedings,  
11 documents, and papers filed with the corporation.

12 Sec. 19. Section 15E.87, subsection 1, Code 1993,  
13 is amended to read as follows:

14 1. To have perpetual succession as a corporate  
15 body and to adopt bylaws, policies, and procedures for  
16 the regulation of its affairs and conduct of its  
17 business consistent with the purposes of this  
18 division.

19 Sec. 20. Section 15E.87, subsection 4, Code 1993,  
20 is amended by striking the subsection.

21 Sec. 21. Section 15E.87, subsection 7, Code 1993,  
22 is amended to read as follows:

23 7. To employ assistants, agents, and other  
24 employees ~~who shall be state employees~~ and to engage  
25 consultants, attorneys, and appraisers as necessary or  
26 desirable to carry out the purposes of the  
27 corporation.

28 Sec. 22. Section 15E.88, Code 1993, is amended to  
29 read as follows:

30 15E.88 APPLICATIONS FOR FINANCIAL AID.

31 ~~1. Applications for financial aid shall be~~  
32 ~~forwarded, together with an application fee prescribed~~  
33 ~~by the corporation, to the president of the~~



34 corporation: The president, after preparing the  
35 necessary records for the corporation, shall forward  
36 each application to the staff of the corporation, for  
37 an investigation and report concerning the  
38 advisability of approving the financial aid for the  
39 company and concerning any other factors found  
40 relevant by the corporation. The investigation and  
41 report shall include but are not limited to the  
42 following:

- 43 a. The history of the applicant, its wage  
44 standards, job opportunities, and stability of  
45 employment.
- 46 b. The extent of the applicant's dependence on  
47 agriculture.
- 48 c. The applicant's past, present, and future  
49 financial condition and structure.
- 50 d. The applicant's pro-forma income statements.

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1 e. The present and future market prospects for the  
2 product.

3 f. The feasibility of the proposed project or  
4 invention to be given financial aid and the integrity  
5 of management.

6 g. The state of the project's development.

7 2. After receipt and consideration of the report  
8 and any other action the corporation finds necessary,  
9 the corporation shall approve or deny the application.  
10 The president shall promptly notify an applicant by  
11 certified mail of the disposition of its application.  
12 The corporation shall give priority to those  
13 applicants whose business is agriculture related or  
14 whose business is located in an area which the  
15 corporation determines has been severely adversely  
16 affected by depressed agricultural prices and whose  
17 proposed product or invention is to be used to convert  
18 all or a portion of the business to nonagriculture-  
19 related industrial or commercial activity or to create  
20 a new nonagriculture-related industrial or commercial  
21 business.

22 1. Applications for financial aid shall be  
23 received and considered by the corporation pursuant to  
24 rules adopted by the board pursuant to chapter 17A.

25 3 2. Notwithstanding the requirements of chapter  
26 21, relating to open meetings, and chapter 22,  
27 relating to examination of public records, the  
28 corporation shall keep as confidential those items on  
29 the application for financial aid that the applicant  
30 has specifically requested to be held in confidence.

31 These items shall remain confidential until the  
32 applicant says otherwise or the corporation determines  
33 the items no longer need to be held confidential.

34 Sec. 23. Section 15E.89, Code Supplement 1993, is  
35 amended to read as follows:

36 15E.89 IOWA PRODUCT DEVELOPMENT SEED CAPITAL  
37 CORPORATION FUND.

38 1. There is created an "Iowa product development  
39 seed capital corporation fund". All funds of the  
40 corporation including the proceeds from the issuance  
41 of notes or sale of bonds under this division, any  
42 funds appropriated to the corporation, and income  
43 derived from other sources from the exercise of powers  
44 granted to the corporation under this division shall  
45 be paid into the Iowa product development seed capital  
46 corporation fund notwithstanding section 12.10. The  
47 money in the Iowa product development seed capital  
48 corporation fund, except moneys held by a trustee or a  
49 depository pursuant to a bond resolution or indenture  
50 relating to the issuance of bonds or notes pursuant to

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1 section 15E.90 or 15E.91, shall be paid out on the  
2 order of the person authorized by the corporation.  
3 The money in the Iowa product development seed capital  
4 corporation fund shall be used for repayment of notes  
5 and bonds issued under this division and the extension  
6 of financial aid granted by the corporation under this  
7 division, and the amount remaining may be used for the  
8 payment of the administrative and overhead costs of  
9 the corporation to the extent required. There is also  
10 created in the Iowa product development corporation  
11 fund an Iowa technology assistance program account,  
12 which shall provide seed capital for the  
13 commercialization of products, or the development of  
14 processes or materials through research at Iowa  
15 colleges and universities or by private industry.  
16 2. Notwithstanding section 8.33, no part of the  
17 Iowa product development corporation this fund shall  
18 revert at or after the close of a fiscal year unless  
19 otherwise provided by the general assembly, but shall  
20 remain in the fund and appropriated for the purposes  
21 of this division. The board shall seek to repay the  
22 state for appropriations by recommending to the  
23 general assembly reversions from income received from  
24 successful ventures. The board shall recommend such  
25 action at any time when the revenue available to the  
26 board is deemed sufficient to continue existing  
27 operations.

28 3. Upon dissolution of the corporation, all  
29 remaining moneys in the Iowa seed capital corporation  
30 fund, as well as the net proceeds realized by the  
31 corporation through the liquidation of the assets of  
32 the corporation, shall revert to the state.

33 Sec. 24. Section 15E.90, Code 1993, is amended to  
34 read as follows:

35 15E.90 PRODUCT DEVELOPMENT SEED CAPITAL  
36 CORPORATION FUND NOTES.

37 The corporation may issue Iowa ~~product development~~  
38 ~~seed capital~~ corporation fund notes, the principal and  
39 interest of which shall be payable solely from the  
40 Iowa ~~product development seed capital~~ corporation fund  
41 established by this division. The fund notes of each  
42 issue shall be dated, shall mature at such times and  
43 may be made redeemable before maturity, at prices and  
44 under terms and conditions as determined by the  
45 corporation. The corporation shall determine the form  
46 and manner of execution of the fund notes, including  
47 any interest coupons to be attached, and shall fix the  
48 denominations and the places of payment of principal  
49 and interest, which may be any financial institution  
50 within or without the state or any agent, including

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1 the lender. If an officer whose signature or a  
2 facsimile of whose signature appears on fund notes or  
3 coupons ceases to be that officer before the delivery  
4 of the notes or coupons, the signature or facsimile is  
5 valid and sufficient for all purposes the same as if  
6 the officer had remained in office until delivery.  
7 The fund notes may be issued in coupon or in  
8 registered form, or both, as the corporation  
9 determines, and provision may be made for the  
10 registration of coupon fund notes as to principal  
11 alone and also as to both principal and interest, and  
12 for the conversion into coupon fund notes of any fund  
13 notes registered as to both principal and interest,  
14 and for the interchange of registered and coupon fund  
15 notes. Fund notes shall bear interest at rates as  
16 determined by the corporation and may be sold in a  
17 manner, either at public or private sale, and for a  
18 price as the corporation determines to be best to  
19 effectuate the purposes of the Iowa ~~product~~  
20 ~~development seed capital~~ corporation fund. The  
21 proceeds of fund notes shall be used solely for the  
22 purposes for which issued and shall be disbursed in a  
23 manner and under restrictions as provided in this  
24 division and in the resolution of the corporation

25 providing for their issuance. The corporation may  
26 provide for the replacement of fund notes which become  
27 mutilated or are destroyed or lost.

28 Sec. 25. Section 15E.92, Code Supplement 1993, is  
29 amended to read as follows:

30 15E.92 REPORTING AND FUND SOLVENCY.

31 The chairperson of the corporation on or before  
32 December 31 of each fiscal year shall make and deliver  
33 a report to the governor and the legislative fiscal  
34 committee. The report shall include all transactions  
35 conducted by the corporation in the preceding fiscal  
36 year. The report shall also include a balance sheet  
37 outlining the financial solvency of the Iowa ~~product~~  
38 ~~development seed capital~~ corporation fund, a certified  
39 copy of any audits of the corporation conducted in the  
40 preceding fiscal year, and other information requested  
41 by the governor or the legislative fiscal committee.

42 Sec. 26. Section 15E.152, Code Supplement 1993, is  
43 amended by adding the following new subsection:

44 **NEW SUBSECTION. 7.** Establishment of a seed  
45 capital fund which shall be administered by the board  
46 to provide seed capital for the commercialization of  
47 product, or the development of processes or materials  
48 through research at Iowa colleges and universities or  
49 by private industry.

50 Sec. 27. Section 15E.158, subsection 1, Code 1993,

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1 is amended by adding the following new paragraph:

2 **NEW PARAGRAPH. h.** For high technology apprentice-  
3 ship programs at community colleges.

4 Sec. 28. Section 364.17, subsection 5, Code 1993,

5 is amended to read as follows:

6 5. Cities may establish reasonable fees for  
7 inspection and enforcement procedures. Cities may  
8 also assess additional fees for inspection and  
9 enforcement procedures, if the additional fees are  
10 deposited into a housing trust fund as defined in  
11 section 384.6A.

12 Sec. 29. **NEW SECTION. 384.6A HOUSING TRUST FUND.**

13 A city may establish a housing trust fund which may  
14 accept funds provided by ordinance appropriation,  
15 gift, or other source.

16 For purposes of this section, "housing trust fund"  
17 means a revolving fund established by a city through  
18 ordinance for the purpose of meeting the housing needs  
19 of low or moderate income families. For purposes of  
20 this section, "low or moderate income families" means  
21 as defined in section 16.1 or as defined by a

22 comprehensive housing affordability strategy conducted  
23 by the city to comply with the federal Cranston-  
24 Gonzales National Affordable Housing Act of 1990, Pub.  
25 L. No. 101-625. Housing trust fund moneys may be used  
26 for any of the purposes described in section 16.100 or  
27 for other types of programs to meet needs identified  
28 by the comprehensive housing affordability strategy.  
29 All moneys in the fund, appropriated or dedicated to  
30 the fund, and interest or earnings on moneys in the  
31 fund shall be used solely for these purposes.

32 Sec. 30. Section 422.5, subsection 1, paragraph j,  
33 Code 1993, is amended by adding the following new  
34 unnumbered paragraph:

35 **NEW UNNUMBERED PARAGRAPH.** The tax imposed upon the  
36 taxable income of a resident shareholder in a  
37 corporation which has in effect for the tax year an  
38 election under subchapter S of the Internal Revenue  
39 Code and carries on business within and without the  
40 state may be computed by reducing the amount  
41 determined pursuant to paragraphs "a" through "i" by  
42 the amounts of nonrefundable credits under this  
43 division and by multiplying this resulting amount by a  
44 fraction of which the resident's net income allocated  
45 to Iowa, as determined in section 422.8, subsection 2,  
46 paragraph "b", is the numerator and the resident's  
47 total net income computed under section 422.7 is the  
48 denominator. This provision also applies to  
49 individuals who are residents of Iowa for less than  
50 the entire tax year.

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1 Sec. 31. Section 422.5, subsection 1, paragraph k,  
2 unnumbered paragraph 4, Code 1993, is amended to read  
3 as follows:

4 In the case of a resident, including a resident  
5 estate or trust, the state's apportioned share of the  
6 state alternative minimum tax is one hundred percent  
7 of the state alternative minimum tax computed in this  
8 subsection. In the case of a resident or part year  
9 resident shareholder in a corporation which has in  
10 effect for the tax year an election under subchapter S  
11 of the Internal Revenue Code and carries on business  
12 within and without the state, nonresident, including a  
13 nonresident estate or trust, or an individual, estate,  
14 or trust that is domiciled in the state for less than  
15 the entire tax year, the state's apportioned share of  
16 the state alternative minimum tax is the amount of tax  
17 computed under this subsection, reduced by the  
18 applicable credits in sections 422.10 through 422.12

19 and this result multiplied by a fraction with a  
20 numerator of the sum of state net income allocated to  
21 Iowa as determined in section 422.8, subsection 2,  
22 paragraph "a" or "b" as applicable, plus tax  
23 preference items, adjustments, and losses under  
24 subparagraph (1) attributable to Iowa and with a  
25 denominator of the sum of total net income computed  
26 under section 422.7 plus all tax preference items,  
27 adjustments, and losses under subparagraph (1). In  
28 computing this fraction, those items excludable under  
29 subparagraph (1) shall not be used in computing the  
30 tax preference items. Married taxpayers electing to  
31 file separate returns or separately on a combined  
32 return must allocate the minimum tax computed in this  
33 subsection in the proportion that each spouse's  
34 respective preference items, adjustments, and losses  
35 under subparagraph (1) bear to the combined preference  
36 items, adjustments, and losses under subparagraph (1)  
37 of both spouses.

38 Sec. 32. Section 422.7, Code Supplement 1993, is  
39 amended by adding the following new subsection:  
40 NEW SUBSECTION. 29. Resident shareholders of a  
41 corporation which has an election in effect under  
42 subchapter S of the Internal Revenue Code shall add  
43 their proportionate share of a deemed distribution of  
44 current year income to the extent that the salaries,  
45 wages, or other compensation for services performed by  
46 all shareholders does not equal ten percent of net  
47 income of the corporation computed in accordance with  
48 section 422.35 and considering items of income and  
49 expense which pass directly to the shareholders under  
50 provisions of the Internal Revenue Code before

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1 deduction of shareholders' salaries, wages, or other  
2 compensation for services performed. In addition  
3 there shall be added any cash or the value of any  
4 property distributions made to the extent they are  
5 made from income upon which Iowa income tax has not  
6 been paid as determined under rules of the director.

7 Sec. 33. Section 422.8, subsection 2, Code 1993,  
8 is amended to read as follows:

9 2. a. Nonresident's net income allocated to Iowa  
10 is the net income, or portion thereof, which is  
11 derived from a business, trade, profession, or  
12 occupation carried on within this state or income from  
13 any property, trust, estate, or other source within  
14 Iowa. If a business, trade, profession, or occupation  
15 is carried on partly within and partly without the

16 state, only the portion of the net income which is  
17 fairly and equitably attributable to that part of the  
18 business, trade, profession, or occupation carried on  
19 within the state is allocated to Iowa for purposes of  
20 section 422.5, subsection 1, paragraph "j" and section  
21 422.13 and income from any property, trust, estate, or  
22 other source partly within and partly without the  
23 state is allocated to Iowa in the same manner, except  
24 that annuities, interest on bank deposits and  
25 interest-bearing obligations, and dividends are  
26 allocated to Iowa only to the extent to which they are  
27 derived from a business, trade, profession, or  
28 occupation carried on within the state.

29 b. A resident's income allocable to Iowa is the  
30 income determined under section 422.7 reduced by the  
31 net income or loss of a corporation which is fairly  
32 and equitably attributable without the state under  
33 section 422.33. For the purposes of this paragraph,  
34 "corporation" means a corporation which has in effect  
35 for the tax year an election under subchapter S of the  
36 Internal Revenue Code and carries on business partly  
37 within and partly without the state. This provision  
38 also applies to individuals who are residents of Iowa  
39 for less than the entire tax year.

40 Sec. 34. Section 422.8, Code 1993, is amended by  
41 adding the following new subsection:

42 **NEW SUBSECTION. 6.** If the resident or part year  
43 resident is a shareholder of a corporation which has  
44 in effect an election under subchapter S of the  
45 Internal Revenue Code, subsections 1 and 3 do not  
46 apply to any income taxes paid to another state or  
47 foreign country on the income from the corporation  
48 which has in effect an election under subchapter S of  
49 the Internal Revenue Code.

50 Sec. 35. Section 428A.1, unnumbered paragraph 1,

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1 Code 1993, is amended to read as follows:

2 There is imposed on each deed, instrument, or  
3 writing by which any lands, tenements, or other realty  
4 in this state are granted, assigned, transferred, or  
5 otherwise conveyed, a tax consisting of the state tax  
6 and any city tax determined in the following manner:  
7 When there is no consideration or when the deed  
8 instrument or writing is executed and tendered for  
9 recording as an instrument corrective of title, and so  
10 states, there is no tax. When there is consideration  
11 and the actual market value of the real property  
12 transferred is in excess of five hundred dollars, the

13 tax is eighty cents plus the applicable city tax, if  
 14 any, for each five hundred dollars or fractional part  
 15 of five hundred dollars in excess of five hundred  
 16 dollars. The term "consideration", as used in this  
 17 chapter, means the full amount of the actual sale  
 18 price of the real property involved, paid or to be  
 19 paid, including the amount of an encumbrance or lien  
 20 on the property, whether assumed or not by the  
 21 grantee. It is presumed that the sale price so stated  
 22 includes the value of all personal property  
 23 transferred as part of the sale unless the dollar  
 24 value of personal property is stated on the instrument  
 25 of conveyance. When the dollar value of the personal  
 26 property included in the sale is so stated, it shall  
 27 be deducted from the consideration shown on the  
 28 instrument for the purpose of determining the tax.

29 Sec. 36. NEW SECTION. 428A.1A CITY TAX.

30 The governing body of a city may impose by  
 31 ordinance a city real estate transfer tax. Revenues  
 32 from the tax shall only be deposited in a housing  
 33 trust fund to be used for purposes of the fund as  
 34 provided in section 384.6A and the ordinance shall so  
 35 state. The city real estate transfer tax shall be  
 36 imposed and collected in the same manner and at the  
 37 same time as the state real estate transfer tax.  
 38 Transfers exempt from the state tax are exempt from  
 39 the city tax. The rate of the tax shall not exceed  
 40 fifty cents per five hundred dollars of market value.

41 Sec. 37. Section 428A.8, Code 1993, is amended to  
 42 read as follows:

43 428A.8 REMITTANCE TO STATE OR CITY TREASURER --  
 44 PORTION RETAINED IN COUNTY.

45 On or before the tenth day of each month the county  
 46 recorder shall determine and pay to the treasurer of  
 47 state eighty-two and three-fourths percent of the  
 48 receipts from the state real estate transfer tax  
 49 collected during the preceding month and the treasurer  
 50 of state shall deposit ninety-five percent of the

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1 receipts amounts received by the treasurer of state in  
 2 the general fund of the state and transfer five  
 3 percent of the amounts received to the Iowa finance  
 4 authority for deposit in the housing improvement fund  
 5 created in section 16.100. At the time of remittance  
 6 of the state tax receipts, the county recorder shall  
 7 remit to the Iowa finance authority each city's tax  
 8 receipts collected during the previous month, if one  
 9 is imposed. The Iowa finance authority shall remit



10 the amounts collected from each city imposing a city  
11 tax by the first day of the second month of the  
12 quarter following the quarter in which the tax was  
13 collected.

14 The county recorder shall deposit the remaining  
15 seventeen and one-fourth percent of the state receipts  
16 in the county general fund.

17 The county recorder shall keep records and make  
18 reports with respect to the real estate transfer tax  
19 as the director of revenue and finance prescribes.

20 Sec. 38. 1992 Iowa Acts, chapter 1244, section 1,  
21 subsection 2, paragraph e, as amended by 1993 Iowa  
22 Acts, chapter 180, section 46, is amended to read as  
23 follows:

24 e. Small business investment company  
25 capitalization

26 For transfer to the treasurer of state for the  
27 purpose of facilitating the organization and private  
28 capitalization of the small business investment  
29 company or other entity under sections 15E.169 through  
30 15E.171. If the small business investment company or  
31 another entity for which the funds are to be used is  
32 not organized within ~~twenty-four~~ thirty-six months of  
33 the effective date of this Act, unused funds shall  
34 revert to the general fund of the state:

35 ..... \$ 200,000

36 The Iowa business investment corporation  
37 established pursuant to section 15E.169 is directed to  
38 develop a proposal, to be presented to the general  
39 assembly no later than January 9, 1995, for a venture  
40 capital company to facilitate the development of Iowa  
41 small businesses. The proposal shall include  
42 recommendations relating to the organization,  
43 capitalization, consolidation, and coordination of  
44 programs or initiatives intended to facilitate  
45 investments in seed and venture capital for Iowa small  
46 businesses.

47 Sec. 39. LEASE-PURCHASE -- BUDGET SUBMISSION.

48 This section applies to each state agency receiving an  
49 appropriation in this Act. The departmental estimate  
50 required under section 8.23 for the fiscal period

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1 beginning July 1, 1995, which includes the state  
2 agency, shall provide an itemized list indicating the  
3 nature and amount of each lease-purchase contract  
4 payment included in the estimate for proposed  
5 contracts which have not been reported by the state  
6 agency to the legislative fiscal committee of the

7 legislative council pursuant to section 8.46 prior to  
8 the submission of the estimate. The governor shall  
9 include in the governor's budget for the fiscal year  
10 beginning July 1, 1995, a listing indicating the  
11 nature and amount of each lease-purchase contract  
12 which was itemized in a departmental estimate in  
13 accordance with this section and is included in the  
14 governor's budget. A state agency receiving an  
15 appropriation in this Act shall not enter into a  
16 lease-purchase contract during the fiscal year  
17 beginning July 1, 1995, unless the contract was  
18 itemized in a departmental estimate and included in  
19 the governor's budget in accordance with this section.  
20 Sec. 40. Sections 30 through 34 take effect  
21 January 1, 1996, for tax years beginning on or after  
22 that date."

23 2. Title page, lines 4 and 5, by striking the  
24 words "and providing effective dates" and inserting  
25 the following: "including authorizing a city to  
26 impose a real estate transfer tax, and relating to the  
27 taxation of shareholders and providing an effective  
28 and applicability date provision".

TONY BISIGNANO

S-5549

1 Amend the amendment, S-5548, to House File 2415, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

- 4 1. Page 2, line 47, by striking the figure  
5 "4,922,000" and inserting the following: "4,772,000".
- 6 2. Page 6, line 25, by inserting after the word  
7 "state," the following: "to allocate \$150,000 to the  
8 Northwood welcome center,".
- 9 3. Page 6, line 28, by striking the figure  
10 "250,000" and inserting the following: "400,000".

BERL E. PRIEBE  
MERLIN E. BARTZ  
TONY BISIGNANO

S-5550

1 Amend the amendment, S-5548, to House File 2415, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

- 4 1. Page 2, line 47, by striking the figure  
5 "4,922,000" and inserting the following: "4,737,000".

LARRY MURPHY  
TONY BISIGNANO

S-5551

- 1 Amend the amendment, S-5548, to House File 2415, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, line 47, by striking the figure  
5 "4,922,000" and inserting the following: "4,772,000".  
6 2. Page 6, lines 25 and 26, by striking the words  
7 "to construct the next welcome center to be funded"  
8 and inserting the following: "for a welcome center".

MICHAEL E. GRONSTAL  
TONY BISIGNANO

S-5552

- 1 Amend the amendment, S-5548, to House File 2415, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 7, line 42, by striking the figure  
5 "174,000" and inserting the following: "114,000".  
6 2. Page 9, line 7, by striking the figure  
7 "2,540,000" and inserting the following: "2,600,000".

TONY BISIGNANO  
LARRY MURPHY

S-5553

- 1 Amend the amendment, S-5548, to House File 2415, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 10, line 48, by inserting after the word  
5 "system" the following: "and moneys deposited in the  
6 fund during the fiscal year beginning July 1, 1993,  
7 and ending June 30, 1994, shall be carried forward and  
8 be available for expenditure in the fiscal year  
9 beginning July 1, 1994, and ending June 30, 1995, in  
10 the same amount and for the same purpose as described  
11 in 1993 Iowa Acts, chapter 180, section 66".

TONY BISIGNANO  
JIM LIND  
LARRY MURPHY

ALLEN BORLAUG  
DERRYL MCLAREN

S-5554

- 1 Amend the amendment, S-5548, to House File 2415, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, line 47, by striking the figure  
5 "4,922,000" and inserting the following: "4,587,000".

LARRY MURPHY  
TONY BISIGNANO

HOUSE AMENDMENT TO  
SENATE FILE 2108

S-5555

- 1 Amend Senate File 2108, as passed by the Senate as  
2 follows:  
3 1. Page 1, by striking line 13 and inserting the  
4 following: "forward the original affidavit to the  
5 state registrar."  
6 2. Page 1, line 28, by inserting after the word  
7 "court." the following: "The department shall adopt  
8 rules which establish the parameters for access to and  
9 authorized disclosure of vital statistics and data  
10 contained in vital statistics records relating to  
11 birth and adoption records under this section."  
12 3. Page 1, by inserting before line 29 the  
13 following:  
14 "Sec. \_\_\_\_ . Section 252A.3, subsection 9, paragraph  
15 b, Code Supplement 1993, is amended to read as  
16 follows:  
17 b. By the statement of the person admitting  
18 paternity putative father in court and upon  
19 concurrence of the mother. If the mother was married,  
20 at the time of birth or conception of the child, to an  
21 individual other than the person admitting paternity  
22 putative father, the individual to whom the mother was  
23 married at the time of birth or conception must deny  
24 paternity in order to establish the paternity of the  
25 person admitting paternity putative father upon the  
26 sole basis of the admission.  
27 Sec. \_\_\_\_ . Section 252A.3A, subsection 1,  
28 unnumbered paragraph 1, Code Supplement 1993, is  
29 amended to read as follows:  
30 Upon the birth of a child to a woman who was  
31 unmarried at the time of birth and conception of the

32 child, the institution where the birth occurred shall  
 33 provide the mother and the ~~individual alleged to be~~  
 34 ~~the putative~~ father all of the following:

35 Sec. \_\_\_\_ . Section 252A.3A, subsection 2,  
 36 unnumbered paragraph 1, Code Supplement 1993, is  
 37 amended to read as follows:

38 An institution may either voluntarily, or under an  
 39 agreement with the child support recovery unit, assist  
 40 the mother and the ~~individual alleged to be the~~  
 41 ~~putative~~ father in completing an affidavit of  
 42 paternity and submitting a completed affidavit of  
 43 paternity to the state registrar accompanied by a copy  
 44 of the birth certificate. A completed affidavit of  
 45 paternity shall contain or have attached all of the  
 46 following:

47 Sec. \_\_\_\_ . Section 252A.3A, subsection 2, paragraph  
 48 c, Code Supplement 1993, is amended to read as  
 49 follows:

50 c. A statement by the ~~individual admitting~~

Page 2

1 ~~paternity putative father~~ that the individual is the  
 2 father of the child."

3 4. Page 1, line 31, by striking the words  
 4 "individual admitting paternity" and inserting the  
 5 following: "~~individual admitting paternity putative~~  
 6 ~~father~~".

7 5. Page 2, line 5, by inserting after the words  
 8 "~~forward the~~" the following: "original".

9 6. Title page, by striking lines 1 through 3 and  
 10 inserting the following: "An Act providing for  
 11 consistency in references to the parents of children  
 12 in the context of treatment of birth certificate and  
 13 affidavit of paternity information."

HOUSE AMENDMENT TO  
 SENATE FILE 2086

S-5556

1 Amend Senate File 2086, as passed by the Senate, as  
 2 follows:

3 1. Page 10, line 31, by striking the word "fifty"  
 4 and inserting the following: "twenty".

5 2. Page 27, by inserting after line 23 the  
 6 following:

7 "Sec. \_\_\_\_ . Section 327H.21, Code 1993, is amended  
 8 to read as follows:

9 327H.21 FEDERAL FUNDS.

10 The department may accept federal funds to carry  
11 out the purposes of this chapter. All federal funds  
12 received under this section and all interest and  
13 earnings on federal funds received under this section  
14 are appropriated for the purposes set forth in the  
15 federal grants."

16 3. Page 43, by striking lines 15 through 29 and  
17 inserting the following: "examinations of banks. The  
18 amounts necessary to fund the excess examination  
19 expenses shall be collected from banks being  
20 regulated, and the collections shall be treated as  
21 repayment receipts as defined in section 8.2. The  
22 division shall notify in writing the legislative  
23 fiscal bureau and the department of management when  
24 hiring additional personnel. The written notification  
25 shall include documentation that any additional  
26 expenditure related to such hiring will be totally  
27 reimbursed to the general fund, and shall also include  
28 the division's justification for hiring such  
29 personnel. The division must obtain the approval of  
30 the department of management only if the number of  
31 additional personnel to be hired exceeds the number of  
32 full-time equivalent positions authorized by the  
33 general assembly."

34 4. By striking page 44, line 27 through page 45,  
35 line 6 and inserting the following: "from  
36 examinations of credit unions. The amounts necessary  
37 to fund the excess examination expenses shall be  
38 collected from credit unions being regulated, and the  
39 collections shall be treated as repayment receipts as  
40 defined in section 8.2. The division shall notify in  
41 writing the legislative fiscal bureau and the  
42 department of management when hiring additional  
43 personnel. The written notification shall include  
44 documentation that any additional expenditure related  
45 to such hiring will be totally reimbursed to the  
46 general fund, and shall also include the division's  
47 justification for hiring such personnel. The division  
48 must obtain the approval of the department of  
49 management only if the number of additional personnel  
50 to be hired exceeds the number of full-time equivalent

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1 positions authorized by the general assembly."

2 5. Page 48, line 10, by inserting after the word  
3 "of" the following: "subsections 1 and 2 and".

4 6. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2288

S-5557

1 Amend Senate File 2288, as passed by the Senate, as  
2 follows:

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

5 "Section 1. Section 8A.1, unnumbered paragraph 1,  
6 Code Supplement 1993, is amended to read as follows:

7 An Iowa council on human investment is established  
8 to define a human service agenda for the state and to  
9 propose benchmarks for the strategic goals of the  
10 state identified by the council. The governor or the  
11 governor's designee shall be a member and chairperson  
12 of the council and the council shall consist of eight  
13 other members appointed by the governor, subject to  
14 confirmation by the senate. The appointments shall be  
15 made in a manner so that all of the state's  
16 congressional districts are represented along with the  
17 ethnic, cultural, social, and economic diversity of  
18 the state. Terms of office of members other than the  
19 governor are three years. Council members shall be  
20 reimbursed for actual and necessary expenses incurred  
21 in performance of their duties. Members may also be  
22 eligible to receive compensation as provided in  
23 section 7E.6. In addition to the nine voting members,  
24 the council shall include four members of the general  
25 assembly with not more than one member from each  
26 chamber being from the same political party. The two  
27 senators shall be designated by the president of the  
28 senate after consultation with the majority and  
29 minority leaders of the senate. The two  
30 representatives shall be designated by the speaker of  
31 the house of representatives after consultation with  
32 the majority and minority leaders of the house of  
33 representatives. Legislative members shall serve in  
34 an ex-officio, nonvoting capacity. A legislative  
35 member is eligible for per diem and expenses as  
36 provided in section 2.10. The governor shall assign  
37 staffing services to the council which may include the  
38 staff identified by the director of the department of  
39 management. The council shall do all of the  
40 following:"

41 2. Page 1, line 1, by striking the word and  
42 figure "Section 1" and inserting the following:  
43 "Sec. \_\_\_\_ . Section 217.11, subsection 6, Code  
44 Supplement 1993, is amended by striking the  
45 subsection.

46 Sec. \_\_\_\_ . Section 217.11, unnumbered paragraph 2,  
47 Code Supplement 1993, is amended to read as follows:  
48 The department of human services shall contract  
49 with the department of health and human rights to  
50 staff and administer grants provided under section

Page 2

1 217.12.

2 Sec. \_\_\_\_ . Section 217.12, subsection 3, unnumbered  
3 paragraph 1, Code Supplement 1993, is amended to read  
4 as follows:

5 Subject to the availability of funds for this  
6 purpose, award ~~demonstration~~ grants to public or  
7 private organizations ~~submitting grant proposals to~~  
8 provide for provision of family development services  
9 to families at risk of long-term welfare dependency.  
10 Grant proposals for the family development and self-  
11 sufficiency grant program shall include the following  
12 elements:

13 Sec. \_\_\_\_ . Section 217.12, subsection 3, paragraph  
14 a, Code Supplement 1993, is amended to read as  
15 follows:

16 a. Designation of families to be served that meet  
17 some criteria of being at risk of long-term welfare  
18 dependency, and agreement to serve clients that are  
19 referred by the department of human services from the  
20 family investment program which meet the criteria.  
21 The criteria may include, but are not limited to,  
22 factors such as educational level, work history,  
23 family structure, age of the youngest child in the  
24 family, previous length of stay on the family  
25 investment program, and participation in the family  
26 investment program or the foster care program while  
27 the head of a household was a child. Grant proposals  
28 shall also establish the number of families to be  
29 served under the ~~demonstration program grant~~.

30 Sec. \_\_\_\_ . Section 217.12, subsection 4, Code  
31 Supplement 1993, is amended to read as follows:

32 4. In cooperation with the legislative fiscal  
33 bureau, develop measures to independently evaluate the  
34 effectiveness of any ~~demonstration program grant~~  
35 funded under the program, that include measurement of  
36 the program's grantee's effectiveness in meeting its  
37 goals in a quantitative sense through reduction in  
38 length of stay on welfare programs or a reduced need  
39 for other state child and family welfare services.  
40 Families referred to the ~~demonstration programs~~  
41 program shall be ~~randomly~~ selected from those meeting  
42 the criteria established in the ~~demonstration programs~~



43 program as being at risk.

44 Sec. \_\_\_\_ . Section 217.12, subsection 6, Code

45 Supplement 1993, is amended to read as follows:

46 6. Seek additional support for the funding of  
47 demonstration grants under the program, including but  
48 not limited to, demonstration funds available through  
49 the federal government in serving families at risk of  
50 long-term welfare dependency, and private foundation

Page 3

1 grants.

2 Sec. \_\_\_\_."

3 3. Page 7, by inserting after line 1 the

4 following:

5 "Sec. \_\_\_\_ . Section 541A.1, subsection 2, Code

6 Supplement 1993, is amended to read as follows:

7 2. "Administrator" means the executive branch

8 agency selected by the governor to administer

9 individual development accounts department of human  
10 services.

11 Sec. \_\_\_\_ . Section 541A.4, subsection 1, Code

12 Supplement 1993, is amended to read as follows:

13 1. For the five-year pilot phase period beginning  
14 March 1, 1994, and ending February 28, 1999 January 1,

15 1995, the total number of individual development

16 accounts shall be limited to ten thousand accounts,

17 with not more than five thousand accounts in the first

18 calendar year of the period, and to individuals with a

19 household income which does not exceed two hundred

20 percent of the federal poverty level. The

21 administrator shall ensure that the family income

22 status of account holders at the time an account is

23 opened proportionately reflects the distribution of

24 the household income status of the state's population

25 up to two hundred percent of the federal poverty

26 level.

27 Sec. \_\_\_\_ . NEW SECTION. 541A.5 RULES.

28 The administrator, in consultation with the

29 department of revenue and finance, may adopt

30 administrative rules to implement the provisions of

31 this chapter."

32 4. Title page, line 1, by inserting after the

33 word "involving" the following: "the council on human

34 investment and".

35 5. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2172

S-5558

1 Amend Senate File 2172, as passed by the Senate, as  
2 follows:

- 3 1. Page 4, line 23, by striking the word "all"  
4 and inserting the following: "~~all~~ those".  
5 2. Page 4, line 25, by inserting after the word  
6 "chapter" the following: ", including but not limited  
7 to, the use of public agencies and community  
8 rehabilitation programs as practicable in securing  
9 employment for individuals with disabilities".

HOUSE AMENDMENT TO  
SENATE FILE 2287

S-5559

1 Amend Senate File 2287, as passed by the Senate, as  
2 follows:

- 3 1. Page 1, by striking lines 3 through 6 and  
4 inserting the following:  
5 "Except as otherwise provided in this section, a  
6 person in possession of psychological test material  
7 shall not disclose the material to".  
8 2. Page 1, line 8, by inserting before the word  
9 "material" the following: "test".  
10 3. Page 1, line 11, by striking the words "with a  
11 test" and inserting the following: "with a  
12 psychological test".  
13 4. Page 1, line 18, by striking the word  
14 "records" and inserting the following: "test  
15 materials".

HOUSE AMENDMENT TO  
SENATE FILE 2219

S-5560

1 Amend Senate File 2219, as amended, passed, and  
2 reprinted by the Senate as follows:

- 3 1. Page 8, by striking lines 11 and 12 and  
4 inserting the following:  
5 "Sec. \_\_\_\_ . Section 45.3, unnumbered paragraphs 2,  
6 3, 4, 5, 6, 7, and 8, Code 1993, are amended by  
7 striking the paragraphs and inserting in lieu".  
8 2. Page 9, by striking lines 12 through 28.  
9 3. Page 10, by inserting after line 2 the

10 following:

11 "Sec. \_\_\_\_ . Section 49.20, Code 1993, is amended to  
12 read as follows:

13 49.20 COMPENSATION OF MEMBERS.

14 The members of election boards shall be deemed  
15 temporary state employees who are compensated by the  
16 county in which they serve, and shall receive  
17 compensation at a rate established by the board of  
18 supervisors, which shall be not less than three  
19 dollars and fifty cents per hour, while engaged in the  
20 discharge of their duties and shall be reimbursed for  
21 actual and necessary travel expense at a rate  
22 determined by the board of supervisors, except that  
23 persons who have advised the commissioner prior to  
24 their appointment to the election board that they are  
25 willing to serve without pay at elections conducted  
26 for any school district or a city of three thousand  
27 five hundred or less population, shall receive no  
28 compensation for service at those elections.  
29 Compensation shall be paid to members of election  
30 boards only after the vote has been canvassed and it  
31 has been determined in the course of the canvass that  
32 the election record certificate has been properly  
33 executed by the election board."

34 4. Page 13, by inserting before line 1 the  
35 following:

36 "Sec. \_\_\_\_ . Section 49.125, Code 1993, is amended  
37 to read as follows:

38 49.125 COMPENSATION OF TRAINEES.

39 All election personnel attending such training  
40 course shall be paid for attending such course for a  
41 period not to exceed two hours, and shall be  
42 reimbursed for travel to and from the place where the  
43 training is given at the rate specified in established  
44 pursuant to section 70A-9 49.20 if the distance  
45 involved is more than five miles. The wages shall be  
46 computed at the hourly rate established pursuant to  
47 section 49.20 and payment of wages and mileage for  
48 attendance shall be made at the time that payment is  
49 made for duties performed on election day."

50 5. Page 14, by inserting after line 2 the

Page 2

1 following:

2 "Sec. \_\_\_\_ . Section 52.40, subsection 1, Code  
3 Supplement 1993, is amended to read as follows:

4 1. In counties where counting centers have been  
5 established under section 52.34, the commissioner may;  
6 for general elections only, designate certain polling

7 places as early ballot pick-up sites. At these sites,  
 8 between the hours of one p.m. and four p.m. on the day  
 9 of the election, early pick-up officers shall receive  
 10 the sealed ballot container containing the ballots  
 11 which have been voted throughout the day along with a  
 12 signed statement of the precinct attesting to the  
 13 number of declarations of eligibility signed up to  
 14 that time, excluding those declarations signed by  
 15 voters who have not yet placed their ballots in the  
 16 ballot container. The officers shall replace the  
 17 ballot container containing the voted ballots with an  
 18 empty ballot container, to be sealed in the presence  
 19 of a precinct election official.”

20 6. Page 17, by inserting after line 26 the  
 21 following:

22 “Sec. \_\_\_\_ . Section 56.2, subsection 5, Code  
 23 Supplement 1993, is amended by striking the  
 24 subsection.

25 Sec. \_\_\_\_ . Section 56.2, subsection 8, Code  
 26 Supplement 1993, is amended by adding the following  
 27 new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. “Contribution” shall not  
 29 include placing or permitting the placement of  
 30 political yard signs on private property which is  
 31 located outside of city boundaries or which is located  
 32 within city boundaries and is used as a private  
 33 residence. However, this definition shall not be  
 34 construed to permit the placement of yard signs on  
 35 public property or on a public right of way.

36 Sec. \_\_\_\_ . Section 56.2, subsection 15, Code

37 Supplement 1993, is amended to read as follows:

38 15. “Political committee” means a committee, but  
 39 not a candidate’s committee, which accepts  
 40 contributions in excess of two hundred fifty dollars  
 41 in the aggregate, makes expenditures in excess of two  
 42 hundred fifty dollars in the aggregate, or incurs  
 43 indebtedness in excess of two hundred fifty dollars in  
 44 the aggregate in any one calendar year for the purpose  
 45 of supporting or opposing a candidate for public  
 46 office or ballot issue, or which accepts contributions  
 47 in excess of five hundred dollars in the aggregate,  
 48 makes expenditures in excess of five hundred dollars  
 49 in the aggregate, or incurs indebtedness in excess of  
 50 five hundred dollars in the aggregate in any one

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1 calendar year for the purpose of supporting or  
 2 opposing a ballot issue; “political committee” also  
 3 means an association, lodge, society, cooperative,

4 union, fraternity, sorority, educational institution,  
 5 civic organization, labor organization, religious  
 6 organization, or professional organization which makes  
 7 contributions in the aggregate of more than two  
 8 hundred fifty dollars in any one calendar year for the  
 9 purpose of supporting or opposing a candidate for  
 10 public office ~~or a ballot issue or which accepts~~  
 11 contributions in excess of five hundred dollars in the  
 12 aggregate, makes expenditures in excess of five  
 13 hundred dollars in the aggregate, or incurs  
 14 indebtedness in excess of five hundred dollars in the  
 15 aggregate in any one calendar year for the purpose of  
 16 supporting or opposing a ballot issue. "Political  
 17 committee" also includes a committee which accepts  
 18 contributions in excess of two hundred fifty dollars  
 19 in the aggregate, makes expenditures in excess of two  
 20 hundred fifty dollars in the aggregate, or incurs  
 21 indebtedness in excess of two hundred fifty dollars in  
 22 the aggregate in a calendar year to cause the  
 23 publication or broadcasting of material in which the  
 24 public policy positions or voting record of an  
 25 identifiable candidate is discussed and in which a  
 26 reasonable person could find commentary favorable or  
 27 unfavorable to those public policy positions or voting  
 28 record.

29 Sec. \_\_\_\_ . Section 56.5, subsection 2, paragraph f,  
 30 Code Supplement 1993, is amended to read as follows:

31 f. A signed statement by the treasurer of the  
 32 committee and the candidate, in the case of a  
 33 candidate's committee, ~~or by the treasurer of the~~  
 34 ~~committee and the chairperson, in the case of a~~  
 35 ~~political committee,~~ which shall verify that they are  
 36 aware of the requirement to file disclosure reports if  
 37 the committee, the committee officers, the candidate,  
 38 or both the committee officers and the candidate  
 39 receive contributions in excess of five hundred  
 40 dollars in the aggregate, make expenditures in excess  
 41 of five hundred dollars in the aggregate, or incur  
 42 indebtedness in excess of five hundred dollars in the  
 43 aggregate in a calendar year for the purpose of  
 44 supporting or opposing any candidate for public  
 45 office. In the case of political committees,  
 46 statements relating to ballot issues shall be made by  
 47 the treasurer of the committee and the chairperson ~~and~~  
 48 ~~two hundred fifty dollar aggregate threshold level~~  
 49 ~~shall apply instead of the five hundred dollar~~  
 50 ~~threshold level.~~

## Page 4

1 Sec. \_\_\_\_ . Section 56.5A, Code Supplement 1993, is  
2 amended to read as follows:

3 56.5A CANDIDATE'S COMMITTEE.

4 Each candidate for ~~federal~~, state, county, city, or  
5 school office shall organize one, and only one,  
6 candidate's committee for a specific office sought  
7 when the candidate receives contributions in excess of  
8 five hundred dollars in the aggregate, makes  
9 expenditures in excess of five hundred dollars in the  
10 aggregate, or incurs indebtedness in excess of ~~two~~  
11 five hundred fifty dollars in the aggregate in a  
12 calendar year.

13 Sec. \_\_\_\_ . Section 56.6, subsection 1, paragraphs a  
14 and d, Code Supplement 1993, are amended to read as  
15 follows:

16 a. Each treasurer of a committee shall file with  
17 the board or commissioner disclosure reports of  
18 contributions received and disbursed on forms  
19 prescribed by rules as provided by chapter 17A. The  
20 reports from all committees, except those committees  
21 for municipal and school elective offices and for  
22 local ballot issues, shall be filed on the twentieth  
23 day or mailed bearing a United States postal service  
24 postmark dated on or before the ~~nineteenth~~ twentieth  
25 day of January, May, July, and October of each year.  
26 The May, July, and October reports shall be current as  
27 of five days prior to the filing deadline. The  
28 January report shall be the annual report covering  
29 activity through December 31. However, a state, or  
30 county, or city statutory political committee is not  
31 required to file the May and July reports for a year  
32 in which no primary or general election is held at the  
33 respective state, county, or city level. A  
34 candidate's committee, other than for municipal and  
35 school elective offices, for a year in which the  
36 candidate is not standing for election, is not  
37 required to file the May, July, and October reports.  
38 Reports for committees for a ballot issue placed  
39 before the voters of the entire state shall be filed  
40 at the January, May, July, and October deadlines.

41 d. Committees for municipal and school elective  
42 offices and local ballot issues shall file their first  
43 reports five days prior to any election in which the  
44 name of the candidate or the local ballot issue which  
45 they support or oppose appears on the printed ballot  
46 and shall file their next report on the first day of  
47 the month following the final election in a calendar  
48 year in which the candidate's name or the ballot issue

49 appears on the ballot. A committee supporting or  
50 opposing a candidate for a municipal or school

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1 elective office or a local ballot issue shall also  
2 file disclosure reports on the twentieth day of  
3 January and October of each year in which the  
4 candidate or ballot issue does not appear on the  
5 ballot and on the twentieth day of January, May, and  
6 July of each year in which the candidate or ballot  
7 issue appears on the ballot, until the committee  
8 dissolves. These reports shall be current to five  
9 days prior to the filing deadline and are considered  
10 timely filed if mailed bearing a United States postal  
11 service postmark ~~one or more calendar days preceding~~  
12 on or before the due date.

13 Sec. \_\_\_\_ . Section 56.7, subsection 2, Code 1993,  
14 is amended to read as follows:

15 2. A copy of every report or statement shall be  
16 preserved by the person filing it or the person's  
17 successor for at least ~~one year~~ three years following  
18 the filing of the report or statement.

19 Sec. \_\_\_\_ . Section 56.13, Code Supplement 1993, is  
20 amended to read as follows:

21 **56.13 ACTION OF COMMITTEE IMPUTED TO CANDIDATE**  
22 **INDEPENDENT EXPENDITURES.**

23 1. Action involving a contribution or expenditure  
24 which must be reported under this chapter and which is  
25 taken by any person, candidate's committee or  
26 political committee on behalf of a candidate, if known  
27 and approved by the candidate, shall be deemed action  
28 by the candidate and reported by the candidate's  
29 committee. It shall be presumed that a candidate  
30 approves the action if the candidate had knowledge of  
31 it and failed to file a statement of disavowal with  
32 the commissioner or board and take corrective action  
33 within seventy-two hours of the action. A person,  
34 candidate's committee or political committee taking  
35 such action independently of that candidate's  
36 committee shall notify that candidate's committee in  
37 writing within twenty-four hours of taking the action.  
38 The notification shall provide that candidate's  
39 committee with the cost of the promotion at fair  
40 market value. A copy of the notification shall be  
41 sent to the board.

42 Any person who makes expenditures or incurs  
43 indebtedness, other than incidental expenses incurred  
44 in performing volunteer work, in support or opposition  
45 of a candidate for public office shall notify the

46 appropriate committee and provide necessary  
47 information for disclosure reports.  
48 2. If a person, other than a political committee,  
49 makes one or more expenditures in excess of five  
50 hundred dollars in the aggregate, or incurs

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1 indebtedness in excess of five hundred dollars in the  
2 aggregate, in any one calendar year for purposes of  
3 supporting or opposing a ballot issue, the person  
4 shall file a statement of activity within ten days of  
5 taking the action exceeding the threshold. The  
6 statement shall contain information identifying the  
7 person filing the statement, identifying the ballot  
8 issue, and indicating the position urged by the person  
9 with regard to the ballot issue. The person shall  
10 file reports indicating the dates on which the  
11 expenditures or incurrence of indebtedness took place;  
12 a description of the nature of the action taken which  
13 resulted in the expenditures or debt; and the cost of  
14 the promotion at fair market value. For a local  
15 ballot issue, the reports shall be filed five days  
16 prior to any election in which the ballot issue  
17 appears and on the first day of the month following  
18 the election, as well as on the twentieth day of  
19 January, May, and July of each year in which the  
20 ballot issue appears on the ballot and on the  
21 twentieth day of January and October of each year in  
22 which the ballot issue does not appear on the ballot.  
23 For a statewide ballot issue, reports shall be filed  
24 on the twentieth day of January, May, and July of each  
25 year. The reports shall be current to five days prior  
26 to the filing deadline, and are considered timely  
27 filed if mailed bearing a United States postal service  
28 postmark on or before the due date. Filing  
29 obligations shall cease when the person files a  
30 statement of discontinuation indicating that the  
31 person's financial activity in support of or in  
32 opposition to the ballot issue has ceased. Statements  
33 and reports shall be filed with the commissioner  
34 responsible under section 47.2 for conducting the  
35 election at which the issue is voted upon, except that  
36 reports on a statewide ballot issue shall be filed  
37 with the board.  
38 3. A person taking action involving the making of  
39 an expenditure or incurrence of indebtedness in  
40 support or opposition to a ballot issue independently  
41 of a political committee shall, within seventy-two  
42 hours of taking the action, notify in writing any



43 political committee which advocates the same position  
 44 with regard to the ballot issue as the person taking  
 45 the action. The notification shall provide the  
 46 political committee with the cost of the promotion at  
 47 fair market value. A copy of the notification shall  
 48 be sent to the board. It shall be presumed that a  
 49 benefited committee approves the action if the  
 50 committee fails to file a statement of disavowal with

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1 the commissioner or board and takes corrective action  
 2 within ten days of the action. Action approved by a  
 3 committee shall be reported as a contribution by the  
 4 committee.

5 4. However, this This section shall not be  
 6 construed to require duplicate reporting of anything  
 7 reported under this chapter, by a political committee,  
 8 or except that actions which constitute contributions  
 9 in kind shall be reported by the benefited committee.  
 10 This section shall not be construed to require  
 11 reporting of action by any person which does not  
 12 constitute a contribution."

13 7. Page 20, by inserting after line 7 the  
 14 following:

15 "Sec. \_\_\_\_ . Section 99F.7, subsection 10, paragraph  
 16 a, Code Supplement 1993, is amended to read as  
 17 follows:

18 a. A license to conduct gambling games on an  
 19 excursion gambling boat in a county shall be issued  
 20 only if the county electorate approves the conduct of  
 21 the gambling games as provided in this subsection.  
 22 The board of supervisors, upon receipt of a valid  
 23 petition meeting the requirements of section 331.306,  
 24 shall direct the commissioner of elections to submit  
 25 to the qualified electors of the county a proposition  
 26 to approve or disapprove the conduct of gambling games  
 27 on an excursion gambling boat in the county. The  
 28 proposition shall be submitted at a general election  
 29 or at a special election called for that purpose. To  
 30 be submitted at a general election, the petition must  
 31 be received by the board of supervisors at least five  
 32 working days before the last day for candidates for  
 33 county offices to may file nomination papers with the  
 34 commissioner for the general election pursuant to  
 35 section 44.4. If a majority of the county voters  
 36 voting on the proposition favor the conduct of  
 37 gambling games, the commission may issue one or more  
 38 licenses as provided in this chapter. If a majority  
 39 of the county voters voting on the proposition do not

40 favor the conduct of gambling games, a license to  
41 conduct gambling games in the county shall not be  
42 issued. After a referendum has been held, another  
43 referendum requested by petition shall not be held for  
44 at least two years."

45 8. Page 23, by striking lines 20 through 24, and  
46 inserting the following: "~~commissioner of elections~~  
47 ~~to conduct the election. If the charter provides that~~  
48 ~~one or more~~".

49 9. Page 23, by striking line 26 and inserting the  
50 following: "appoint a person".

### Page 8

1 10. Page 23, by inserting after line 30 the  
2 following:

3 "The terms of those officers elected in the year  
4 the charter is adopted shall be for two years and  
5 shall expire the January following the date of the  
6 next general election following the adoption of the  
7 charter. Those offices filled at the general election  
8 in which the charter was adopted shall be filled at  
9 that next general election and the length of such  
10 terms shall be two years and shall expire the January  
11 following the date of the following general election.  
12 Thereafter, those offices shall be filled every four  
13 years as provided in section 39.17."

14 11. Page 23, by inserting before line 31 the  
15 following:

16 "Sec. \_\_\_\_ . Section 331.238, subsection 3, Code  
17 1993, is amended to read as follows:

18 3. An alternative form of county government shall  
19 provide for the partisan or nonpartisan election of  
20 its officers."

21 12. Page 26, by inserting after line 6 the  
22 following:

23 "Sec. \_\_\_\_ . Section 372.4, unnumbered paragraph 3,  
24 Code 1993, is amended to read as follows:

25 The mayor shall appoint a council member as mayor  
26 pro tem, and shall appoint the marshal or chief of  
27 police except where an intergovernmental agreement  
28 makes other provisions for police protection or as  
29 otherwise provided in section 400.13. The mayor may  
30 appoint a city treasurer or the council may, by  
31 ordinance, provide for the election of the treasurer.

32 Other officers must be selected as directed by the  
33 council. The mayor is not a member of the council and  
34 may not vote as a member of the council."

35 13. Title page, line 1, by inserting after the  
36 word "state" the following: "and ethics and campaign

37 disclosure board”.

38 14. Title page, line 2, by inserting after the  
39 word “state,” the following: “changing the threshold  
40 reporting level for ballot issues,”.

41 15. Title page, line 3, by inserting after the  
42 word “election” the following: “and campaign  
43 finance”.

44 16. By renumbering, relettering, or redesignating  
45 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2234

S-5561

1 Amend Senate File 2234, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, lines 9 and 10, by striking the words  
4 “a child day care an early childhood” and inserting  
5 the following: “a child day care”.

6 2. Page 3, by inserting after line 21 the  
7 following:

8 “Sec. \_\_\_\_ . Section 273.3, Code 1993, is amended by  
9 adding the following new subsection:

10 NEW SUBSECTION. 20. Be authorized to purchase  
11 equipment as provided in section 279.48.”

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

14 “Sec. \_\_\_\_ . NEW SECTION. 279.48 EQUIPMENT  
15 PURCHASE.

16 1. The board of directors of a school corporation  
17 may purchase equipment, and may negotiate and enter  
18 into a loan agreement and issue a note to pay for the  
19 equipment subject to the following terms and  
20 procedures.

21 a. The note must mature within five years, or the  
22 useful life of the equipment, whichever is less.

23 b. The note may bear interest at a rate to be  
24 determined by the board of directors in the manner  
25 provided in section 74A.3, subsection 1. Chapter 75  
26 is not applicable.

27 c. The board of directors shall provide for the  
28 form of the agreement and note.

29 d. Principal and interest on the note must be  
30 payable from budgeted receipts in the debt service  
31 fund for each year of a period of up to five years.

32 2. The total of scheduled annual payments of  
33 principal or interest due and payable from current  
34 budgeted receipts or future budgeted receipts with  
35 respect to all loan agreements authorized under this

36 section or section 285.10, subsection 7, paragraph  
 37 "b", must not exceed ten percent of the last  
 38 authorized budget of the school corporation.  
 39 3. Before entering into a loan agreement for an  
 40 equipment purchase, the school corporation must  
 41 publish a notice, including a statement of the amount  
 42 and purpose of the agreement, at least once in a  
 43 newspaper of general circulation within the school  
 44 corporation at least ten days before the meeting at  
 45 which the loan agreement is to be approved."  
 46 4. Page 4, by striking lines 6 through 31 and  
 47 inserting the following:  
 48 "279.49 CHILD DAY CARE PROGRAMS.  
 49 1. For the purposes of this section unless the  
 50 context otherwise requires, "child day-care program"

Page 2

1 means child day care that is not licensed or approved  
 2 by the department of human services under chapter 237A  
 3 except as provided under this section.  
 4 2. The board of directors of a school corporation  
 5 may operate or contract for the operation of a program  
 6 to provide child day care to children not enrolled in  
 7 school or to students enrolled in kindergarten through  
 8 grade six before and after school, or to both.  
 9 Programs operated or contracted by a board shall  
 10 either meet standards for child day care programs  
 11 adopted by the state board of education or shall be  
 12 licensed by the department of human services under  
 13 chapter 237A as a child care center. A program  
 14 operated by a board under contract which is not  
 15 located on property owned or leased by the board must  
 16 be licensed by the department of human services."  
 17 5. Page 4, line 35, by striking the word  
 18 "certificated" and inserting the following:  
 19 "certificated licensed".  
 20 6. Page 5, line 11, by striking the words  
 21 "provides early childhood programs to" and inserting  
 22 the following: "involves".  
 23 7. Page 5, by striking line 17 and inserting the  
 24 following: "participation in a child day care  
 25 program".  
 26 8. Page 5, by striking line 28 and inserting the  
 27 following: "this section for child day care shall".  
 28 9. By striking page 5, line 34 through page 6,  
 29 line 16.  
 30 10. Page 6, by striking lines 18 through 30 and  
 31 inserting the following: "CHILD DAY CARE PROGRAMS.  
 32 Authorities in charge of accredited nonpublic

33 schools may operate or contract for the operation of  
34 child day care programs, as defined in section 279.49,  
35 subsection 1. The provisions of section 279.49 as  
36 they relate to child day care programs of a school  
37 corporation and its board of directors apply to the  
38 child day care programs of the accredited nonpublic  
39 school and the authority in charge."

40 11. Page 6, by inserting after line 30 the  
41 following:

42 "Sec. 200. Section 282.18, subsections 2, 4, 5, 7,  
43 and 14, Code Supplement 1993, are amended to read as  
44 follows:

45 2. By October 30 of the preceding school year, the  
46 parent or guardian shall send notification to the  
47 district of residence, ~~and to the department of~~  
48 ~~education~~ on forms prescribed by the department of  
49 education, that the parent or guardian intends to  
50 enroll the parent's or guardian's child in a public

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1 school in another school district. The parent or  
2 guardian shall describe the reason for enrollment in  
3 the receiving district. If a parent or guardian fails  
4 to file a notification that the parent intends to  
5 enroll the parent's or guardian's child in a public  
6 school in another district by the deadline of October  
7 30 of the previous year, and good cause one of the  
8 criteria defined in section 282.18, subsection 18,  
9 exists for the failure to meet the deadline or if the  
10 request is to enroll a child in kindergarten in a  
11 public school in another district, the parent or  
12 guardian shall be permitted to enroll the child in the  
13 other district in the same manner as if the deadline  
14 had been met.

15 The board of the district of residence shall take  
16 action on the request no later than November 30 of the  
17 preceding school year and shall transmit any approved  
18 request within five days after board action on the  
19 request. The parent or guardian may withdraw the  
20 request during November of the preceding school year  
21 unless the board of the receiving district has acted  
22 on the request at any time prior to the start of the  
23 school year. The board of the receiving district  
24 shall take action to approve or disapprove the request  
25 no later than December 31 of the preceding school  
26 year. The board of the receiving district shall  
27 enroll the pupil in a school in the receiving district  
28 for the following school year unless the receiving  
29 district does not have classroom space for the pupil.

30 If the request is granted, the board shall transmit a  
31 copy of the form to the school district of residence  
32 within five days after board action.

33 4. The board of each school district shall adopt a  
34 policy relating to the order in which requests for  
35 enrollment in other districts shall be considered.

36 The board of the receiving school district shall  
37 enroll the pupil in a school in the receiving district  
38 for the following school year unless the receiving  
39 district does not have classroom space for the pupil.

40 4. In all districts involved with volunteer  
41 voluntary or court-ordered desegregation, minority and  
42 nonminority pupil ratios shall be maintained according  
43 to the desegregation plan or order. The  
44 superintendent of a district subject to volunteer  
45 voluntary or court-ordered desegregation may deny a  
46 request for transfer under this section if the  
47 superintendent finds that enrollment or release of a  
48 pupil will adversely affect the district's  
49 implementation of the desegregation order or plan.  
50 If, however, a transfer request would facilitate a

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1 voluntary or court-ordered desegregation plan, the  
2 district shall give priority to granting the request  
3 over other requests.

4 5. A parent or guardian, whose request has been  
5 denied because of a desegregation order or plan, may  
6 appeal the decision of the superintendent to the board  
7 of the district in which the request was denied. The  
8 board may either uphold or overturn the  
9 superintendent's decision. A decision of the board to  
10 uphold the denial of the request is subject to appeal  
11 under section 290.1.

12 5. If, however, a request to enroll a child in  
13 another district is denied by the board of the child's  
14 district of residence for failure to show good cause  
15 for not meeting the request deadline, the parent or  
16 guardian shall be permitted to appeal the decision of  
17 the board either directly to the director of the  
18 department of education or to the state board under  
19 chapter 290, but not to both. If the matter is to be  
20 heard by the director, or the director's designee, the  
21 matter shall be heard de novo in accordance with the  
22 procedures contained in chapter 17A. If a designee of  
23 the director hears the matter, the findings of the  
24 director's designee shall be reviewed by and are  
25 subject to the approval of the director.  
26 Notwithstanding chapter 17A, in an appeal arising from

27 the denial of a parent's or guardian's request for  
28 open enrollment, where the denial was for failure to  
29 show good cause for not meeting the request deadline,  
30 the director or designee assigned to hear the appeal  
31 on behalf of the director or state board may, with the  
32 agreement of the parties to the appeal, issue an oral  
33 decision at the conclusion of the hearing on the  
34 appeal. The oral decision shall comport with  
35 previously established decisions of the director and  
36 state board. However, any party to the appeal may  
37 request a written decision and the director or state  
38 board shall issue a written decision. The department  
39 shall recommend, and the state board shall adopt,  
40 rules to implement this subsection.

41 7. A request under this section is for a period of  
42 not less than four years unless the pupil will  
43 graduate, the pupil's family moves to another school  
44 district, or one year. If the request is for more  
45 than one year and the parent or guardian desires to  
46 have the pupil enroll in a different district, the  
47 parent or guardian petitions may petition the current  
48 receiving district by October 30 of the previous  
49 school year for permission to enroll the pupil in a  
50 different district, which may include the district of

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1 residence, within the four-year period for a period of  
2 not less than one year. If the parent or guardian  
3 requests permission of the receiving district to  
4 enroll the pupil in a different district within the  
5 four-year period Upon receipt of such a request, the  
6 current receiving district school board may act on the  
7 request to transfer to the other school district  
8 within five days of at the next regularly scheduled  
9 board meeting after the receipt of the request. The  
10 new receiving district shall enroll the pupil in a  
11 school in the district unless there is insufficient  
12 classroom space in the district or unless enrollment  
13 of the pupil would adversely affect the court-ordered  
14 or voluntary desegregation orders affecting a plan of  
15 the district. A denial of a request to change  
16 district enrollment within the four-year approved  
17 period is subject to appeal under section 290.1.  
18 However, a pupil who has been in attendance in another  
19 district under this section may return to the district  
20 of residence and enroll at any time, once the parent  
21 or guardian has notified the district of residence and  
22 the receiving district in writing of the decision to  
23 enroll the pupil in the district of residence.

24 14. The board of directors of a school district  
 25 subject to ~~volunteer~~ voluntary or court-ordered  
 26 desegregation ~~may vote not to participate in open~~  
 27 ~~enrollment under this section during the school year~~  
 28 ~~commencing July 1, 1990, and ending June 30, 1991. If~~  
 29 ~~a district chooses not to participate in open~~  
 30 ~~enrollment under this paragraph, the district shall~~  
 31 develop a policy for implementation of open enrollment  
 32 in the district ~~for that following school year~~. The  
 33 policy shall contain objective criteria for  
 34 determining when a request would adversely impact the  
 35 desegregation order or plan and criteria for  
 36 prioritizing requests that do not have an adverse  
 37 impact on the order or plan.”  
 38 12. Page 8, by striking lines 11 through 18.  
 39 13. By renumbering, relettering, or redesignating  
 40 and correcting internal references as necessary.

S-5562

1 Amend House File 2366, as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 3, by striking lines 12 and 13 and  
 4 inserting the following:  
 5 “Sec. 4. Section 42.4, subsection 8, Code 1993, is  
 6 amended to read as follows:  
 7 8. Each bill embodying a plan drawn under this  
 8 section shall include provisions for election of  
 9 senators to the general assemblies which take office  
 10 in the years ending in three and five, which shall be  
 11 in conformity with article III, section 6 of the  
 12 Constitution of the State of Iowa. With respect to  
 13 any plan drawn for consideration in the year ~~1991~~  
 14 2001, those provisions shall be substantially as  
 15 follows:  
 16 a. Each ~~even-numbered~~ odd-numbered senatorial  
 17 district shall elect a senator in ~~1992~~ 2002 for a  
 18 four-year term commencing in January ~~1993~~ 2003. If an  
 19 incumbent senator who was elected to a four-year term  
 20 which commenced in January ~~1991~~ 2001, or was  
 21 subsequently elected to fill a vacancy in such a term,  
 22 is residing in an ~~even-numbered~~ odd-numbered  
 23 senatorial district on ~~March 13, 1992~~ February 1,  
 24 2002, that senator's term of office shall be  
 25 terminated on January 1, ~~1993~~ 2003.  
 26 b. Each ~~odd-numbered~~ even-numbered senatorial  
 27 district shall elect a senator in ~~1994~~ 2004 for a  
 28 four-year term commencing in January ~~1995~~ 2005.”  
 29 2. Page 4, by inserting after line 1 the  
 30 following:



31 "~~(2) Each odd-numbered even-numbered~~ senatorial  
32 district to which subparagraph (1) of this paragraph  
33 is not applicable shall elect a senator in ~~1992~~ 2002  
34 for a two-year term commencing in January ~~1998~~ 2003."

MICHAEL E. GRONSTAL

S-5563

1 Amend the amendment, S-5289, to House File 2383, as  
2 amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 1, by striking lines 6 through 31 and  
5 inserting the following:

6 "\_\_\_\_. By striking page 4, line 8 through page 5,  
7 line 8 and inserting the following: "educational  
8 program. Schools involved in the pilot program may  
9 use phase III funds in the establishment of the  
10 program."

11 2. Page 1, by striking lines 32 through 34 and  
12 inserting the following:

13 "\_\_\_\_. Page 5, by striking lines 21 through 33 and  
14 inserting the following: "rule under this section."

15 Sec. \_\_\_\_ NEW SECTION. 279.9A INFORMATION  
16 SHARING.

17 The rules referred to in section 279.9 shall  
18 provide that upon the request of school officials of a  
19 school to which the student seeks to transfer or has  
20 transferred, school officials of the sending school  
21 shall provide an accurate record of any suspension or  
22 expulsion actions taken, and the basis for those  
23 actions taken, against the student under sections  
24 279.9, 280.19A, 282.3, 282.4, and 282.5. The  
25 designated representative shall disclose this  
26 information only to those school employees whose  
27 duties require them to be involved with the student.  
28 For purposes of this section, "school employees" means  
29 persons employed by a nonpublic school, school  
30 district, or any area education agency staff member  
31 who provides services to a school or school  
32 district."

33 3. Page 1, line 36, by striking the figure "19."  
34 and inserting the following: "19 and inserting the  
35 following:

36 "Sec. \_\_\_\_ Section 280.21, Code 1993, is amended  
37 by adding the following new unnumbered paragraph:  
38 NEW UNNUMBERED PARAGRAPH. To prevail in a civil  
39 action alleging a violation of this section the party  
40 bringing the action shall prove the violation by clear  
41 and convincing evidence."

42 4. Page 1, by striking lines 39 and 40 and  
 43 inserting the following:  
 44 " \_\_\_\_ . Page 8, by striking lines 12 through 27.  
 45 \_\_\_\_ . Page 9, by striking lines 3 through 16 and  
 46 inserting the following:  
 47 "A pupil who commits an assault, as defined under  
 48 section 708.1, against a school employee in a school  
 49 building, on school grounds, or at a school-sponsored  
 50 function shall be suspended for a time to be

Page 2

1 determined by the principal. Notice of the suspension  
 2 shall be immediately sent to the president of the  
 3 board. By special meeting or at the next regularly  
 4 scheduled board meeting, the board shall review the  
 5 suspension and decide whether to ratify the suspension  
 6 or hold a disciplinary hearing to determine whether or  
 7 not to order further sanctions against the pupil,  
 8 which may include expelling the pupil. In making its  
 9 decision, the board shall consider the best interests  
 10 of the school district, which shall include what is  
 11 best to protect and ensure the safety of the school  
 12 employees and pupils from the pupil committing the  
 13 assault."  
 14 5. By renumbering as necessary.

MIKE CONNOLLY

S-5564

1 Amend the amendment, S-5283, to House File 2177, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. By striking page 1, line 22 through page 2,  
 5 line 4.  
 6 2. By striking page 3, line 17, through page 8,  
 7 line 32, and inserting the following:  
 8 "Sec. \_\_\_\_ . Section 455G.13, subsection 1, Code  
 9 1993, is amended to read as follows:  
 10 1. FULL RECOVERY SOUGHT FROM OWNER. The board  
 11 ~~shall~~ may seek full recovery from ~~the an~~ owner,  
 12 operator, or other potentially responsible party  
 13 ~~liable for who caused the released release of~~  
 14 petroleum which is the subject of a corrective action,  
 15 for which the fund expends moneys for corrective  
 16 action or third-party liability, and for all other  
 17 costs, including reasonable attorney fees and costs of  
 18 litigation for which moneys are expended by the fund  
 19 in connection with the release. When federal cleanup

20 funds are recovered, the funds are to be deposited to  
21 the remedial account of the fund and used solely for  
22 the purpose of future cleanup activities.

23 Sec. \_\_\_\_ . Section 455G.13, subsection 7, Code  
24 1993, is amended to read as follows:

25 7. **STRICT LIABILITY.** The standard of liability  
26 for a release of petroleum or other regulated  
27 substance as defined in section 455B.471 is strict  
28 liability for releases occurring on or after May 5,  
29 1989, and negligence for releases occurring prior to  
30 May 5, 1989.

31 Chapter 668 shall apply to cost recovery actions  
32 filed under this section, except for the following:

33 a. The joint and several liability provisions of  
34 section 668.4 shall not apply. The board may seek  
35 recovery from an owner, operator, or other potentially  
36 responsible party only for that portion of moneys  
37 expended by the fund for corrective action, including  
38 reasonable attorney fees and costs of litigation,  
39 caused by the owner, operator, or other potentially  
40 responsible party.

41 b. Notwithstanding an owner's, operator's, or  
42 potentially responsible party's immunity from suit  
43 under this section, an owner, operator, or other  
44 potentially responsible party may be assigned a  
45 percentage of fault for purposes of determining the  
46 liability of another owner, operator, or potentially  
47 responsible party.

48 Sec. \_\_\_\_ . Section 455G.13, Code 1993, is amended  
49 by adding the following new subsection:

50 **NEW SUBSECTION. 13. RETROACTIVE APPLICATION.**

Page 2

1 This section applies to any action filed on or after  
2 May 5, 1989."

3 3. By renumbering as necessary.

JIM KERSTEN  
BRAD BANKS  
ALLEN BORLAUG  
RICHARD F. DRAKE  
WILLIAM D. PALMER  
EUGENE S. FRAISE  
TONY BISIGNANO  
H. KAY HEDGE  
RANDAL J. GIANNETTO  
JOHN P. KIBBIE

HOUSE AMENDMENT TO  
SENATE FILE 2107

S-5565

- 1 Amend Senate File 2107, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 8 through 13 and
- 4 inserting the following: "jurisdiction of indictable
- 5 misdemeanors, and felony violations of section 321J.2,
- 6 and to make court appointments and".
- 7 2. Page 1, by striking lines 21 through 27.
- 8 3. By renumbering as necessary.

S-5566

- 1 Amend the amendment, S-5274, to House File 610, as
- 2 passed by the House as follows:
- 3 1. Page 1, lines 7 and 8, by striking the words
- 4 "continuously from November 12, 1986," and inserting
- 5 the following: "prior to March 15, 1994,".

EUGENE FRAISE

S-5567

- 1 Amend House File 2337, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, line 22, by striking the word "shall"
- 4 and inserting the following: "may".
- 5 2. Page 9, line 30, by striking the word "with"
- 6 and inserting the following: "which may be executed
- 7 between the department and".

WAYNE BENNETT

S-5568

- 1 Amend the amendment, S-5289, to House File 2383, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 40 the
- 5 following:
- 6 " . Page 9, by inserting before line 17 the
- 7 following:
- 8 "A pupil shall not be suspended or expelled
- 9 pursuant to this section if the suspension or

10 expulsion would violate the federal Individuals with  
 11 Disabilities Education Act.”

AL STURGEON

S-5569

1 Amend the House amendment, S-5561, to Senate File  
 2 2234, as amended, passed, and reprinted by the Senate  
 3 as follows:

4 1. Page 1, by inserting after line 5 the  
 5 following:

6 “—. Page 2, by inserting after line 14 the  
 7 following:

8 “Sec. —. Section 257.11, subsection 5,  
 9 unnumbered paragraph 2, Code Supplement 1993, is  
 10 amended to read as follows:

11 If a district was receiving additional weighting  
 12 for superintendent sharing or administrator sharing  
 13 under section 442.39, subsection 4, Code 1989, the  
 14 district shall continue to be assigned additional  
 15 weighting for superintendent sharing or administrator  
 16 sharing by the school budget review committee under  
 17 this subsection so that the district is assigned the  
 18 additional weighting for sharing for a total period of  
 19 five years. A school district receiving supplementary  
 20 weighting under this subsection prior to July 1, 1994,  
 21 may apply to the school budget review committee for  
 22 additional allowable growth in an amount equal to the  
 23 amount generated by the supplementary weighting as  
 24 calculated under section 257.11, subsection 5, Code  
 25 Supplement 1993.”

26 2. By renumbering as necessary.

O. GENE MADDOX

S-5570

1 Amend House File 2350, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 6, line 28, by striking the figure “211”  
 4 and inserting the following: “221”.

5 2. Page 6, line 33, by striking the figure  
 6 “18,498,730” and inserting the following:  
 7 “18,723,730”.

8 3. Page 6, line 34, by striking the figure  
 9 “356.25” and inserting the following: “366.25”.

10 4. Page 19, line 27, by striking the figure  
 11 “81,470,924” and inserting the following:  
 12 “81,245,924”.

- 13 5. Page 20, by striking lines 25 through 27.  
14 6. Page 20, line 33, by striking the figure  
15 "1,115,000" and inserting the following: "940,000".  
16 7. Page 26, line 1, by striking the word "remit"  
17 and inserting the following: "use".  
18 8. Page 26, by striking lines 22 through 34 and  
19 inserting the following:  
20 "c. The department of corrections shall use any  
21 additional recovered funds not otherwise transferred  
22 or made available pursuant to this subsection for the  
23 employment of additional correctional officers at the  
24 Anamosa correctional facility, including salaries,  
25 support, and miscellaneous purposes, as provided in  
26 section 4, subsection 1, paragraph "b" of this Act."  
27 9. Page 26, line 35, by striking the word  
28 "corrections," and inserting the following:  
29 "corrections and".  
30 10. Page 27, lines 1 and 2, by striking the words  
31 ", and the judicial department".  
32 11. By renumbering, relettering, redesignating,  
33 and correcting internal references as necessary.

ANDY McKEAN

S-5571

- 1 Amend House File 2350, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 6, line 23, by inserting after the word  
4 "officers," the following: "the purchase of radios,  
5 emergency notification equipment, surveillance  
6 cameras, and other necessary surveillance and  
7 emergency response equipment."  
8 2. Page 6, line 25, by striking the figure  
9 "24,705,497" and inserting the following:  
10 "24,855,497".  
11 3. Page 6, by inserting after line 26 the  
12 following:  
13 "The department of corrections shall use not more  
14 than \$150,000 of the funds appropriated in this  
15 paragraph for the purchase of radios, emergency  
16 notification equipment, surveillance cameras, and  
17 other necessary surveillance and emergency response  
18 equipment, for use in the Fort Madison correctional  
19 facility."  
20 4. Page 19, line 27, by striking the figure  
21 "81,470,924" and inserting the following:  
22 "81,320,924".

23 5. Page 20, line 33, by striking the figure  
24 "1,115,000" and inserting the following: "965,000".

EUGENE S. FRAISE  
ROBERT E. DVORSKY  
TOM VILSACK  
DON E. GETTINGS

S-5572

1 Amend the amendment, S-5283, to House File 2177, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 2, line 14, by striking the word  
5 "paragraph" and inserting the following:  
6 "paragraphs".

7 2. Page 2, by inserting after line 40 the  
8 following:

9 "NEW PARAGRAPH. k. One hundred percent of the  
10 costs associated with projects, on fund-eligible  
11 sites, which demonstrate innovative technologies, if  
12 the board determines that the project will facilitate  
13 development of innovative technologies or will result  
14 in dissemination of information which will enhance the  
15 cost effectiveness or performance of existing  
16 technologies. For purposes of this section,  
17 innovative technology includes bioremediation."

18 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5573

1 Amend House File 2422, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, line 24, by inserting after the word  
4 "physician," the following: "a practicing rural  
5 physician assistant, a practicing rural advanced  
6 registered nurse practitioner."

7 2. Page 2, line 25, by inserting after the word  
8 "physician," the following: "physician assistant, or  
9 advanced registered nurse practitioner."

JIM RIORDAN  
MERLIN E. BARTZ  
PATTY JUDGE

S-5574

- 1 Amend House File 2422, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, line 8, by striking the word
- 4 "physician" and inserting the following: "primary
- 5 care provider".

JIM RIORDAN  
MERLIN E. BARTZ  
PATTY JUDGE

S-5575

- 1 Amend House File 2350, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 27, by inserting before line 7 the
- 4 following:
- 5 "Sec. \_\_\_\_ . CLOSING OF WOODWARD STATE HOSPITAL-
- 6 SCHOOL AND CONVERSION TO MINIMUM SECURITY PRISON --
- 7 TRANSITION.
- 8 1. The department of human services and the
- 9 department of corrections shall develop a plan to
- 10 close the Woodward state hospital-school and to
- 11 renovate the facility into a 500-bed minimum security
- 12 prison for men by July 1, 1997. During the three-year
- 13 transition period, residents from the Woodward state
- 14 hospital-school shall be placed first at the Glenwood
- 15 state hospital-school, and if additional space is
- 16 necessary, shall be placed at the Cherokee state
- 17 mental health institute, notwithstanding any
- 18 provisions of section 226.8 to the contrary.
- 19 2. The department of human services and the
- 20 department of corrections shall submit a plan to the
- 21 general assembly and the governor on or before January
- 22 9, 1995, detailing the steps that have been
- 23 implemented and the steps to be taken during the
- 24 transition period, including renovations necessary to
- 25 the Woodward state hospital-school, the Glenwood state
- 26 hospital-school, and the Cherokee state mental health
- 27 institute, as well as the costs of such renovations
- 28 and the costs of operating the facilities throughout
- 29 the transition. In addition, the plan shall specify
- 30 any statutory changes necessary to fully implement
- 31 this section."
- 32 2. By renumbering as necessary.

JOHN P. KIBBIE  
BERL E. PRIEBE



S-5576

- 1 Amend House File 2177, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 14, by inserting after line 22 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 455G.9, subsection 9, Code  
6 Supplement 1993, is amended by adding the following  
7 new unnumbered paragraph:  
8 NEW UNNUMBERED PARAGRAPH. "Owner or operator" also  
9 includes a subsequent purchaser of the property which  
10 is the subject of the remedial claim under this  
11 section unless the subsequent purchaser was a former  
12 owner or operator of the site and is subject to cost  
13 recovery under section 455G.13. The subsequent  
14 purchaser shall assume the status of the previous  
15 owner or operator for purposes of calculating  
16 deductible amounts or benefits to be received."  
17 2. By renumbering as necessary.

BERL E. PRIEBE

HOUSE AMENDMENT TO  
SENATE FILE 2091

S-5577

- 1 Amend Senate File 2091, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 17, by striking the figure  
4 "1,500,000" and inserting the following: "1,619,700".  
5 2. Page 1, line 23, by striking the figure  
6 "238,200" and inserting the following: "118,500".

HOUSE AMENDMENT TO  
SENATE FILE 2216

S-5578

- 1 Amend Senate File 2216, as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 1, by inserting after line 17 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 455B.392, Code Supplement 1993,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 8. The director shall request the  
8 attorney general to recover any reasonable cleanup  
9 costs that are incurred pursuant to subsection 1,  
10 paragraph "a."  
11 2. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2313

S-5579

1 Amend Senate File 2313, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 8 the  
4 following:

5 " — . The department shall consolidate the  
6 individual planning and agreement provisions of the  
7 family investment program and the family development  
8 and self-sufficiency grant program to ensure service  
9 coordination by providing that if a recipient is  
10 participating in the grant program, the recipient's  
11 family investment agreement shall be developed or  
12 revised in consultation with the family development  
13 and self-sufficiency grant program worker."

14 2. Page 3, line 6, by striking the figure  
15 "344,490,351" and inserting the following:  
16 "344,719,351".

17 3. Page 4, by striking line 19 and inserting the  
18 following:

19 "c. The department shall conduct a study of the  
20 needs of Iowans with mental retardation or other  
21 developmental disabilities who require an intermediate  
22 level of licensed care and shall make recommendations  
23 regarding the means to best address the needs  
24 identified, including the".

25 4. Page 4, line 26, by inserting after the words  
26 "of Iowa," the following: "the governor's planning  
27 council for developmental disabilities,".

28 5. Page 6, line 19, by inserting after the word  
29 "subsection." the following: "The department shall  
30 report to the legislative fiscal committee of the  
31 legislative council concerning implementation of the  
32 prepaid mental health services plan for medical  
33 assistance patients, including but not limited to the  
34 decision-making process involved in the awarding of  
35 any contract under this subsection."

36 6. Page 8, by striking lines 11 through 23.

37 7. Page 8, by inserting before line 24 the  
38 following:

39 "9. The department of human services may employ  
40 not more than two additional full-time equivalent  
41 positions and shall use no more than \$45,000 of the  
42 funds appropriated in this section to develop a  
43 medical assistance home and community-based waiver for  
44 persons with brain injury who currently reside in a  
45 medical institution and who have been residents of a

46 medical institution for a minimum of thirty  
47 consecutive days.”  
48 8. Page 8, by inserting before line 24 the  
49 following:  
50 “10. The department shall not provide medical

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1 assistance coverage of drugs which are prescribed for  
2 an individual for fertility purposes.”

3 9. Page 8, by inserting before line 24 the  
4 following:

5 “11. The department shall review the listing of  
6 organ transplants covered by medical assistance. The  
7 review shall include consideration of insurance  
8 industry standards and practice methods and  
9 procedures; one-year, two-year, and three-year  
10 survival rates; and best available practices and  
11 research. Coverage shall be determined by medical  
12 necessity criteria. If the review concludes that  
13 coverage of additional organ transplants is  
14 appropriate, the department shall request the general  
15 assembly to provide funding for the coverage for  
16 fiscal year 1995-1996. The department shall review,  
17 at least annually, the current listing of organ  
18 transplants which may be covered by medical  
19 assistance.”

20 10. Page 11, by inserting after line 28 the  
21 following:

22 “—. During the 1994-1995 fiscal year, the  
23 department shall utilize the moneys deposited in the  
24 child day care credit fund created in section 237A.28  
25 for state child care assistance, in addition to the  
26 moneys appropriated for that purpose in this section.”

27 11. Page 15, line 8, by inserting after the word  
28 “participants.” the following: “The department may  
29 adopt emergency rules to implement the provisions of  
30 this subsection.”

31 12. Page 16, line 13, by striking the figure  
32 “74,600,612” and inserting the following:  
33 “74,617,612”.

34 13. Page 18, by inserting after line 7 the  
35 following:

36 “f. The department shall not certify any  
37 additional enhanced residential treatment beds except  
38 those beds for which applications for certification  
39 were received on or before February 1, 1994, unless  
40 the director of human services approves the beds as  
41 necessary, based on the type of children to be served  
42 and the location of the enhanced residential treatment

43 beds. The department may adopt emergency rules to  
44 implement the provisions of this paragraph.

45 g. Of the funds appropriated in this section, not  
46 more than \$6,529,390 is allocated as the state match  
47 funding for psychiatric medical institutions for  
48 children."

49 14. Page 24, line 20, by inserting after the word  
50 "purchased." the following: "The department may adopt

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1 emergency rules to implement the provisions of this  
2 subsection."

3 15. Page 24, by inserting after line 20 the  
4 following:

5 "19. The director of human services shall appoint  
6 a committee to advise the director concerning managed  
7 care approaches and implementation considerations for  
8 determining service necessity for children served by  
9 psychiatric medical institutions for children (PMIC).  
10 The members of the committee shall include persons who  
11 are knowledgeable about these issues, as well as  
12 representatives of PMIC providers and in-patient  
13 psychiatric hospitals. The director shall select the  
14 system under which service-necessity determinations  
15 for PMICs will be managed and shall place the PMIC  
16 determinations under that system on or after November  
17 1, 1994. The director's decision shall be based on  
18 the following criteria: the needs of the children  
19 served by PMIC facilities under the system in effect  
20 prior to November 1, 1994, the department's ability to  
21 assure prompt access to care, the department's ability  
22 to promote affordable effective care, the degree of  
23 coordination with other services for which the state  
24 is responsible, the department's ability to assure  
25 that service decisions support the principles of least  
26 restrictive and most appropriate care, and consistency  
27 of the service management system with legal  
28 expectations. If necessary to implement the  
29 director's decision, the department may transfer  
30 moneys appropriated in this section to the  
31 appropriation in this Act for medical assistance and  
32 amend the managed mental health care contract to  
33 include PMICs, or include PMIC placements in the  
34 statewide target for group foster care placements in  
35 subsection 2, paragraph "a", in which case the  
36 statewide target shall be increased to be not more  
37 than 1,733, as determined by the director. If the  
38 director decides to include PMICs in the statewide  
39 target, the regional plans developed by the department

40 and the juvenile court pursuant to section 232.143  
41 shall be revised to include PMIC placements. The  
42 department may adopt emergency rules to implement the  
43 provisions of this subsection.

44 20. The department shall appoint a committee to  
45 review whether unnecessary or redundant reporting or  
46 referral provisions are required by the department's  
47 medical assistance children's service initiative.  
48 Committee members shall include referral workers,  
49 clinical assessment and consultation team members,  
50 service providers, and other appropriate persons. The

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1 committee shall submit a report to the director of  
2 human services, and the director shall make a  
3 determination regarding these issues by November 1,  
4 1994. The department may adopt emergency rules to  
5 appropriately revise the provisions in accordance with  
6 the director's determination.

7 21. The department and the juvenile court shall  
8 conduct an assessment of the service needs and  
9 demographic characteristics of the children and  
10 families served through the department's child  
11 welfare, juvenile justice, and mental health systems.  
12 The assessment shall be coordinated with the efforts  
13 of the child welfare task force to develop profiles of  
14 the general characteristics of children and families  
15 utilizing those service systems. The department shall  
16 report the findings of the assessment to the members  
17 of the joint appropriations subcommittee on human  
18 services and the legislative fiscal bureau by June 30,  
19 1995."

20 16. Page 24, line 29, by striking the figure  
21 "2,456,126" and inserting the following: "2,256,126".

22 17. Page 25, line 4, by inserting after the word  
23 "grant." the following: "The department may adopt  
24 emergency rules to implement the provisions of this  
25 subsection."

26 18. Page 25, line 5, by striking the figure  
27 "500,000" and inserting the following: "300,000".

28 19. Page 25, by striking lines 16 and 17 and  
29 inserting the following: "during the adolescent years  
30 by emphasizing sexual abstinence as the only  
31 completely safe and effective means of avoiding  
32 pregnancy and sexually transmitted diseases and by  
33 providing information regarding the comparative  
34 failure rates of contraceptives, and by emphasizing  
35 responsible decision making in relationships."

36 20. Page 26, line 1, by inserting after the word

37 "services." the following: "The department may adopt  
38 emergency rules to implement the provisions of this  
39 subsection."

40 21. Page 26, by striking lines 5 through 9.

41 22. Page 29, by striking lines 18 through 20 and  
42 inserting the following: "appropriation."

43 23. Page 32, line 32, by striking the figure  
44 "29,090,958" and inserting the following:  
45 "29,277,958".

46 24. Page 37, line 13, by striking the figure  
47 "134,000" and inserting the following: "321,000".

48 25. Page 37, by inserting after line 22 the  
49 following:

50 "9. The department of human services shall

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1 cooperate with the division of vocational  
2 rehabilitation of the department of education in  
3 assuring that counties are aware of any opportunities  
4 to utilize purchase of service funds to match federal  
5 funds available to provide vocational services to  
6 persons eligible for services under subsection 6."

7 26. Page 38, by striking lines 16 through 20.

8 27. Page 41, by striking lines 18 through 22.

9 28. Page 42, line 13, by striking the figure  
10 "345" and inserting the following: "341".

11 29. Page 42, line 14, by striking the figure  
12 "360" and inserting the following: "356".

13 30. Page 42, line 15, by striking the figure  
14 "401" and inserting the following: "397".

15 31. Page 42, line 16, by striking the figure  
16 "427" and inserting the following: "423".

17 32. Page 43, line 7, by striking the figure  
18 "250,000" and inserting the following: "21,000".

19 33. Page 45, by inserting after line 25 the  
20 following:

21 "Sec. \_\_\_\_ . Section 99E.10, subsection 1, paragraph  
22 a, Code Supplement 1993, is amended by striking the  
23 paragraph and inserting in lieu thereof the following:

24 a. An amount equal to three-tenths of one percent  
25 of the gross lottery revenue shall be deposited in a  
26 gamblers assistance fund in the office of the  
27 treasurer of state. The director of human services  
28 shall administer the fund and shall provide that  
29 receipts are allocated on a monthly basis to provide  
30 programs which may include, but are not limited to,  
31 outpatient and follow-up treatment for persons  
32 affected by problem gambling, rehabilitation and  
33 residential treatment programs, information and

34 referral services, and education and preventive  
35 services.

36 Sec. \_\_\_\_ . Section 99F.11, subsection 3, Code 1993,  
37 is amended to read as follows:

38 3. ~~Three~~ Three-tenths of one percent of the  
39 adjusted gross receipts shall be deposited in the  
40 gamblers assistance fund specified in section 99E.10,  
41 subsection 1, paragraph "a".

42 34. Page 45, by inserting after line 25 the  
43 following:

44 "Sec. \_\_\_\_ . FISCAL YEAR 1993-1994 COUNCIL ON HUMAN  
45 INVESTMENT APPROPRIATION. Moneys appropriated to the  
46 department of human services for administrative costs  
47 of the council on human investment in 1993 Iowa Acts,  
48 chapter 180, section 60, shall be considered  
49 encumbered for purposes of section 8.33 and shall be  
50 used during the succeeding fiscal year for the purpose

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1 designated."

2 35. Page 45, by inserting after line 25, the  
3 following:

4 "Sec. 500. CHILD WELFARE TASK FORCE CONTINUED.

5 The date by which the child welfare task force  
6 established in 1992 Iowa Acts, chapter 1241, section  
7 11, is required to complete its duties is extended to  
8 June 30, 1995. The task force shall perform planning  
9 activities relating to the family preservation and  
10 support services amendments to the federal Budget  
11 Reconciliation Act of 1993, Pub. L. No. 103-66, §  
12 13711 et seq. The task force shall issue an interim  
13 report on or before November 15, 1994, concerning its  
14 findings and activities and shall issue a final report  
15 on or before the completion date provided in this  
16 section. As part of the final report, the task force  
17 shall examine profiles of general characteristics of  
18 children and families which utilize the systems in the  
19 state for child welfare, juvenile justice, and mental  
20 health."

21 36. Page 46, by striking lines 5 through 26.

22 37. Page 47, by inserting after line 12 the  
23 following:

24 " \_\_\_\_ . Section 10, subsection 2, paragraph "f",  
25 relating to certification of additional enhanced  
26 residential treatment beds.

27 \_\_\_\_ . Section 10, subsection 19, relating to  
28 psychiatric medical institutions for children.

29 \_\_\_\_ . Section 10, subsection 20, relating to the  
30 department's medical assistance childrens' services

31 initiative.”

32 38. Page 47, by striking lines 17 and 18.

33 39. Page 47, by inserting before line 19 the  
34 following:

35 “Sec. 2001. REPEAL. Section 237.23, Code  
36 Supplement 1993, is repealed.

37 Sec. \_\_\_\_ . Section 2001 of this Act takes effect  
38 June 30, 1994.”

39 40. Page 47, by inserting before line 19, the  
40 following:

41 “ \_\_\_\_ . Section 500, relating to the continuation of  
42 the child welfare task force.”

43 41. By renumbering, relettering, or redesignating  
44 and correcting internal references as necessary.

S-5580

1 Amend House File 2422, as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 8, line 18, by inserting after the word

4 “service” the following: “which shall be for a  
5 minimum of ten years unless federal requirements for  
6 the program require differently”.

7 2. Page 9, line 35, by inserting after the word

8 “service” the following: “which shall be for a  
9 minimum of ten years unless federal requirements for  
10 the program require differently”.

ANDY McKEAN  
PATY JUDGE

S-5581

1 Amend House File 2155, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 “Students enrolled in nonpublic schools who receive  
6 services pursuant to this subsection shall be weighted  
7 at the level provided for in section 256B.9,  
8 subsection 1.

9 A local school district providing services pursuant  
10 to this subsection shall submit an accounting to the  
11 department of education by August 1 following the  
12 school year for the actual costs of the special  
13 education programs and services provided. The  
14 department shall review and approve or modify the  
15 accounting by September 1 and shall notify the  
16 department of revenue and finance of the approved  
17 accounting amount. The department of revenue and



18 finance shall adjust the September payment to the  
19 local school district for the next fiscal year by the  
20 difference between the amount generated by the  
21 weighting for the provision of services to nonpublic  
22 school students, as provided in this subsection, and  
23 the amount of the actual costs as reflected in the  
24 local school district's accounting. Any amount paid  
25 by the department of revenue and finance shall be  
26 deducted monthly from the state foundation aid paid  
27 under section 257.16 during that fiscal year to all  
28 school districts in the state. The portion of the  
29 total amount of the approved accounting amount that  
30 shall be deducted from the state aid of a school  
31 district shall be the same as the ratio that the  
32 budget enrollment for the budget year of the school  
33 district bears to the total budget enrollment in the  
34 state for that budget year.

35 Sec. \_\_\_\_ . Section 256B.9, subsections 3 and 4,  
36 Code 1993, are amended to read as follows:

37 3. The weight that a child is assigned under this  
38 section shall be dependent upon the required  
39 educational modifications necessary to meet the  
40 special education needs of the child. Enrollment for  
41 the purpose of this section, and all payments to be  
42 made pursuant thereto, includes all children for whom  
43 a special education program or course is to be  
44 provided pursuant to section 256.12, subsection 2,  
45 sections 273.1 to 273.9, and this chapter, whether or  
46 not the children are actually enrolled upon the  
47 records of a school district.

48 4. On December 1, 1987, and no later than December  
49 1 every two years thereafter, for the school year  
50 commencing the following July 1, the director of the

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1 department of education shall report to the school  
2 budget review committee the average costs of providing  
3 instruction for children requiring special education  
4 in the categories of the weighting plan established  
5 under this section, and for providing services to  
6 nonpublic school students pursuant to section 256.12,  
7 subsection 2, and the director of the department of  
8 education shall make recommendations to the school  
9 budget review committee for needed alterations to make  
10 the weighting plan suitable for subsequent school  
11 years. The school budget review committee shall  
12 establish the weighting plan for each school year  
13 after the school year commencing July 1, 1987, and  
14 shall report the plan to the director of the

15 department of education. Commencing December 1, 1990,  
 16 ~~the~~ The school budget review committee may establish  
 17 weights to the nearest hundredth. The school budget  
 18 review committee shall not alter the weighting  
 19 assigned to pupils in a regular curriculum, but it may  
 20 increase or decrease the weighting assigned to each  
 21 category of children requiring special education by  
 22 not more than two-tenths of the weighting assigned to  
 23 pupils in a regular curriculum. The state board of  
 24 education shall adopt rules under chapter 17A, to  
 25 implement the weighting plan for each year and to  
 26 assist in identification and proper indexing of each  
 27 child in the state who requires special education."  
 28 2. By renumbering as necessary.

MARY E. KRAMER

S-5582

1 Amend House File 2350, as amended, passed, and re-  
 2 printed by the House, as follows:

3 1. Page 23, by inserting after line 19 the fol-  
 4 lowing:

5 "Sec. \_\_\_\_ . COURT TECHNOLOGY AND MODERNIZATION. If  
 6 Senate File 413 or similar legislation is not enacted  
 7 by the Seventy-fifth General Assembly, second regular  
 8 session, in a manner which establishes a court  
 9 technology and modernization fund as a separate fund  
 10 in the state treasury, with an allocation of  
 11 \$1,000,000 of court revenues to the fund, then there  
 12 is appropriated from the general fund of the state to  
 13 the judicial department for the fiscal year beginning  
 14 July 1, 1994, and ending June 30, 1995, the following  
 15 amount, or so much thereof as is necessary, to be used  
 16 for the purpose designated:

17 For modernization and enhancement of court tech-  
 18 nology:

19 ..... \$ 1,000,000

20 1. The judicial department shall use not more than  
 21 \$800,000 of the moneys, if appropriated pursuant to  
 22 this section, to enhance the ability of the judicial  
 23 department to process cases more quickly and  
 24 efficiently, to electronically transmit information to  
 25 state government, local governments, law enforcement  
 26 agencies, and the public, and to improve public access  
 27 to the court system. The moneys specified in this  
 28 subsection shall not be used for the Iowa court  
 29 information system.

30 2. The judicial department shall use not more than  
 31 \$200,000 of the moneys, if appropriated pursuant to

32 this section, in equal amounts to facilitate  
 33 alternative dispute resolution and methods to resolve  
 34 domestic abuse cases, which may include personnel for  
 35 hearings under section 236.4."  
 36 2. By renumbering and correcting internal  
 37 references as necessary.

TOM VILSACK

S-5583

1 Amend the amendment, S-5279, to House File 642, as  
 2 amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. By striking page 1, line 3 through page 2,  
 5 line 15.  
 6 2. Page 5, lines 31 through 33, by striking the  
 7 words "by amending dates for certification and  
 8 protests of county and city budgets,".

TOM VILSACK

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2410

S-5584

1 Amend the Senate amendment, H-6037, to House File  
 2 2410, as amended, passed, and reprinted by the House  
 3 as follows:  
 4 1. Page 1, by inserting after line 2 the  
 5 following:  
 6 "\_\_\_\_. Page 2, line 3, by striking line 3, and  
 7 inserting the following:  
 8 "144.40 PATERNITY OF CHILDREN ~~OUT OF WEDLOCK --~~  
 9 BIRTH CERTIFICATES."  
 10 \_\_\_\_\_. Page 2, by inserting after line 14 the  
 11 following:  
 12 "Sec. \_\_\_\_\_. Section 144.43, subsection 1, Code  
 13 1993, is amended to read as follows:  
 14 1. A record of birth if that birth did not occur  
 15 out of wedlock.  
 16 Sec. \_\_\_\_\_. Section 144.44, Code 1993, is amended to  
 17 read as follows:  
 18 144.44 PERMITS FOR RESEARCH.  
 19 The department may permit access to vital  
 20 statistics by professional genealogists and  
 21 historians, and may authorize the disclosure of data  
 22 contained in vital statistics records when deemed

23 essential for bona fide research purposes which are  
24 not for private gain. ~~Information in vital statistics~~  
25 ~~records indicating that a birth occurred out of~~  
26 ~~wedlock shall not be disclosed except as provided by~~  
27 ~~regulation or upon order of a district court. The~~  
28 department shall adopt rules which establish the  
29 parameters for access to and authorized disclosure of  
30 vital statistics and data contained in vital  
31 statistics records relating to birth and adoption  
32 records under this section."

33 \_\_\_\_ . Page 4, line 26, by striking the word  
34 "subsection" and inserting the following:  
35 "subsections".

36 \_\_\_\_ . Page 4, by inserting after line 28 the  
37 following:

38 "NEW SUBSECTION. 6A. "Putative father" means a  
39 man who is alleged to be or who claims to be the  
40 biological father of a child born to a woman to whom  
41 the man is not married at the time of the birth of the  
42 child."

43 \_\_\_\_ . Page 5, by striking line 20 and inserting  
44 the following: "putative father."

45 \_\_\_\_ . Page 6, by striking lines 19 and 20 and  
46 inserting the following:

47 "c. A statement from the putative father that the  
48 putative father is the father of the child."

49 \_\_\_\_ . Page 6, by striking lines 23 and 24 and  
50 inserting the following:

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1 "e. The signatures of the mother and putative  
2 father."

3 \_\_\_\_ . Page 6, by striking line 26 and inserting  
4 the following: "putative father."

5 \_\_\_\_ . Page 6, by striking lines 27 and 28 and  
6 inserting the following:

7 "g. The addresses of the mother and putative  
8 father, as available."

9 \_\_\_\_ . Page 7, line 22, by striking the word  
10 "alleged" and inserting the following: "putative".

11 2. Page 1, by striking lines 12 through 36 and  
12 inserting the following:

13 "\_\_\_\_ . Page 37, by striking lines 13 and 14 and  
14 inserting the following:

15 "a. Labor or services rendered by an employee or  
16 contractor to the payor of income."

17 \_\_\_\_ . Page 37, by striking lines 19 through 21 and  
18 inserting the following:

19 "2. "Contractor" means a natural person who is an

20 independent contractor, including an independent  
 21 trucking owner or operator eighteen years of age or  
 22 older, who performs labor in this state to whom a  
 23 pavor of income makes payments which are not subject  
 24 to withholding and for whom the pavor of income is  
 25 required by the internal revenue service to complete a  
 26 1099-MISC form."

27 \_\_\_\_ . Page 37, by striking lines 26 and 27 and  
 28 inserting the following:

29 "b. The first day that an employee or a contractor  
 30 reports to work or performs labor or services".

31 \_\_\_\_ . Page 38, by striking lines 11 through 15.

32 \_\_\_\_ . Page 38, by striking line 18 and inserting  
 33 the following: "who engages a contractor for"."

34 3. Page 1, by striking lines 43 and 44 and  
 35 inserting the following:

36 " \_\_\_\_ . Page 39, by striking lines 31 and 32 and  
 37 inserting the following:

38 "252G.4 ALTERNATIVE REPORTING REQUIREMENTS -  
 39 PENALTY."

40 \_\_\_\_ . Page 40, by striking lines 2 through 21, and  
 41 inserting the following: "contractor, shall report

42 all of the following the contractor to the registry,

43 Pavors of income shall report contractors performing

44 labor under an agreement within ten fifteen days of

45 hiring or rehiring of a contractor the date on which

46 all of the following conditions are met:

47 a. The pavor issues payment to the contractor in  
 48 an amount which exceeds the amount required for the  
 49 filing of a 1099-MISC report.

50 b. Payment to the contractor under an agreement is

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1 made in a form which is other than a lump sum payment,  
 2 within a calendar year.

3 The pavor of income is not required to file more  
 4 than one report for any contractor.

5 2. The report submitted to the registry shall  
 6 contain all of the following:

7 a. The name, address, and federal identification  
 8 number of the pavor of income.

9 b. The contractor's name, address, social security  
 10 number, and if known, the contractor's date of birth."

11 \_\_\_\_ . Page 40, line 33, by striking the figures "3"  
 12 "2" and inserting the following: "3".

13 \_\_\_\_ . Page 41, line 2, by striking the figures "4"  
 14 "3" and inserting the following: "4".

15 \_\_\_\_ . Page 41, line 4, by striking the figures "5"  
 16 "4" and inserting the following: "5".

- 17 4. Page 5, line 27, by striking the words "of
- 18 establishing" and inserting the following: "that the
- 19 child could benefit by establishing the child's".
- 20 5. Page 5, line 28, by striking the words "of the
- 21 child".
- 22 6. Page 6, by striking lines 46 through 49.
- 23 7. Page 7, by striking lines 8 through 20 and
- 24 inserting the following: "date of sections 101
- 25 through 105 of this Act.""
- 26 8. By renumbering, relettering, or redesignating
- 27 and correcting internal references as necessary.

S-5585

1 Amend House File 2350, 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. DEPARTMENT OF JUSTICE. There is  
 6 appropriated from the general fund of the state to the  
 7 department of justice for the fiscal year beginning  
 8 July 1, 1994, and ending June 30, 1995, the following  
 9 amounts, or so much thereof as is necessary, to be  
 10 used for the purposes designated:

11 1. For the general office of attorney general for  
 12 salaries, support, maintenance, miscellaneous purposes  
 13 including odometer fraud enforcement, and for not more  
 14 than the following full-time equivalent positions:

15 .....	\$	4,752,448
16 .....	FTEs	169.00

17 2. Prosecuting attorney training program for  
 18 salaries, support, maintenance, miscellaneous  
 19 purposes, and for not more than the following full-  
 20 time equivalent positions:

21 .....	\$	113,326
22 .....	FTEs	4.00

23 a. In addition to the funds appropriated in this  
 24 subsection for the fiscal year beginning July 1, 1994,  
 25 and ending June 30, 1995, the attorney general shall  
 26 provide up to \$41,000 in state matching funds from  
 27 moneys retained by the attorney general from property  
 28 forfeited pursuant to section 809.13, for the  
 29 prosecuting attorney training program, the prosecuting  
 30 intern program, or both. Counties participating in  
 31 the prosecuting intern program shall match the state  
 32 funds.

33 b. In addition to the funds appropriated in this  
 34 subsection for the fiscal year beginning July 1, 1994,  
 35 and ending June 30, 1995, and the moneys retained by  
 36 the attorney general pursuant to paragraph "a", the

37 attorney general shall provide up to \$10,000 in state  
38 matching funds from moneys retained by the attorney  
39 general from property forfeited pursuant to section  
40 809.13, for the office of the prosecuting attorneys  
41 training coordinator to use for continuation of the  
42 domestic violence response enhancement program  
43 established in accordance with 1992 Iowa Acts, chapter  
44 1240, section 1, subsection 2, paragraph "b".  
45 c. The prosecuting attorneys training coordinator  
46 shall cooperate and consult with the judicial  
47 department, as otherwise provided in this Act, to  
48 provide for the education and training of prosecuting  
49 attorneys, as defined in section 13A.1, in  
50 implementing the recommendations of the equality in

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1 the courts task force.  
2 d. The prosecuting attorneys training program  
3 shall use a portion of the funds appropriated in this  
4 subsection for educating and training prosecuting  
5 attorneys, as defined in section 13A.1, in alternative  
6 dispute resolution techniques.  
7 3. In addition to the funds appropriated in  
8 subsection 1, there is appropriated from the general  
9 fund of the state to the department of justice for the  
10 fiscal year beginning July 1, 1994, and ending June  
11 30, 1995, an amount not exceeding \$200,000 to be used  
12 for the enforcement of the Iowa competition law. The  
13 expenditure of the funds appropriated in this  
14 subsection is contingent upon receipt by the general  
15 fund of the state of an amount at least equal to  
16 either the expenditures from damages awarded to the  
17 state or a political subdivision of the state by a  
18 civil judgment under chapter 553, if the judgment  
19 authorizes the use of the award for enforcement  
20 purposes or costs or attorneys fees awarded the state  
21 in state or federal antitrust actions. However, if  
22 the funds received as a result of these judgments are  
23 in excess of \$200,000, the excess funds shall not be  
24 appropriated to the department of justice pursuant to  
25 this subsection.  
26 4. In addition to the funds appropriated in  
27 subsection 1, there is appropriated from the general  
28 fund of the state to the department of justice for the  
29 fiscal year beginning July 1, 1994, and ending June  
30 30, 1995, an amount not exceeding \$125,000 to be used  
31 for public education relating to consumer fraud and  
32 for enforcement of section 714.16, and an amount not  
33 exceeding \$75,000 for investigation, prosecution, and

34 consumer education relating to consumer and criminal  
 35 fraud against older Iowans. The expenditure of the  
 36 funds appropriated in this subsection is contingent  
 37 upon receipt by the general fund of the state of an  
 38 amount at least equal to the expenditures from damages  
 39 awarded to the state or a political subdivision of the  
 40 state by a civil consumer fraud judgment or  
 41 settlement, if the judgment or settlement authorizes  
 42 the use of the award for public education on consumer  
 43 fraud. However, if the funds received as a result of  
 44 these judgments and settlements are in excess of  
 45 \$200,000, the excess funds shall not be appropriated  
 46 to the department of justice pursuant to this  
 47 subsection.

48 5. For victim assistance grants:

49 ..... \$ 1,359,812

50 a. The funds appropriated in this subsection shall

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1 be used to provide grants to care providers providing  
 2 services to crime victims of domestic abuse or to  
 3 crime victims of rape and sexual assault.

4 b. Notwithstanding section 8.33 or 8.39, any  
 5 balance remaining from the appropriation made pursuant  
 6 to this subsection shall not revert to the general  
 7 fund of the state but shall be available for  
 8 expenditure during the subsequent fiscal year for the  
 9 same purpose, and shall not be transferred to any  
 10 other program.

11 6. For the GASA prosecuting attorney program and  
 12 for not more than the following full-time equivalent  
 13 positions:

14 ..... \$ 102,927  
 15 ..... FTEs 3.00

16 7. The balance of the victim compensation fund  
 17 established under section 912.14 may be used to  
 18 provide salary and support of not more than 9.00 FTEs  
 19 and to provide maintenance for the victim compensation  
 20 functions of the department of justice.

21 8. The department of justice shall submit monthly  
 22 financial statements to the legislative fiscal bureau  
 23 and the department of management containing all  
 24 appropriated accounts in the same manner as provided  
 25 in the monthly financial status reports and personal  
 26 services usage reports of the department of revenue  
 27 and finance. The monthly financial statements shall  
 28 include comparisons of the moneys and percentage spent  
 29 of budgeted to actual revenues and expenditures on a  
 30 cumulative basis for full-time equivalent positions



31 and available moneys.

32 9. a. The department of justice, in submitting  
 33 budget estimates pursuant to section 8.23, shall  
 34 include a report of funding from sources other than  
 35 amounts appropriated directly from the general fund of  
 36 the state to the department of justice or to the  
 37 office of consumer advocate. These funding sources  
 38 shall include, but are not limited to, reimbursements  
 39 from other state agencies, commissions, boards, or  
 40 similar entities, and reimbursements from special  
 41 funds or internal accounts within the department of  
 42 justice. The department of justice shall report  
 43 actual reimbursements for the fiscal year commencing  
 44 July 1, 1993, and actual and expected reimbursements  
 45 for the fiscal year commencing July 1, 1994.

46 b. The department of justice shall include the  
 47 report required under paragraph "a", as well as  
 48 information regarding any revisions occurring as a  
 49 result of reimbursements actually received or expected  
 50 at a later date, in a report to the co-chairpersons

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1 and ranking members of the joint appropriations  
 2 subcommittee on the justice system and the legislative  
 3 fiscal bureau. The department of justice shall submit  
 4 the report on or before January 15, 1995.

5 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is  
 6 appropriated from the general fund of the state to the  
 7 office of consumer advocate of the department of  
 8 justice for the fiscal year beginning July 1, 1994,  
 9 and ending June 30, 1995, the following amount, or so  
 10 much thereof as is necessary, to be used for the  
 11 purposes designated:

12 For salaries, support, maintenance, miscellaneous  
 13 purposes, and for not more than the following full-  
 14 time equivalent positions:

15 .....	\$	2,040,396
16 .....	FTEs	32.00

17 Sec. 3. BOARD OF PAROLE. There is appropriated  
 18 from the general fund of the state to the board of  
 19 parole for the fiscal year beginning July 1, 1994, and  
 20 ending June 30, 1995, the following amount, or so much  
 21 thereof as is necessary, to be used for the purposes  
 22 designated:

23 For salaries, support, maintenance, including  
 24 maintenance of an automated docket and the board's  
 25 automated risk assessment model, employment of two  
 26 statistical research analysts to assist with the  
 27 application of the risk assessment model in the parole

28 decision-making process, miscellaneous purposes, and  
29 for not more than the following full-time equivalent  
30 positions:

31 .....	\$	778,747
32 .....	FTEs	17.00

33 1. The board of parole shall require the board's  
34 administrative staff to be cross-trained to assure  
35 that each individual on that staff is familiar with  
36 all tasks performed by the staff.

37 2. The department of corrections and the board of  
38 parole shall review, and implement as necessary, the  
39 findings and recommendations contained in the final  
40 report prepared by the consultant and presented to the  
41 corrections system review task force which was  
42 established by 1988 Iowa Acts, chapter 1271, as they  
43 relate to the department of corrections and the board  
44 of parole. The board shall submit a report to the co-  
45 chairpersons of the joint appropriations subcommittee  
46 on the justice system and the legislative fiscal  
47 bureau on or before January 16, 1995, detailing steps  
48 taken to implement any of the recommendations, and for  
49 those recommendations which have not been implemented,  
50 specifying the reasons for failing to implement the

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1 recommendations. The report shall include, but is not  
2 limited to, copies of all reports submitted to the  
3 legislative fiscal bureau pursuant to section 906.5,  
4 subsection 2, for the fiscal year commencing July 1,  
5 1994, as well as details pertaining to other steps  
6 taken to implement the recommendations contained in  
7 the fiscal report prepared by the consultant for the  
8 corrections system review task force pertaining to the  
9 early parole of nonviolent property offenders.

10 3. The board of parole shall conduct a study of  
11 the parole process to identify and eliminate bias in  
12 the parole system based upon race, creed, color, sex,  
13 national origin, religion, or disability. The board  
14 of parole shall report its findings and  
15 recommendations to the co-chairpersons and ranking  
16 members of the joint appropriations subcommittee on  
17 the justice system and the legislative fiscal bureau  
18 on or before January 15, 1995.

19 Sec. 4. DEPARTMENT OF CORRECTIONS - FACILITIES.

20 There is appropriated from the general fund of the  
21 state to the department of corrections for the fiscal  
22 year beginning July 1, 1994, and ending June 30, 1995,  
23 the following amounts, or so much thereof as is  
24 necessary, to be used for the purposes designated:

25 1. For the operation of adult correctional  
 26 institutions, to be allocated as follows:  
 27 a. For the operation of the Fort Madison  
 28 correctional facility, including salaries, support,  
 29 maintenance, employment of 310 correctional officers,  
 30 miscellaneous purposes, and for not more than the  
 31 following full-time equivalent positions:

32 ..... \$ 24,705,497  
 33 ..... FTEs 490.50

34 b. For the operation of the Anamosa correctional  
 35 facility, including salaries, support, maintenance,  
 36 employment of 211 correctional officers and a part-  
 37 time chaplain to provide religious counseling to  
 38 inmates of a minority race, miscellaneous purposes,  
 39 and for not more than the following full-time  
 40 equivalent positions:

41 ..... \$ 18,498,730  
 42 ..... FTEs 356.25

43 Moneys are provided within this appropriation for 2  
 44 full-time substance abuse counselors for the Luster  
 45 Heights facility, for the purpose of certification of  
 46 a substance abuse program at that facility.

47 c. For the operation of the Oakdale correctional  
 48 facility, including salaries, support, maintenance,  
 49 employment of 159 correctional officers, miscellaneous  
 50 purposes, and for not more than the following full-

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1 time equivalent positions:  
 2 ..... \$ 15,478,173  
 3 ..... FTEs 320.80

4 d. For the operation of the Newton correctional  
 5 facility, including salaries, support, maintenance,  
 6 employment of 44 correctional officers, miscellaneous  
 7 purposes, and for not more than the following full-  
 8 time equivalent positions:

9 ..... \$ 5,293,526  
 10 ..... FTEs 110.25

11 e. For the operation of the Mt. Pleasant  
 12 correctional facility, including salaries, support,  
 13 maintenance, employment of 141 correctional officers  
 14 and a full-time chaplain to provide religious  
 15 counseling at the Oakdale and Mt. Pleasant  
 16 correctional facilities, miscellaneous purposes, and  
 17 for not more than the following full-time equivalent  
 18 positions:

19 ..... \$ 13,219,851  
 20 ..... FTEs 258.92

21 f. For the operation of the Rockwell City

22 correctional facility, including salaries, support,  
 23 maintenance, employment of 58 correctional officers,  
 24 miscellaneous purposes, and for not more than the  
 25 following full-time equivalent positions:  
 26 ..... \$ 5,341,798  
 27 ..... FTEs 112.00  
 28 g. For the operation of the Clarinda correctional  
 29 facility, including salaries, support, maintenance,  
 30 employment of 68 correctional officers, miscellaneous  
 31 purposes, and for not more than the following full-  
 32 time equivalent positions:  
 33 ..... \$ 6,308,034  
 34 ..... FTEs 136.20  
 35 h. For the operation of the Mitchellville  
 36 correctional facility, including salaries, support,  
 37 maintenance, employment of 71.50 correctional  
 38 officers, miscellaneous purposes, and for not more  
 39 than the following full-time equivalent positions:  
 40 ..... \$ 6,081,317  
 41 ..... FTEs 133.00  
 42 The department of corrections shall analyze and  
 43 compare policies and guidelines concerning inmates at  
 44 the correctional facilities, and shall propose  
 45 revisions to the general assembly as necessary to  
 46 ensure that male and female inmates have comparable  
 47 opportunities for education, vocational education, and  
 48 treatment at the state correctional facilities. Where  
 49 legislative action is not necessary to ensure  
 50 comparable opportunities, the department shall take

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1 administrative action to implement the policies or  
 2 guidelines needed to accomplish the comparable  
 3 opportunities mandated by this paragraph. The  
 4 department shall report the progress on the analysis  
 5 and comparison of the policies and guidelines, and any  
 6 changes made, to the co-chairpersons and ranking  
 7 members of the joint appropriations subcommittee on  
 8 the justice system and the legislative fiscal bureau  
 9 on or before December 15, 1994.

10 2. The department of corrections shall provide a  
 11 report to the co-chairpersons and ranking members of  
 12 the joint appropriations subcommittee on the justice  
 13 system and the joint appropriations subcommittee on  
 14 education, the chairpersons and ranking members of the  
 15 senate and house standing committees on education, and  
 16 the legislative fiscal bureau on or before January 15,  
 17 1995, outlining the implementation of the centralized  
 18 education program for the correctional system. The

19 report shall include a listing of the educational  
20 institutions that are involved, the amount of any  
21 federal funds received for use with these programs,  
22 and any other pertinent information.

23 3. If the inmate tort claim fund for inmate claims  
24 of less than \$50 is exhausted during the fiscal year,  
25 sufficient funds shall be transferred from the  
26 institutional budgets to pay approved tort claims for  
27 the balance of the fiscal year. The warden or  
28 superintendent of each institution or correctional  
29 facility shall designate an employee to receive,  
30 investigate, and recommend whether to pay any properly  
31 filed inmate tort claim for less than the above  
32 amount. The designee's recommendation shall be  
33 approved or denied by the warden or superintendent and  
34 forwarded to the department of corrections for final  
35 approval and payment. The amounts appropriated to  
36 this fund pursuant to 1987 Iowa Acts, chapter 234,  
37 section 304, subsection 2, are not subject to  
38 reversion under section 8.33.

39 Tort claims denied at the institution shall be  
40 forwarded to the state appeal board for their  
41 consideration as if originally filed with that body.  
42 This procedure shall be used in lieu of chapter 669  
43 for inmate tort claims of less than \$50.

44 4. The department of corrections shall submit a  
45 plan to the general assembly prior to January 1, 1995,  
46 to establish in the institutions a mandatory literacy  
47 requirement for all inmates. The plan shall include  
48 the following:

49 a. Statistics indicating the current reading and  
50 education levels of the average inmate.

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1 b. The funding and number of years necessary for  
2 implementation.

3 c. The feasibility of mandating participation and  
4 the need for exemptions.

5 d. The availability of sanctions and incentives.

6 e. The special education services for inmates  
7 under the age of twenty-one.

8 f. The continuation of educational programming  
9 after release.

10 5. The department of corrections, in consultation  
11 and cooperation with the judicial district departments  
12 of correctional services, board of parole, division of  
13 criminal and juvenile justice planning of the  
14 department of human rights, and any other applicable  
15 state agencies, shall provide a report detailing the

16 steps taken to implement the reports of the  
17 consultants retained by the corrections system review  
18 task force established by 1988 Iowa Acts, chapter  
19 1271, section 14. The department shall provide the  
20 report to the co-chairpersons and ranking members of  
21 the joint appropriations subcommittee on the justice  
22 system and the legislative fiscal bureau, on or before  
23 January 15, 1995.

24 Sec. 5. DEPARTMENT OF CORRECTIONS --  
25 ADMINISTRATION. There is appropriated from the  
26 general fund of the state to the department of  
27 corrections for the fiscal year beginning July 1,  
28 1994, and ending June 30, 1995, the following amounts,  
29 or so much thereof as is necessary, to be used for the  
30 purposes designated:

31 1. For general administration, including salaries,  
32 support, maintenance, employment of an education  
33 director and clerk to administer a centralized  
34 education program for the correctional system,  
35 miscellaneous purposes, and for not more than the  
36 following full-time equivalent positions:

37 ..... \$ 2,223,408  
38 ..... FTEs 38.52

39 The department shall monitor the use of the  
40 classification model by the judicial district  
41 departments of correctional services and has the  
42 authority to override a district department's decision  
43 regarding classification of community-based clients.  
44 The department shall notify a district department of  
45 the reasons for the override.

46 2. For reimbursement of counties for temporary  
47 confinement of work release and parole violators, as  
48 provided in sections 901.7, 904.908, and 906.17 and  
49 for offenders confined pursuant to section 904.513:

50 ..... \$ 237,088

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1 3. For federal prison reimbursement,  
2 reimbursements for out-of-state placements, and  
3 miscellaneous contracts:

4 ..... \$ 341,334

5 The department of corrections shall use funds  
6 appropriated by this subsection to continue to  
7 contract for the services of a Muslim imam.

8 4. For salaries, support, maintenance,  
9 miscellaneous purposes, and for not more than the  
10 following full-time equivalent positions at the  
11 correctional training center at Mt. Pleasant:

12 ..... \$ 381,095

13 ..... FTEs 7.16

14 5. For annual payment relating to the financial  
 15 arrangement for the construction of expansion in  
 16 prison capacity as provided in 1989 Iowa Acts, chapter  
 17 316, section 7, subsection 6:

18 ..... \$ 625,860

19 6. For annual payment relating to the financial  
 20 arrangement for the construction of expansion in  
 21 prison capacity as provided in 1990 Iowa Acts, chapter  
 22 1257, section 24:

23 ..... \$ 3,186,995

24 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF  
 25 CORRECTIONAL SERVICES.

26 1. There is appropriated from the general fund of  
 27 the state to the department of corrections for the  
 28 fiscal year beginning July 1, 1994, and ending June  
 29 30, 1995, the following amounts, or so much thereof as  
 30 is necessary, to be allocated as follows:

31 a. For the first judicial district department of  
 32 correctional services, including the treatment and  
 33 supervision of probation and parole violators who have  
 34 been released from the department of corrections  
 35 violator program, the following amount, or so much  
 36 thereof as is necessary:

37 ..... \$ 6,226,704

38 (1) The district department shall continue the  
 39 intensive supervision program established within the  
 40 district in 1988 Iowa Acts, chapter 1271, section 6,  
 41 subsection 1, paragraph "a", and the sex offender  
 42 treatment program established within the district in  
 43 1989 Iowa Acts, chapter 316, section 8, subsection 1,  
 44 paragraph "a".

45 (2) The district department, in cooperation with  
 46 the chief judge of the judicial district, shall  
 47 continue the implementation of a plan to divert low-  
 48 risk offenders to the least restrictive sanction  
 49 available.

50 b. For the second judicial district department of

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1 correctional services, including the treatment and  
 2 supervision of probation and parole violators who have  
 3 been released from the department of corrections  
 4 violator program, the following amount, or so much  
 5 thereof as is necessary:

6 ..... \$ 4,791,293

7 (1) The district department shall continue the sex  
 8 offender treatment program established within the  
 9 district in 1988 Iowa Acts, chapter 1271, section 6,

10 subsection 1, paragraph "b".

11 (2) The district department, in cooperation with  
12 the chief judge of the judicial district, shall  
13 continue the implementation of a plan to divert low-  
14 risk offenders to the least restrictive sanction  
15 available.

16 c. For the third judicial district department of  
17 correctional services, including the treatment and  
18 supervision of probation and parole violators who have  
19 been released from the department of corrections  
20 violator program, the following amount, or so much  
21 thereof as is necessary:

22 ..... \$ 3,114,437

23 (1) The district department shall continue the sex  
24 offender treatment program established within the  
25 district in 1988 Iowa Acts, chapter 1271, section 6,  
26 subsection 1, paragraph "c", and the intensive  
27 supervision program established within the district in  
28 1990 Iowa Acts, chapter 1268, section 6, subsection 3,  
29 paragraph "d".

30 (2) The district department, in cooperation with  
31 the chief judge of the judicial district, shall  
32 continue the implementation of a plan to divert low-  
33 risk offenders to the least restrictive sanction  
34 available.

35 d. For the fourth judicial district department of  
36 correctional services, including the treatment and  
37 supervision of probation and parole violators who have  
38 been released from the department of corrections  
39 violator program, the following amount, or so much  
40 thereof as is necessary:

41 ..... \$ 2,316,208

42 (1) The district department shall continue the sex  
43 offender treatment program established within the  
44 district in 1988 Iowa Acts, chapter 1271, section 6,  
45 subsection 1, paragraph "d".

46 (2) The district department, in cooperation with  
47 the chief judge of the judicial district, shall  
48 continue the implementation of a plan to divert low-  
49 risk offenders to the least restrictive sanction  
50 available.

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1 e. For the fifth judicial district department of  
2 correctional services, including the treatment and  
3 supervision of probation and parole violators who have  
4 been released from the department of corrections  
5 violator program, the following amount, or so much  
6 thereof as is necessary:



7 ..... \$ 8,401,666

8 (1) The district department shall continue the  
9 intensive supervision program established within the  
10 district in 1988 Iowa Acts, chapter 1271, section 6,  
11 subsection 1, paragraph "e", and shall continue to  
12 provide for the rental of electronic monitoring  
13 equipment.

14 (2) The district department, in cooperation with  
15 the chief judge of the judicial district, shall  
16 continue the implementation of a plan to divert low-  
17 risk offenders to the least restrictive sanction  
18 available.

19 f. For the sixth judicial district department of  
20 correctional services, including the treatment and  
21 supervision of probation and parole violators who have  
22 been released from the department of corrections  
23 violator program, the following amount, or so much  
24 thereof as is necessary:

25 ..... \$ 6,279,190

26 (1) The district department shall continue the  
27 intensive supervision program established within the  
28 district in 1988 Iowa Acts, chapter 1271, section 6,  
29 subsection 1, paragraph "f", and the sex offender  
30 treatment program established within the district in  
31 1989 Iowa Acts, chapter 316, section 8, subsection 1,  
32 paragraph "f".

33 (2) The district department, in cooperation with  
34 the chief judge of the judicial district, shall  
35 continue the implementation of a plan to divert low-  
36 risk offenders to the least restrictive sanction  
37 available.

38 (3) The district department shall continue the  
39 implementation of a plan providing for the expanded  
40 use of intermediate criminal sanctions, as provided in  
41 1993 Iowa Acts, chapter 171, section 6, subsection 1,  
42 paragraph "f", subparagraph (3).

43 (4) Of the funds appropriated in this paragraph,  
44 the district department shall use not more than  
45 \$40,000, to provide for financial arrangements,  
46 including entering a lease-purchase agreement, for the  
47 relocation of the Cedar Rapids community corrections  
48 center.

49 g. For the seventh judicial district department of  
50 correctional services, including the treatment and

1 supervision of probation and parole violators who have  
2 been released from the department of corrections  
3 violator program, the following amount, or so much

4 thereof as is necessary:

5 ..... \$ 4,229,668

6 (1) The district department shall continue the  
7 intensive supervision program established within the  
8 district in 1988 Iowa Acts, chapter 1271, section 6,  
9 subsection 1, paragraph "g", and shall continue the  
10 sex offender treatment program established within the  
11 district in 1989 Iowa Acts, chapter 316, section 8,  
12 subsection 1, paragraph "g".

13 (2) The district department shall continue the job  
14 development program established within the district in  
15 1990 Iowa Acts, chapter 1268, section 6, subsection 7,  
16 paragraph "e".

17 (3) The district department, in cooperation with  
18 the chief judge of the judicial district, shall  
19 continue the implementation of a plan to divert low-  
20 risk offenders to the least restrictive sanction  
21 available.

22 h. For the eighth judicial district department of  
23 correctional services, including the treatment and  
24 supervision of probation and parole violators who have  
25 been released from the department of corrections  
26 violator program, the following amount, or so much  
27 thereof as is necessary:

28 ..... \$ 3,627,205

29 (1) The district department shall continue the  
30 intensive supervision program established within the  
31 district in 1988 Iowa Acts, chapter 1271, section 6,  
32 subsection 1, paragraph "h", and shall continue the  
33 sex offender treatment program established within the  
34 district in 1989 Iowa Acts, chapter 316, section 8,  
35 subsection 1, paragraph "h".

36 (2) The district department, in cooperation with  
37 the chief judge of the judicial district, shall  
38 continue the implementation of a plan to divert low-  
39 risk offenders to the least restrictive sanction  
40 available.

41 i. For the department of corrections for the  
42 assistance and support of each judicial district  
43 department of correctional services, the following  
44 amount, or so much thereof as is necessary:

45 ..... \$ 85,817

46 2. The department of corrections shall continue  
47 the OWI facilities established in 1986 Iowa Acts,  
48 chapter 1246, section 402, in compliance with the  
49 conditions specified in that section.

50 3. The department of corrections shall continue to

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1 contract with a judicial district department of  
2 correctional services to provide for the rental of  
3 electronic monitoring equipment which shall be  
4 available statewide.

5 4. Each judicial district department of  
6 correctional services and the department of  
7 corrections shall continue the treatment alternatives  
8 to street crime programs established in 1989 Iowa  
9 Acts, chapter 225, section 9.

10 5. The first, sixth, and eighth judicial district  
11 departments of correctional services and the  
12 department of corrections shall continue the job  
13 training and development grant programs established in  
14 1989 Iowa Acts, chapter 316, section 7, subsection 2.

15 6. The department of corrections shall not make an  
16 intradepartmental transfer of moneys appropriated to  
17 the department, unless notice of the intradepartmental  
18 transfer is given prior to its effective date to the  
19 legislative fiscal bureau. The notice shall include  
20 information on the department's rationale for making  
21 the transfer and details concerning the work load and  
22 performance measures upon which the transfers are  
23 based.

24 7. The governor's alliance on substance abuse  
25 shall consider federal grants made to the department  
26 of corrections for the benefit of each of the eight  
27 judicial district departments of correctional services  
28 as local government grants, as defined pursuant to  
29 federal regulations.

30 8. Each judicial district department of  
31 correctional services shall provide a report  
32 concerning the treatment and supervision of probation  
33 and parole violators who have been released from the  
34 department of corrections violator program, to the co-  
35 chairpersons and ranking members of the joint  
36 appropriations subcommittee on the justice system and  
37 the legislative fiscal bureau, on or before January  
38 15, 1995.

39 9. It is the intent of the general assembly that  
40 each judicial district department of correctional  
41 services shall operate the community-based  
42 correctional facilities in a manner which provides for  
43 a residential population of at least 110 percent of  
44 the design capacity of the facility.

45 Sec. 7. JUDICIAL DEPARTMENT. There is  
46 appropriated from the general fund of the state to the  
47 judicial department for the fiscal year beginning July  
48 1, 1994, and ending June 30, 1995, the following

49 amounts, or so much thereof as is necessary, to be  
50 used for the purposes designated:

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1 1. For salaries of supreme court justices,  
2 appellate court judges, district court judges,  
3 district associate judges, judicial magistrates and  
4 staff, state court administrator, clerk of the supreme  
5 court, district court administrators, clerks of the  
6 district court, trial court supervisors, trial court  
7 technicians II, financial supervisors I and II,  
8 juvenile court officers, board of law examiners and  
9 board of examiners of shorthand reporters and judicial  
10 qualifications commission, receipt and disbursement of  
11 child support payments, reimbursement of the auditor  
12 of state for expenses incurred in completing audits of  
13 the offices of the clerks of the district court during  
14 the fiscal year beginning July 1, 1994, and  
15 maintenance, equipment, and miscellaneous purposes:  
16 ..... \$ 81,470,924

17 a. The judicial department, except for purposes of  
18 internal processing, shall use the current state  
19 budget system, the state payroll system, and the Iowa  
20 finance and accounting system in administration of  
21 programs and payments for services, and shall not  
22 duplicate the state payroll, accounting, and budgeting  
23 systems.

24 b. The judicial department shall submit monthly  
25 financial statements to the legislative fiscal bureau  
26 and the department of management containing all  
27 appropriated accounts in the same manner as provided  
28 in the monthly financial status reports and personal  
29 services usage reports of the department of revenue  
30 and finance. The monthly financial statements shall  
31 include a comparison of the dollars and percentage  
32 spent of budgeted versus actual revenues and  
33 expenditures on a cumulative basis for full-time  
34 equivalent positions and dollars.

35 c. It is the intent of the general assembly that  
36 counties installing new telephone systems shall  
37 provide those systems to all judicial department  
38 offices within the county at no cost.

39 d. Of the funds appropriated in this subsection,  
40 not more than \$1,897,728 may be transferred into the  
41 revolving fund established pursuant to section  
42 602.1302, subsection 3, to be used for the payment of  
43 jury and witness fees and mileage.

44 e. The judicial department shall use not more than  
45 \$150,000 of the funds appropriated in this subsection

46 for educational purposes in implementing the  
47 recommendations of the equality in the courts task  
48 force. The judicial department, in cooperation and  
49 consultation with the prosecuting attorneys training  
50 coordinator, shall use the funds so appropriated for

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1 the education and training of employees of the  
2 judicial department and prosecuting attorneys, as  
3 defined in section 13A.1.

4 f. Of the funds appropriated in this subsection,  
5 the judicial department shall use not more than  
6 \$50,000 for the purchase of critically needed  
7 equipment and furniture.

8 g. Of the funds appropriated in this subsection,  
9 the judicial department shall use not more than  
10 \$1,150,000 for increasing the existing capacity of the  
11 Iowa court information system by extending the system  
12 into additional counties and for the development of a  
13 computer software program to allow state agencies to  
14 gain access to data in the Iowa court information  
15 system. However, the funds shall not be used to  
16 expand the applications of the system for purposes  
17 other than those for which the system is currently  
18 used, and the judicial department shall focus efforts  
19 in utilizing the funds referred to in this paragraph  
20 upon the collection of delinquent fines, penalties,  
21 court costs, fees, surcharges, or similar amounts. Of  
22 the funds specified in this paragraph, the judicial  
23 department shall use not more than \$20,000 for the  
24 development of a computer software program to allow  
25 state agencies to gain access to data in the Iowa  
26 court information system. The judicial department  
27 shall investigate the most efficient way to complete  
28 the expansion of the department's entire communication  
29 and information management system, and include this  
30 information in a report to be submitted to the co-  
31 chairpersons and ranking members of the joint  
32 appropriations subcommittee on the justice system and  
33 the legislative fiscal bureau, on or before January  
34 15, 1995.

35 h. It is the intent of the general assembly that  
36 the offices of the clerks of the district court  
37 operate in all ninety-nine counties and be accessible  
38 to the public as much as is reasonably possible in  
39 order to address the relative needs of the citizens of  
40 each county.

41 i. The judicial department shall report to the co-  
42 chairpersons and ranking members of the joint

43 appropriations subcommittee on the justice system by  
 44 February 1, 1995, concerning an evaluation of the  
 45 needs of the court system, particularly resources  
 46 necessary to meet the increasing demands on the  
 47 courts. The report shall also identify legislative  
 48 changes which would reduce or alleviate the workload  
 49 of the courts.  
 50 j. The judicial department shall use a portion of

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1 the funds appropriated in this subsection for  
 2 educating and training the appropriate court personnel  
 3 in alternative dispute resolution techniques.

4 2. For the juvenile victim restitution program:

5 ..... \$ 131,663

6 Sec. 8. IOWA COURT INFORMATION SYSTEM. There is

7 appropriated from the general fund of the state to the  
 8 judicial department for the fiscal year beginning July  
 9 1, 1994, and ending June 30, 1995, the following  
 10 amount, or so much thereof as is necessary, to be used  
 11 for the purpose designated:

12 For the Iowa court information system:

13 ..... \$ 857,500

14 1. The judicial department shall not change the  
 15 appropriations from the amounts appropriated in this  
 16 section, unless notice of the revisions is given prior  
 17 to their effective date to the legislative fiscal  
 18 bureau. The notice shall include information on the  
 19 department's rationale for making the changes and  
 20 details concerning the work load and performance  
 21 measures upon which the changes are based.

22 2. The judicial department shall provide a report  
 23 semiannually to the co-chairpersons and ranking  
 24 members of the joint appropriations subcommittee on  
 25 the justice system and the legislative fiscal bureau  
 26 specifying the amounts of fines, surcharges, and court  
 27 costs collected using the Iowa court information  
 28 system. The report shall demonstrate and specify how  
 29 the Iowa court information system is used to improve  
 30 the collection process. The report shall also compare  
 31 fines, surcharges, and court costs collected in  
 32 selected counties which are using an automated system  
 33 versus the amounts collected in at least three  
 34 counties which are not using an automated system.

35 Sec. 9. JUDICIAL RETIREMENT FUND. There is  
 36 appropriated from the general fund of the state to the  
 37 judicial retirement fund for the fiscal year beginning  
 38 July 1, 1994, and ending June 30, 1995, the following  
 39 amount, or so much thereof as is necessary, to be used

40 for the purpose designated:

41 For the state's contribution to the judicial  
 42 retirement fund established in section 602.9104, in  
 43 the amount of 23.7 percent of the basic salaries of  
 44 the judges covered under chapter 602, article 9:  
 45 ..... \$ 3,150,915  
 46 If House File 2418 or Senate File 2251 is not  
 47 enacted by the Seventy-fifth General Assembly, 1994  
 48 Regular Session, in a manner which enacts a new  
 49 section 602.9104A or other provision to prohibit the  
 50 deposit of certain court revenues in the judicial

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1 retirement fund, then the appropriation provided in  
 2 this section is reduced by \$2,019,682. If Senate File  
 3 413 is not enacted by the Seventy-fifth General  
 4 Assembly, 1994 Regular Session, in a manner which  
 5 provides for an increase in certain court costs, fees,  
 6 fines, penalties, surcharges, forfeited bail, or  
 7 similar charges collected by the court and the  
 8 ultimate deposit of at least some of the increase in  
 9 the general fund of the state, then the appropriation  
 10 in this section is reduced by \$752,000. If both of  
 11 the contingencies specified in this paragraph occur,  
 12 the appropriation provided in this section is reduced  
 13 by \$2,771,682. The judicial department shall file a  
 14 report with the legislative fiscal bureau for each  
 15 quarter of the fiscal year commencing July 1, 1994,  
 16 detailing any additional amounts deposited in the  
 17 general fund of the state as a result of the  
 18 provisions of Senate File 413, if enacted.  
 19 Sec. 10. AUTOMATED DATA SYSTEM. The department of  
 20 corrections, judicial district departments of  
 21 correctional services, board of parole, and the  
 22 judicial department shall continue to develop an  
 23 automated data system for use in the sharing of  
 24 information between the department of corrections,  
 25 judicial district departments of correctional  
 26 services, board of parole, and the judicial  
 27 department. The information to be shared shall  
 28 concern any individual who may, as the result of an  
 29 arrest or infraction of any law, be subject to the  
 30 jurisdiction of the department of corrections,  
 31 judicial district departments of correctional  
 32 services, or board of parole. The department of  
 33 corrections, in consultation and cooperation with the  
 34 judicial district departments of correctional  
 35 services, the board of parole, and the judicial  
 36 department, shall provide a report concerning the

37 development of the automated data system to the co-  
38 chairpersons and ranking members of the joint  
39 appropriations subcommittee on the justice system and  
40 the legislative fiscal bureau, on or before January  
41 15, 1995.

42 Sec. 11. PLACEMENTS FOR ELDERLY, MENTALLY ILL,  
43 MENTALLY RETARDED, OR INFIRM INMATES. The department  
44 of corrections, board of parole, Iowa department of  
45 public health, department of human services,  
46 department of elder affairs, and department of  
47 inspections and appeals shall cooperate in developing  
48 community-based placements for elderly, mentally ill,  
49 mentally retarded, or infirm inmates who, by nature of  
50 their medical and criminal histories, are deemed to be

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1 low-risk for committing future public offenses.  
2 Community-based placements may include, but are not  
3 limited to, county care facilities, retirement homes,  
4 or veterans homes. The departments shall consider the  
5 potential for these community-based placement  
6 facilities to obtain federal funds for providing  
7 services to these inmates. The department of  
8 corrections shall develop a parole plan for these  
9 inmates once a community-based placement has been  
10 developed. The department of corrections shall  
11 identify those inmates who are ineligible for parole  
12 in the near future, but who would otherwise qualify  
13 for community-based placements under this section, and  
14 shall issue a request for proposals on or before  
15 November 1, 1994, from private institutions which  
16 would be able to accept transfers of such inmates in  
17 accordance with section 904.503. In preparing the  
18 request for proposals, the department shall include  
19 relevant information concerning the availability of  
20 funding sources to assist in the payment of services  
21 for such inmates. The department of corrections shall  
22 provide a report concerning the activities of  
23 developing community-based placements for elderly or  
24 infirm inmates to the co-chairpersons and ranking  
25 members of the joint appropriations subcommittee on  
26 the justice system and the legislative fiscal bureau,  
27 on or before January 15, 1995.

28 Sec. 12. CORRECTIONAL INSTITUTIONS -- VOCATIONAL  
29 TRAINING. The state prison industries board and the  
30 department of corrections shall continue the  
31 implementation of a plan to enhance vocational  
32 training opportunities within the correctional  
33 institutions listed in section 904.102, as provided in



34 1993 Iowa Acts, chapter 171, section 12. The plan  
35 shall provide for increased vocational training  
36 opportunities within the correctional institutions,  
37 including the possibility of approving community  
38 college credit for inmates working in prison  
39 industries. The department of corrections shall  
40 provide a report concerning the implementation of the  
41 plan to the co-chairpersons and ranking members of the  
42 joint appropriations subcommittee on the justice  
43 system and the legislative fiscal bureau, on or before  
44 January 15, 1995.

45 Sec. 13. MONEYS RECOVERED THROUGH COURT-APPOINTED  
46 RECEIVER -- NONREVERSION -- USES OF FUNDS.

47 1. As used in this section, unless the context  
48 otherwise requires, "recovered funds" means moneys  
49 which were appropriated to the department of  
50 corrections in previous fiscal years for the purposes

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1 of the judicial district departments of correctional  
2 services, which have been recovered in the fiscal year  
3 commencing July 1, 1993, as a result of the actions of  
4 the court-appointed receiver in litigation pertaining  
5 to the Iowa trust matter, and which would otherwise be  
6 deposited in the general fund of the state.

7 2. Notwithstanding any other provision of law to  
8 the contrary, recovered funds shall not revert to the  
9 general fund of the state at the end of the fiscal  
10 year commencing July 1, 1993, but shall be available  
11 to and transferred by the department of corrections,  
12 in the manner and in the amounts specified in  
13 subsection 3. Recovered funds shall be deemed  
14 dedicated to the purposes specified in this section,  
15 rather than the original purposes for which the moneys  
16 were appropriated.

17 3. Notwithstanding any other provision of law to  
18 the contrary, the department of corrections shall  
19 transfer and remit recovered funds as follows:  
20 a. The department of corrections shall make  
21 available \$150,000 of the recovered funds to the first  
22 judicial district department of correctional services,  
23 for use in the fiscal year commencing July 1, 1994, to  
24 pay for the construction of 8 additional community-  
25 based corrections residential beds at the West Union  
26 community-based correctional facility.  
27 b. The department of corrections shall transfer  
28 \$148,500 to the second judicial district department of  
29 correctional services, for use in the fiscal year  
30 commencing July 1, 1994, to make the financial

31 arrangements necessary to relocate the Marshalltown  
32 community-based correctional facility, and to increase  
33 the number of community-based corrections residential  
34 beds at the relocated facility, from the current 24  
35 residential beds to 40 residential beds. The second  
36 judicial district department of correctional services  
37 shall use the recovered funds transferred by this  
38 paragraph to pay the initial costs connected with the  
39 relocation and construction project, including but not  
40 limited to, architectural fees, costs associated with  
41 obtaining lease-purchase financing, and additional  
42 equipment needs.

43 c. The department of corrections shall remit the  
44 additional recovered funds not otherwise transferred  
45 or made available in this subsection to the treasurer  
46 of state, the recovered funds shall be available to  
47 the judicial department, and the treasurer of state  
48 shall transfer and distribute the recovered funds to  
49 the judicial department for use in the fiscal year  
50 commencing July 1, 1994. The judicial department

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1 shall use the recovered funds for the purposes  
2 specified, and subject to the limitations enumerated,  
3 in section 7, subsection 1 of this Act, and the  
4 amounts available to the judicial department through  
5 the use of recovered funds shall be in addition to any  
6 moneys otherwise appropriated in this Act.

7 4. The department of corrections, the first and  
8 second judicial district departments of correctional  
9 services, and the judicial department shall use  
10 recovered funds for the purposes specified in this  
11 section in the fiscal year commencing July 1, 1994,  
12 and any funds which are unexpended at the end of the  
13 fiscal year commencing July 1, 1994, shall revert to  
14 the general fund of the state.

**15 Sec. 14. STATE AGENCY PURCHASES FROM PRISON  
16 INDUSTRIES.**

17 1. As used in this section, unless the context  
18 otherwise requires, "state agency" means the  
19 government of the state of Iowa, including but not  
20 limited to all executive departments, agencies,  
21 boards, bureaus, and commissions, the judicial  
22 department, the general assembly and all legislative  
23 agencies, institutions within the purview of the state  
24 board of regents, and any corporation whose primary  
25 function is to act as an instrumentality of the state.

26 2. State agencies are hereby encouraged to  
purchase products from Iowa state industries, as

28 defined in section 904.802, when purchases are  
29 required and the products are available from Iowa  
30 state industries.

31 Sec. 15. INDIGENT DEFENSE COSTS. The supreme  
32 court shall submit a written report for the preceding  
33 fiscal year no later than January 1 of each year  
34 indicating the amounts collected pursuant to section  
35 815.9A, relating to recovery of indigent defense  
36 costs. The report shall include the total amount  
37 collected by all courts, as well as the amounts  
38 collected by each judicial district. The supreme  
39 court shall also submit a written report quarterly  
40 indicating the number of criminal and juvenile filings  
41 which occur in each judicial district for purposes of  
42 estimating indigent defense costs. A copy of each  
43 report shall be provided to the public defender, the  
44 department of management, and the legislative fiscal  
45 bureau.

46 Sec. 16. PLAN FOR FINANCING OF ADDITIONAL  
47 CORRECTIONAL BEDS AT CORRECTIONAL FACILITIES AND  
48 COMMUNITY-BASED CORRECTIONAL FACILITIES.

49 1. Except for those projects authorized in the  
50 section of this Act utilizing moneys recovered through

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1 the court-appointed receiver in the Iowa trust matter  
2 for construction of additional community-based  
3 residential beds in the first and second judicial  
4 district departments of correctional services and  
5 those projects for which at least partial funding is  
6 appropriated in this Act for the fiscal year beginning  
7 July 1, 1994, the department of corrections shall not  
8 proceed with any plans for the construction or lease  
9 of additional correctional beds at correctional  
10 facilities and community-based corrections residential  
11 facilities unless the beds are financed in accordance  
12 with this section. If the general assembly authorizes  
13 the construction or lease of additional correctional  
14 beds pursuant to this Act, such action shall  
15 constitute a declaration by the general assembly that  
16 additional correctional beds and the financing  
17 specified in this section serve the public purpose and  
18 are essential governmental functions that promote the  
19 general welfare of the citizens of the state of Iowa.  
20 2. Pursuant to the guidelines established in this  
21 subsection, the treasurer of state shall determine  
22 which of the financing methods specified in this  
23 subsection shall be used for funding any additional  
24 correctional beds authorized pursuant to this Act.

25 a. If the treasurer of state determines that bonds  
26 can be issued in accordance with sections 16.177 and  
27 602.8108A, then the bonding method specified in those  
28 sections shall be used to fund any additional  
29 correctional beds provided in this Act.

30 b. If the treasurer of state determines that bonds  
31 cannot be issued in accordance with sections 16.177  
32 and 602.8108A, then the treasurer of state shall  
33 inform the department of corrections in writing that  
34 bonds shall not be issued, and the department of  
35 corrections shall proceed in accordance with this  
36 paragraph. If the general assembly authorizes  
37 additional correctional beds pursuant to this Act, and  
38 the treasurer of state informs the department of  
39 corrections that bonds cannot be issued, the  
40 department of corrections shall enter into financial  
41 arrangements with the department of general services  
42 pursuant to section 18.12 to fund the construction of  
43 any additional correctional beds authorized in this  
44 Act, with an initial payment under the financial  
45 arrangements that is not due until on or after July 1,  
46 1995.

47 **Sec. 17. NEW SECTION. 16.177 PRISON**  
48 **INFRASTRUCTURE REVENUE BONDS.**

49 1. The authority is authorized to issue its bonds  
50 to provide prison infrastructure financing as provided

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1 in this section. The bonds may only be issued in  
2 amounts and to finance projects which have been  
3 approved for financing by the general assembly. Bonds  
4 may be issued in order to fund the construction and  
5 equipping of a project or projects, the payment of  
6 interest on the bonds, the establishment of reserves  
7 to secure the bonds, the costs of issuance of the  
8 bonds and other expenditures incident to or necessary  
9 or convenient to carry out the bond issue. The bonds  
10 are investment securities and negotiable instruments  
11 within the meaning of and for the purposes of the  
12 uniform commercial code.

13 2. The department of corrections is authorized to  
14 pledge amounts in the Iowa prison infrastructure fund  
15 established under section 602.8108A as security for  
16 the payment of the principal of, premium, if any, and  
17 interest on the bonds. Bonds issued under this  
18 section are payable solely and only out of the moneys,  
19 assets, or revenues of the fund, all of which may be  
20 deposited with trustees or depositories in accordance  
21 with bond or security documents, and are not an

22 indebtedness of this state or the authority, or a  
23 charge against the general credit or general fund of  
24 the state or the authority, and the state shall not be  
25 liable for the bonds except from amounts on deposit in  
26 the fund. Bonds issued under this section shall  
27 contain a statement that the bonds do not constitute  
28 an indebtedness of the state or the authority.

29 3. The proceeds of bonds issued by the authority  
30 and not required for immediate disbursement may be  
31 deposited with a trustee or depository as provided in  
32 the bond documents and invested in any investment  
33 approved by the authority and specified in the trust  
34 indenture, resolution, or other instrument pursuant to  
35 which the bonds are issued without regard to any  
36 limitation otherwise provided by law.

37 4. The bonds shall be:

38 a. In a form, issued in denominations, executed in  
39 a manner, and payable over terms and with rights of  
40 redemption, and be subject to such other terms and  
41 conditions as prescribed in the trust indenture,  
42 resolution, or other instrument authorizing their  
43 issuance.

44 b. Negotiable instruments under the laws of the  
45 state and may be sold at prices, at public or private  
46 sale, and in a manner, as prescribed by the authority.  
47 Chapters 73A, 74, 74A, and 75 do not apply to their  
48 sale or issuance of the bonds.

49 c. Subject to the terms, conditions, and  
50 covenants providing for the payment of the principal,

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1 redemption premiums, if any, interest, and other  
2 terms, conditions, covenants, and protective  
3 provisions safeguarding payment, not inconsistent with  
4 this chapter and as determined by the trust indenture,  
5 resolution, or other instrument authorizing their  
6 issuance.

7 5. The bonds are securities in which public  
8 officers and bodies of this state, political  
9 subdivisions of this state, insurance companies and  
10 associations and other persons carrying on an  
11 insurance business, banks, trust companies, savings  
12 associations, savings and loan associations, and  
13 investment companies, administrators, guardians,  
14 executors, trustees, and other fiduciaries, and other  
15 persons authorized to invest in bonds or other  
16 obligations of the state, may properly and legally  
17 invest funds, including capital, in their control or  
18 belonging to them.

19 6. Bonds must be authorized by a trust indenture,  
20 resolution, or other instrument of the authority.

21 However, a trust indenture, resolution, or other  
22 instrument authorizing the issuance of bonds may  
23 delegate to an officer of the issuer the power to  
24 negotiate and fix the details of an issue of bonds.

25 7. Neither the resolution or trust agreement, nor  
26 any other instrument by which a pledge is created is  
27 required to be recorded or filed under the uniform  
28 commercial code to be valid, binding, or effective.

29 8. Bonds issued under this section are declared to  
30 be issued for an essential public and governmental  
31 purpose and all bonds issued under this section shall  
32 be exempt from taxation by the state of Iowa and the  
33 interest on the bonds shall be exempt from the state  
34 income tax and the state inheritance and estate tax.

35 9. The authority shall cooperate with the  
36 department of corrections in the implementation of  
37 this section.

38 Sec. 18. NEW SECTION. 602.801A PRISON  
39 INFRASTRUCTURE FUND.

40 1. The Iowa prison infrastructure fund is created  
41 and established as a separate and distinct fund in the  
42 state treasury. Notwithstanding any other provision  
43 of this chapter to the contrary, the first four  
44 million dollars of moneys remitted to the treasurer of  
45 state from fines, fees, costs, and forfeited bail  
46 collected by the clerks of the district court in  
47 criminal cases collected in each fiscal year  
48 commencing with the fiscal year beginning July 1,  
49 1995, shall be deposited in the fund. Interest and  
50 other income earned by the fund shall be deposited in

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1 the fund. If the treasurer of state determines  
2 pursuant to this Act that bonds can be issued pursuant  
3 to this section and section 16.177, then the moneys in  
4 the fund are appropriated to and for the purpose of  
5 paying the principal of, premium, if any, and interest  
6 on bonds issued by the Iowa finance authority under  
7 section 16.177. Except as otherwise provided in  
8 subsection 2, amounts in the funds shall not be  
9 subject to appropriation for any purpose by the  
10 general assembly, but shall be used only for the  
11 purposes set forth in this section. The treasurer of  
12 state shall act as custodian of the fund and disburse  
13 amounts contained in it as directed by the department  
14 of corrections including the automatic disbursement of  
15 funds pursuant to the terms of bond indentures and

16 documents and security provisions to trustees and  
 17 custodians. The treasurer of state is authorized to  
 18 invest the funds deposited in the fund subject to any  
 19 limitations contained in any applicable bond  
 20 proceedings. Any amounts remaining in the fund at the  
 21 end of each fiscal year shall be transferred to the  
 22 general fund.

23 2. If the treasurer of state determines that bonds  
 24 cannot be issued pursuant to this section and section  
 25 16.177, the treasurer of state shall deposit the  
 26 moneys in the prison infrastructure fund into the  
 27 general fund of the state.

28 Sec. 19. 1993 Iowa Acts, chapter 171, section 11,  
 29 subsection 4, is amended to read as follows:

30 4. The task force shall submit the plan to the  
 31 governor and the general assembly on or before June  
 32 ~~30, 1994~~ January 15, 1995.

33 Sec. 20. EFFECTIVE DATES.

34 1. Section 1, subsections 3 and 4, of this Act,  
 35 relating to Iowa competition law or antitrust actions  
 36 and to civil consumer fraud actions, being deemed of  
 37 immediate importance, take effect upon enactment.

38 2. Section 13 of this Act, pertaining to the  
 39 nonreversion, transfer, and distribution of certain  
 40 moneys recovered by a court-appointed receiver, being  
 41 deemed of immediate importance, takes effect upon  
 42 enactment.

43 3. Section 19 of this Act, relating to the date  
 44 for submission of a plan by the intermediate criminal  
 45 sanctions task force, being deemed of immediate  
 46 importance, takes effect upon enactment."

MICHAEL E. GRONSTAL

S-5586

1 Amend Senate File 2325 as follows:

2 1. Page 6, line 10, by striking the figure  
 3 "57,400" and inserting the following: "57,900".

4 2. Page 6, line 12, by striking the figure  
 5 "53,300" and inserting the following: "53,800".

LARRY MURPHY

S-5587

1 Amend the amendment, S-5585, to House File 2350, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 11, line 25, by striking the figure

5 "6,279,190" and inserting the following: "6,319,360".  
6 2. Page 11, by inserting after line 48 the fol-  
7 lowing:  
8 "(5) Of the funds appropriated in this paragraph,  
9 the district department shall use not more than  
10 \$40,170 to place residents in and staff an additional  
11 15 beds at the Lary Nelson center in Cedar Rapids."  
12 3. By renumbering and correcting internal  
13 references as necessary.

ROBERT E. DVORSKY

S-5588

1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 20, by inserting before line 15 the  
5 following:  
6 "Sec. \_\_\_\_ . CLOSING OF WOODWARD STATE HOSPITAL-  
7 SCHOOL AND CONVERSION TO MINIMUM SECURITY PRISON --  
8 TRANSITION.  
9 1. The department of human services and the  
10 department of corrections shall develop a plan to  
11 close the Woodward state hospital-school and to  
12 renovate the facility into a 500-bed minimum security  
13 prison for men by July 1, 1997. During the three-year  
14 transition period, residents from the Woodward state  
15 hospital-school shall be placed first at the Glenwood  
16 state hospital-school, and if additional space is  
17 necessary, shall be placed at the Cherokee state  
18 mental health institute, notwithstanding any  
19 provisions of section 226.8 to the contrary.  
20 2. The department of human services and the  
21 department of corrections shall submit a plan to the  
22 general assembly and the governor on or before January  
23 9, 1995, detailing the steps that have been  
24 implemented and the steps to be taken during the  
25 transition period, including renovations necessary to  
26 the Woodward state hospital-school, the Glenwood state  
27 hospital-school, and the Cherokee state mental health  
28 institute, as well as the costs of such renovations  
29 and the costs of operating the facilities throughout  
30 the transition. In addition, the plan shall specify  
31 any statutory changes necessary to fully implement  
32 this section."  
33 2. By renumbering and correcting internal  
34 references as necessary.

JOHN P. KIBBIE



S-5589

1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 24, by inserting before line 28 the  
5 following:

6 "Sec. \_\_\_\_ . Section 607A.5, Code 1993, is amended  
7 to read as follows:

8 607A.5 AUTOMATIC EXCUSE FROM JURY SERVICE.

9 A person shall be excused from jury service if the  
10 person submits written documentation verifying, to the  
11 court's satisfaction, that the person is solely  
12 responsible for the daily care of a permanently  
13 disabled person living in the person's household and  
14 that the performance of juror service would cause  
15 substantial risk of injury to the health of the  
16 disabled person, or that the person is the mother of a  
17 breastfed child and is responsible for the daily care  
18 of the child. However, if the person is regularly  
19 employed at a location other than the person's  
20 household, the person shall not be excused under this  
21 section."

22 2. By renumbering and correcting internal  
23 references as necessary.

MERLIN E. BARTZ

S-5590

1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 17, by inserting after line 18 the fol-  
5 lowing:

6 "Sec. \_\_\_\_ . COURT TECHNOLOGY AND MODERNIZATION. If

7 Senate File 413 or similar legislation is not enacted  
8 by the Seventy-fifth General Assembly, second regular  
9 session, in a manner which establishes a court  
10 technology and modernization fund as a separate fund  
11 in the state treasury, with an allocation of  
12 \$1,000,000 of court revenues to the fund, then there  
13 is appropriated from the general fund of the state to  
14 the judicial department for the fiscal year beginning  
15 July 1, 1994, and ending June 30, 1995, the following  
16 amount, or so much thereof as is necessary, to be used  
17 for the purpose designated:

18 For modernization and enhancement of court tech-  
19 nology:

20 ..... \$ 1,000,000

21 1. The judicial department shall use not more than  
22 \$800,000 of the moneys, if appropriated pursuant to  
23 this section, to enhance the ability of the judicial  
24 department to process cases more quickly and  
25 efficiently, to electronically transmit information to  
26 state government, local governments, law enforcement  
27 agencies, and the public, and to improve public access  
28 to the court system. The moneys specified in this  
29 subsection shall not be used for the Iowa court  
30 information system.

31 2. The judicial department shall use not more than  
32 \$200,000 of the moneys, if appropriated pursuant to  
33 this section, in equal amounts to facilitate  
34 alternative dispute resolution and methods to resolve  
35 domestic abuse cases, which may include personnel for  
36 hearings under section 236.4."

37 2. By renumbering and correcting internal  
38 references as necessary.

TOM VILSACK

S-5591

1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 5, line 29, by inserting after the word  
5 "officers," the following: "the purchase of radios,  
6 emergency notification equipment, surveillance  
7 cameras, and other necessary surveillance and  
8 emergency response equipment,".

9 2. Page 5, line 32, by striking the figure  
10 "24,705,497" and inserting the following:  
11 "24,855,497".

12 3. Page 5, by inserting after line 33 the  
13 following:

14 "The department of corrections shall use not more  
15 than \$150,000 of the funds appropriated in this  
16 paragraph for the purchase of radios, emergency  
17 notification equipment, surveillance cameras, and  
18 other necessary surveillance and emergency response  
19 equipment, for use in the Fort Madison correctional  
20 facility."

21 4. Page 14, line 16, by striking the figure  
22 "81,470,924" and inserting the following:  
23 "81,320,924".

24 5. Page 15, line 10, by striking the figure  
25 "1,150,000" and inserting the following: "1,000,000".

EUGENE S. FRAISE  
ROBERT E. DVORSKY

S-5592

1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 8, by inserting after line 23 the  
5 following:

6 "\_\_\_\_. The department of corrections shall issue a  
7 request for proposals for the expansion of an existing  
8 correctional facility for men, which would provide for  
9 250 additional beds for male inmates, with a security  
10 designation that is more restrictive than the current  
11 maximum security level, and which would only be  
12 constructed if a proposal is accepted. The department  
13 of corrections shall issue the request for proposals  
14 in such a manner that responses are due on or before  
15 January 1, 1995. However, the department of  
16 corrections shall not accept a proposal without  
17 specific authorization through the enactment of  
18 legislation to fund the proposal. The department of  
19 corrections shall submit a report to the co-  
20 chairpersons and ranking members of the joint  
21 appropriations subcommittee on the justice system and  
22 the legislative fiscal bureau on or before January 15,  
23 1995, detailing the progress to date concerning the  
24 competitive bidding process required by this  
25 subsection."

26 2. By renumbering and correcting internal  
27 references as necessary.

EUGENE S. FRAISE

S-5593

1 Amend Senate File 2183 as follows:

2 1. Page 2, line 4, by inserting after the word  
3 "area" the following: "except the taxes resulting  
4 from any school district's foundation property tax  
5 levy under section 257.3."

MIKE CONNOLLY

S-5594

1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 8, by inserting after line 23 the  
5 following:

6 "\_\_\_\_. In accordance with the financing methods  
7 specified in the plan for financing of additional  
8 correctional beds at correctional facilities and  
9 community-based correctional facilities provided in  
10 this Act, the department of corrections shall  
11 construct 250 additional medium security beds for men  
12 at the Clarinda correctional facility."

13 2. Page 8, by inserting after line 23 the  
14 following:

15 "\_\_\_\_. In accordance with the financing methods  
16 specified in the plan for financing of additional  
17 correctional beds at correctional facilities and  
18 community-based correctional facilities provided in  
19 this Act, the department of corrections shall  
20 construct 250 additional medium security beds for men  
21 to be located at facilities as determined by the  
22 department of corrections. Of the additional beds  
23 specified in this subsection, the department of  
24 corrections may designate some of the beds as single-  
25 cell beds dedicated for use by more dangerous  
26 inmates."

27 3. Page 13, by inserting after line 44 the  
28 following:

29 "\_\_\_\_. In accordance with the financing methods  
30 specified in the plan for financing of additional  
31 correctional beds at correctional facilities and  
32 community-based correctional facilities provided in  
33 this Act, the department of corrections shall provide  
34 for the construction of 300 additional community  
35 corrections residential beds for men to be located at  
36 community-based correctional facilities as determined  
37 by the department of corrections. Of the additional  
38 community corrections residential beds specified in  
39 this subsection, 100 beds shall be dedicated to the  
40 treatment of substance abusers, and 50 beds shall be  
41 allocated as a medical unit for geriatric and infirm  
42 inmates."

43 4. By renumbering and correcting internal  
44 references as necessary.

MICHAEL E. GRONSTAL

S-5595

1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 8, by inserting after line 23 the  
5 following:  
6 " \_\_\_\_ . The department of corrections shall issue a  
7 request for proposals for the construction of a 750-  
8 bed, medium security correctional facility for men, to  
9 be located in Newton, which would only be constructed  
10 if the proposal is accepted. The department of  
11 corrections shall issue the request for proposals in  
12 such a manner that responses are due and shall be  
13 included in a report submitted by the department to  
14 the general assembly on or before January 9, 1995.  
15 The department of corrections shall not accept a  
16 proposal received in accordance with this subsection  
17 without specific authorization through the enactment  
18 of legislation to fund the proposal by the Seventy-  
19 sixth General Assembly or a subsequent general  
20 assembly."

21 2. Page 23, line 38, by striking the figure  
22 "602.801A" and inserting the following: "602.8108A".

23 3. By renumbering and correcting internal  
24 references as necessary.

MICHAEL E. GRONSTAL

S-5596

1 Amend House File 2337, 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. FINDINGS AND POLICY.

6 1. The general assembly finds and declares the  
7 following:

8 a. The production and processing of agricultural  
9 commodities and products represents the foundation of  
10 this state's economy, and the economic viability of  
11 this nation is contingent upon the production of  
12 wealth generated primarily from materials, including  
13 food and fiber, produced on farms.

14 b. The future economic prosperity of this state  
15 depends upon new innovations that improve processes  
16 and products utilizing agricultural commodities and  
17 livestock.

18 c. Iowa's traditional investment in livestock  
19 production is an essential part of this state's

20 continuing efforts to revitalize its rural economy,  
21 and to ensure general prosperity for all of the  
22 state's population.

23 d. It is increasingly necessary to support  
24 industries in this state which rely upon agricultural  
25 commodities to manufacture value-added products.  
26 e. Renewable fuels and coproducts industries  
27 promise to utilize agricultural products in order to  
28 reduce the state's dependency upon petroleum products,  
29 reduce atmospheric contamination of this state's  
30 environment from the combustion of fossil fuels, and  
31 produce coproducts, such as corn gluten feed,  
32 distillers grain, and solubles, which can be used to  
33 increase livestock production in this state.

34 2. This state adopts a policy of enhancing  
35 agricultural production, including livestock  
36 production, through support of the renewable fuel  
37 industry. State agencies including the department of  
38 agriculture and land stewardship, the department of  
39 economic development, and the department of natural  
40 resources shall cooperate in order to ensure that this  
41 policy is carried out.

42 Sec. 2. Section 15.313, subsection 2, paragraph b,  
43 Code 1993, is amended by striking the paragraph.

44 Sec. 3. Section 15.313, subsection 3, Code 1993,  
45 is amended to read as follows:

46 3. The director shall submit annually at a regular  
47 or special meeting preceding the beginning of the  
48 fiscal year, for approval by the economic development  
49 board, the proposed allocation of funds from the  
50 strategic investment fund to be made for that fiscal

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1 year to the community economic betterment program, the  
2 ~~value-added agricultural products and processes~~  
3 ~~financial assistance program~~; the business development  
4 finance corporation, the self-employment loan program,  
5 and the targeted small business financial assistance  
6 program and for comprehensive management assistance.  
7 If funds are available under a federal microloan  
8 demonstration program, the director may recommend an  
9 allocation for that purpose. The plans may provide  
10 for increased or decreased allocations if the demand  
11 in a program indicates that the need exceeds the  
12 allocation for that program. The director shall  
13 report on a monthly basis to the board on the status  
14 of the funds and may present proposed revisions for  
15 approval by the board in January and April of each  
16 year. Unobligated and unencumbered moneys remaining

17 in the strategic investment fund or any of its  
 18 accounts on June 30 of each year shall be considered  
 19 part of the fund for purposes of the next year's  
 20 allocation.

21 Sec. 4. Section 15.318, Code 1993, is amended by  
 22 adding the following new subsections:  
 23 NEW SUBSECTION. 16. The capacity of the proposed  
 24 project to create products by adding value to  
 25 agricultural commodities.

26 NEW SUBSECTION. 17. The degree to which the  
 27 proposed project relies upon agricultural or value-  
 28 added research conducted at a college or university,  
 29 including a regents institution, community college, or  
 30 a private university or college.

31 Sec. 5. Section 15E.111, Code 1993, is amended to  
 32 read as follows:

33 15E.111 VALUE-ADDED AGRICULTURAL PRODUCTS AND  
 34 PROCESSES FINANCIAL ASSISTANCE PROGRAM.

35 1. Contingent on the availability of funding for  
 36 this program, the department may shall establish a  
 37 value-added agricultural products and processes  
 38 financial assistance program. The department shall  
 39 consult with the Iowa corn growers association and the  
 40 Iowa soybean association. The purpose of the program  
 41 is to foster encourage the increased utilization of  
 42 agricultural commodities produced in this state. The  
 43 program shall assist in efforts to revitalize rural  
 44 regions of this state, by committing resources to  
 45 provide financial assistance to new or existing value-  
 46 added production facilities. In awarding financial  
 47 assistance, the department shall commit resources to  
 48 assist the following:

49 a. Facilities which are involved in the  
 50 development of new innovative products, practices and

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1 processes related to agriculture through specialized  
 2 financial or technical assistance to facilitate the  
 3 acquisition of capital. The facility must do either  
 4 of the following: produce a good derived from an  
 5 agricultural commodity, if the good is not commonly  
 6 produced from an agricultural commodity; or use a  
 7 process to produce a good derived from an agricultural  
 8 process, if the process is not commonly used to  
 9 produce the good.

10 b. Renewable fuel production facilities. As used  
 11 in this section, "renewable fuel" means an energy  
 12 source which is derived from an organic compound  
 13 capable of powering machinery, including an engine or

14 power plant.

15 Financial assistance awarded under this section may  
16 be in the form of a loan, loan guarantee, grant,  
17 production incentive payment, or a combination of  
18 financial assistance. The department shall not award  
19 more than fifteen percent of the amount allocated to  
20 the value-added agricultural products and processes  
21 financial assistance fund during any fiscal year to  
22 support a single person. The department may finance  
23 any size of facility. However, the department shall  
24 reserve up to twenty-five percent of the total amount  
25 allocated to the fund, for purposes of assisting  
26 persons requiring one hundred thousand dollars or less  
27 in financial assistance. The amount shall be reserved  
28 until the end of the third quarter of the fiscal year.  
29 The department shall not provide financial assistance  
30 to support a value-added production facility, if the  
31 facility or a person owning a controlling interest in  
32 the facility, has demonstrated a continuous and  
33 flagrant disregard for the health and safety of its  
34 employees, or the quality of the environment.  
35 Evidence of such disregard shall include a history of  
36 serious or uncorrected violations of state or federal  
37 law protecting occupational health and safety or the  
38 environment, including but not limited to serious or  
39 uncorrected violations of occupational safety and  
40 health standards enforced by the division of labor  
41 services of the department of employment services  
42 pursuant to chapter 84A, or rules enforced by the  
43 environmental protection division of the department of  
44 natural resources pursuant to chapter 455B.

45 2. A person is eligible to apply for assistance  
46 under this section, if the person satisfies the  
47 following requirements:

48 a. The person is a resident of this state, or the  
49 person's principal place of business is The existing  
50 or proposed facility is located in this state.

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1 b. The person applies to the department of  
2 economic development in a manner and according to  
3 procedures required by the department.

4 c. The person submits a business plan which  
5 demonstrates managerial and technical expertise.

6 d. The person operates for profit or not-for-  
7 profit and under a single management, and either  
8 employs fewer than twenty employees or has an annual  
9 gross income of less than three million dollars  
10 computed as the average of the three preceding fiscal



11 years.

12 3. The department of economic development may  
 13 ~~shall grant financial or technical assistance to a~~  
 14 ~~person determined by the department to be eligible to~~  
 15 receive assistance under this section, upon review and  
 16 evaluation of the person's application by the  
 17 agricultural products advisory council as established  
 18 in section 15.203. The department shall consider the  
 19 council's evaluation in granting or denying  
 20 assistance. The department shall not approve an  
 21 application for assistance under this section to  
 22 refinance an existing loan or to finance traditional  
 23 ~~agricultural operations. An application is eligible~~  
 24 ~~for consideration if the application seeks assistance~~  
 25 ~~for any of the following purposes: The department~~  
 26 ~~shall not directly award financial assistance to~~  
 27 ~~support an activity directly related to farming as~~  
 28 ~~defined in section 9H.1, including the establishment~~  
 29 ~~or operation of a livestock production operation,~~  
 30 ~~regardless of whether the activity is related to a~~  
 31 ~~renewable fuel production facility.~~

32 4. The department shall select an applicant to  
 33 receive financial or technical assistance based on the  
 34 following criteria:

35 a. The feasibility of the existing or proposed  
 36 facility to remain a viable enterprise and the degree  
 37 to which the facility will increase the utilization of  
 38 agricultural commodities produced in this state.

39 b. The extent to which the existing or proposed  
 40 facility is located in a rural region of the state.

41 c. The proportion of local match to be contributed  
 42 to the project.

43 d. The level of need of the region where the  
 44 existing facility is or the proposed facility is to be  
 45 located.

46 5. An application based on innovation shall be  
 47 considered if any of the following apply:

48 a. The development of value added agricultural  
 49 processes production process is not commonly available  
 50 in this state which are to be carried out by the

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1 person in this state.

2 b. The development of an innovative or diversified  
 3 agricultural product is not commonly produced in this  
 4 state which is to be carried out by the person in this  
 5 state.

6 c. The development of an innovative processing,  
 7 packaging, marketing, or management practice not

8 commonly available in this state which is to be  
9 carried out by the person in this state.

10 4. Assistance by the department granted to an  
11 eligible person shall be subject to the following  
12 restrictions:

13 a. The person shall not receive financial  
14 assistance totaling more than eighty thousand dollars  
15 under this program.

16 b. Interest on a loan shall not exceed the current  
17 fair market interest rate. A loan shall not exceed  
18 fifty thousand dollars.

19 c. A loan guarantee shall not exceed eighty  
20 thousand dollars. A loan guarantee shall guarantee  
21 not more than eighty percent of a conventionally  
22 obtained loan.

23 d. A grant shall not exceed twenty-five thousand  
24 dollars. A grant shall be made only to provide  
25 leverage for a conventionally obtained loan. The  
26 conventionally obtained loan must be for an amount  
27 significantly larger than the amount of the grant.

28 5. Notwithstanding restrictions contained in  
29 subsection 4, the department may use up to five  
30 thousand dollars to contract for technical assistance  
31 in order to aid a person having a pending or approved  
32 application under this section.

33 6. a. The department shall consider an  
34 application to assist a renewable fuel production  
35 facility. An application based on ethanol fuel  
36 production shall be considered by the department if  
37 all of the following apply:

38 (1) All fermentation, distillation, and  
39 dehydration of the ethanol will occur at the proposed  
40 facility.

41 (2) The ethanol produced at the proposed facility  
42 will be at least one hundred ninety-nine proof and  
43 must be denatured.

44 b. The department shall give priority to  
45 supporting proposed renewable fuel production  
46 facilities which directly support livestock production  
47 operations. If the department has several proposals  
48 having a high priority, a preference shall be given to  
49 a proposal in which the livestock operation:

50 (1) Is located in an agricultural area as provided

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1 in chapter 352.  
2 (2) Is located in close proximity to and is an  
3 integral part of the renewable fuel production  
4 facility. However, the owner of the facility is not

5 required to hold an interest in the land on which the  
6 livestock are produced. The livestock may be produced  
7 under the terms of a contract, in which a person  
8 regularly engaged in livestock production provides for  
9 the care and feeding of the livestock on behalf of the  
10 facility's owner.

11 c. The department shall cooperate with the office  
12 of renewable fuels and coproducts in order to carry  
13 out this subsection, as provided in section 159A.6B.  
14 The office shall be primarily responsible for  
15 providing technical expertise regarding the operation  
16 of a renewable fuel production facility, and  
17 specifically a facility which supports livestock  
18 production operations. The department shall cooperate  
19 with any contract consultant supported by the office  
20 as provided in section 159A.6B. The agricultural  
21 products advisory council as established in section  
22 15.203, shall coordinate the activities of the  
23 department and the office. In administering this part  
24 of the program, the department and the office shall  
25 cooperate with the department of natural resources  
26 which shall assist an applicant in complying with all  
27 applicable environmental regulations. The department  
28 of natural resources shall acknowledge receipt of a  
29 completed application for a permit not later than two  
30 weeks following receipt of a completed application by  
31 the department. Within twelve weeks following receipt  
32 of the application, the department shall issue the  
33 permit or reply to the applicant describing reasons  
34 why the permit cannot be issued.

35 7. The university of Iowa, Iowa state university,  
36 and the university of northern Iowa shall cooperate in  
37 assisting facilities receiving financial assistance  
38 under this section. Iowa state university, including  
39 the Iowa cooperative extension service in agriculture  
40 and home economics, shall cooperate in assisting each  
41 renewable fuel production facility supporting  
42 livestock operations, including advising producers  
43 regarding nutrition and management practices.  
44 Community colleges and private universities and  
45 colleges are not precluded from providing this  
46 assistance.

47 8. The department of economic development and the  
48 office of renewable fuels and coproducts shall prepare  
49 a report each six months detailing the progress of the  
50 department and other agencies provided in this

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1 section. The office of renewable fuels and  
2 coproducts, the department of natural resources, and  
3 Iowa state university may contribute a summary of  
4 their activities. The report shall be delivered to  
5 the secretary of the senate and the chief clerk of the  
6 house; the legislative service bureau; the  
7 chairpersons and ranking members of the senate  
8 standing committee on agriculture; the senate standing  
9 committee on small business, economic development, and  
10 tourism; the house of representatives standing  
11 committee on agriculture; and the house of  
12 representatives standing committee on small business,  
13 economic development, and trade.

14 Sec. 6. Section 15E.112, Code 1993, is amended to  
15 read as follows:

16 15E.112 VALUE-ADDED AGRICULTURAL PRODUCTS AND  
17 PROCESSES FINANCIAL ASSISTANCE ACCOUNT FUND.

18 1. A value-added agricultural products and  
19 processes financial assistance account fund is  
20 established within the strategic investment fund  
21 created in section 15.313 created within the state  
22 treasury under the control of the department. The  
23 account fund shall consist of any money appropriated  
24 by the general assembly for that purpose; moneys  
25 allocated to the account from the strategic investment  
26 fund; and any other moneys available to and obtained  
27 or accepted by the department from the federal  
28 government or private sources for placement in the  
29 account fund. Until July 1, 2000, moneys shall be  
30 deposited in the fund as provided in section 423.24.  
31 Not more than one percent of the total moneys  
32 available to support value-added agricultural products  
33 and processes pursuant to section 423.24 during each  
34 quarter shall be used by the department for  
35 administration of the value-added agricultural  
36 products and processes financial assistance program,  
37 as provided in section 15E.111. Except as otherwise  
38 provided in subsection 2; the The assets of the  
39 account fund shall be used by the department only for  
40 carrying out the purposes of section 15E.111.

41 2. The In administering the fund and the value-  
42 added agricultural products and processes financial  
43 assistance program, the department may use moneys in  
44 the account to do any of the following:

45 a. Contract, sue and be sued, and adopt  
46 administrative rules necessary to carry out the  
47 provisions of this section and section 15E.111; but,  
48 However, the department shall not in any manner

49 directly or indirectly pledge the credit of the state.  
50 b. Authorize payment from the account fund for

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1 costs, commissions, attorney fees, and other  
2 reasonable expenses, including expenses related to and  
3 carrying out duties necessary for insuring or  
4 guaranteeing loans under section 15E.111, and for the  
5 recovery of loan moneys insured or guaranteed or the  
6 management of property acquired in connection with  
7 such loans.

8 3. Payments of interest, recaptures of awards, or  
9 repayments of moneys loaned under the value-added  
10 agricultural products and processes financial  
11 assistance program shall be deposited into the  
12 strategic investment into the fund. Section 8.33 does  
13 not apply to any moneys in the fund. Unencumbered or  
14 unobligated moneys in the fund derived from moneys  
15 deposited pursuant to section 423.24, which are in  
16 excess of three million six hundred fifty thousand  
17 dollars of unencumbered or unobligated moneys in the  
18 fund deposited pursuant to that section, which are  
19 remaining on June 30 of each fiscal year, shall be  
20 credited on August 31 to the road use tax fund as  
21 created in section 312.1.

22 4. The fund is subject to an annual audit by the  
23 auditor of state. Moneys in the fund, which may be  
24 subject to warrants written by the director of revenue  
25 and finance, shall be drawn upon the written  
26 requisition of the director of the department of  
27 economic development or an authorized representative  
28 of the director.

29 Sec. 7. Section 18.115, subsection 5, Code  
30 Supplement 1993, is amended to read as follows:

31 5. Of all new passenger vehicles and light pickup  
32 trucks purchased by the state vehicle dispatcher,  
33 institutions under the control of the state board of  
34 regents, community colleges, and any other state  
35 agency purchasing such new vehicles and trucks,  
36 beginning July 1, 1992, a minimum of five percent; and  
37 beginning July 1, 1994, a minimum of ten percent of  
38 all such vehicles and trucks purchased shall be  
39 equipped with engines which utilize alternative  
40 methods of propulsion including but not limited to  
41 those propelled by flexible fuels, compressed any of  
42 the following:

43 a. A flexible fuel, which is any of the following:  
44 (1) A fuel blended with not more than fifteen  
45 percent gasoline and at least eighty-five percent

46 ethanol.

47 (2) A fuel which is a mixture of diesel fuel and  
48 processed soybean oil. At least twenty percent of the  
49 mixed fuel by volume must be processed soybean oil.  
50 (3) A renewable fuel approved by the office of

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1 renewable fuels and coproducts pursuant to section  
2 159A.2.

3 b. Compressed or liquified natural gas; propane,  
4 solar,

5 c. Propane gas.

6 d. Solar energy; or electricity.

7 e. Electricity. For the purpose of this

8 subsection, "flexible fuels" means fuels which are  
9 blended with eighty-five percent ethanol and fifteen  
10 percent gasoline.

11 PARAGRAPH DIVIDED. The provisions of this  
12 subsection do not apply to such vehicles and trucks  
13 purchased and directly used for the following  
14 purposes: law enforcement; or off-road maintenance  
15 work; or work vehicles used to pull loaded trailers.  
16 This subsection also does not apply to school  
17 corporations, with the exceptions of those designated  
18 above.

19 PARAGRAPH DIVIDED. It is the intent of the general  
20 assembly that the members of the midwest energy  
21 compact promote the development and purchase of motor  
22 vehicles equipped with engines which utilize  
23 alternative methods of propulsion.

24 Sec. 8. Section 19A.3, subsection 22, Code 1993,  
25 is amended to read as follows:

26 22. The appointee serving as the coordinator of  
27 the office of renewable fuel fuels and coproducts, as  
28 provided in section 159A.3.

29 Sec. 9. Section 20.4, subsection 13, Code 1993, is  
30 amended to read as follows:

31 13. The appointee serving as the coordinator of  
32 the office of renewable fuel fuels and coproducts, as  
33 provided in section 159A.3.

34 Sec. 10. Section 159.20, subsection 10, Code 1993,  
35 is amended to read as follows:

36 10. Assist the office of fuel fuels and coproducts  
37 and the renewable fuel fuels and coproducts advisory  
38 committee in administering the provisions of chapter  
39 159A.

40 Sec. 11. Section 159A.1, subsections 2 and 3, Code  
41 1993, are amended to read as follows:

42 2. It is necessary to support industries using

43 agricultural commodities to ~~produce~~ increase the  
44 demand for and production and consumption of sources  
45 of energy in order to reduce the state's dependency  
46 upon petroleum products; and to ~~ameliorate~~ threats to  
47 this; to reduce atmospheric contamination of this  
48 state's environment resulting from the atmospheric  
49 contamination of carbon monoxide from the combustion  
50 of fossil fuels; and to produce coproducts, such as

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1 corn gluten feed, distillers grain, and solubles,  
2 which can be used to increase livestock production in  
3 this state.  
4 3. This state adopts a policy of enhancing  
5 agricultural production ~~through support of the~~  
6 renewable fuel industry by encouraging the development  
7 and use of fuels and coproducts derived from  
8 agricultural commodities, as provided in this chapter,  
9 including rules adopted by the office of renewable  
10 fuel fuels and coproducts and the renewable fuel fuels  
11 and coproducts advisory committee.

12 Sec. 12. Section 159A.2, Code 1993, is amended to  
13 read as follows:

14 159A.2 DEFINITIONS.

15 As used in this chapter, unless the context  
16 otherwise requires:

17 1. "Committee" means the renewable fuel fuels and  
18 coproducts advisory committee established pursuant to  
19 section 159A.4.

20 2. "Coordinator" means the administrative head of  
21 the office of renewable fuel fuels and coproducts  
22 appointed by the department as provided in section  
23 159A.3.

24 2A. "Coproduct" means a product other than a  
25 renewable fuel which at least in part is derived from  
26 the processing of agricultural commodities into a  
27 renewable fuel, and which may include corn gluten  
28 feed, distillers grain, or solubles, or can be used as  
29 livestock feed or a feed supplement.

30 3. "Fund" means the renewable fuel fuels and  
31 coproducts fund established pursuant to section  
32 159A.7.

33 4. "Office" means the office of renewable fuel  
34 fuels and coproducts created pursuant to section  
35 159A.3.

36 5. "Renewable fuel" means an energy source at  
37 least in part derived from an organic compound;  
38 including a photosynthate, which may be used to power  
39 capable of powering machinery, including an engine or

40 power plant. A renewable fuel includes but is not  
41 limited to ethanol-blended or soydiesel fuel.  
42 6. "Renewable fuel fuels and coproducts  
43 activities" means either of the following:  
44 a. The research, development, production,  
45 promotion, marketing, or consumption of a renewable  
46 fuel fuels and coproducts.  
47 b. The research, development, transfer, or use of  
48 technologies which directly or indirectly increase the  
49 supply or demand of a renewable fuel fuels and  
50 coproducts.

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1 7. "Soydiesel fuel" means a fuel which is a  
2 mixture of diesel fuel and processed soybean oil, if  
3 at least twenty percent of the mixed fuel by volume is  
4 processed soybean oil.  
5 Sec. 13. Section 159A.3, Code 1993, is amended to  
6 read as follows:  
7 159A.3 OFFICE OF RENEWABLE FUEL FUELS AND  
8 COPRODUCTS.  
9 1. An office of renewable fuel fuels and  
10 coproducts is created within the department and shall  
11 be staffed by a coordinator who shall be appointed by  
12 the secretary. It shall be the policy of the office  
13 to further renewable fuel fuels and coproducts  
14 activities. The office shall first further renewable  
15 fuel fuels and coproducts activities based on the  
16 following considerations:  
17 a. The price competitiveness of the renewable fuel  
18 or coproduct.  
19 b. The production capacity and supply of the  
20 renewable fuel or coproduct.  
21 c. The ease and safety of transporting and storing  
22 the renewable fuel or coproduct.  
23 d. The degree to which the renewable fuel or  
24 coproduct is currently developed for ready transfer to  
25 current engine technology.  
26 e. The degree to which the renewable fuel or  
27 coproduct is environmentally protective.  
28 f. The degree to which the renewable fuel or  
29 coproduct provides economic development opportunities.  
30 2. The duties of the office include, but are not  
31 limited to, the following:  
32 a. Serving as advisor to the department regarding  
33 regulations, including federal and state standards,  
34 relating to oxygenate octane enhancers, as defined in  
35 section 214A.1.  
36 b. Serving as advisor to the department regarding



- 37 renewable fuel fuels and coproducts programs.
- 38 c. Serving as monitor of regulations administered  
39 in the state, in other states, or by the federal  
40 government. The office shall collect information and  
41 data prepared by state agencies related to these  
42 regulations, and provide referral and assistance to  
43 interested persons and agencies.
- 44 d. Cooperating with persons and agencies involved  
45 in renewable fuel fuels and coproducts activities,  
46 including other states and the federal government, to  
47 standardize regulations and coordinate programs, in  
48 order to increase administrative effectiveness and  
49 reduce administrative duplication.
- 50 e. Implementing policies and procedures designed

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- 1 to facilitate communication between persons involved  
2 in renewable fuel fuels and coproducts activities.
- 3 f. Assisting state or federal agencies, or  
4 assisting commercial enterprises or commodity  
5 organizations which are located in or desiring to  
6 locate in the state. The assistance may include  
7 support of public research relating to renewable fuel  
8 fuels and coproducts activities.
- 9 g. Conducting studies relating to the viability of  
10 producing or using a renewable fuel fuels and  
11 coproducts, and methods and schedules required to  
12 ensure a practicable transition to the use of a  
13 renewable fuel fuels and coproducts.
- 14 h. Preparing an annual report to the secretary  
15 regarding renewable fuel fuels and coproducts  
16 activities. The report shall include a review of  
17 research and research results, areas of study with  
18 promising potential, a summary of initiatives in other  
19 states, and an analysis of state and federal  
20 regulations and programs.
- 21 i. Promoting the use of by-products resulting from  
22 the production of renewable fuel.
- 23 j. Cooperating with the committee in carrying  
24 out the purposes of the committee as provided in  
25 section 159A.5. The office shall regularly inform the  
26 committee regarding its operations and programs  
27 administered under this chapter, including financial  
28 reports concerning the fund.
- 29 i. Approve a renewable fuel which may be used as a  
30 flexible fuel powering a motor vehicle required to be  
31 purchased by state agencies.
- 32 3. a. A chief purpose of the office is to further  
33 the production and consumption of ethanol fuel in this

34 state. The office shall be the primary state agency  
35 charged with the responsibility to promote public  
36 consumption of ethanol fuel.

37 b. The office shall promote the production and  
38 consumption of soydiesel fuel in this state.

39 4. The office shall cooperate with the Wallace  
40 technology transfer foundation of Iowa in formulating  
41 long-range strategic plans to guide state investment  
42 in applied research, development, and commercial  
43 transfer of selected scientific and technological  
44 innovation relating to renewable ~~fuel~~ fuels and  
45 coproducts technology.

46 5. The office and state entities, including the  
47 department, the committee, the Iowa department of  
48 economic development, the state department of  
49 transportation, the department of natural resources,  
50 state board of regents' institutions, and the Wallace

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1 technology transfer foundation of Iowa, shall  
2 cooperate to implement this section.

3 Sec. 14. Section 159A.4, subsection 1, unnumbered  
4 paragraph 1, Code 1993, is amended to read as follows:

5 A renewable ~~fuel~~ fuels and coproducts advisory  
6 committee is established within the department. The  
7 committee shall be composed of the following persons:

8 Sec. 15. Section 159A.4, subsection 1, Code 1993,  
9 is amended by adding the following new paragraph after  
10 paragraph h and relettering the subsequent paragraphs:

11 NEW PARAGRAPH. i. A person representing the Iowa  
12 soybean association.

13 Sec. 16. Section 159A.4, subsection 1, paragraph  
14 j, Code 1993, is amended to read as follows:

15 j. A person representing the renewable ~~fuel~~ fuels  
16 industry in this state.

17 The governor shall appoint persons who shall be  
18 confirmed by the senate, pursuant to section 2.32, to  
19 serve as voting members of the committee. However,  
20 the secretary of agriculture shall appoint the person  
21 representing the department of agriculture and land  
22 stewardship, the director of the Iowa department of  
23 economic development shall appoint the person  
24 representing that department, the director of the  
25 state department of transportation shall appoint the  
26 person representing that department, and the director  
27 of the department of natural resources shall appoint  
28 the person representing that department. The governor  
29 may make appointments of persons representing  
30 organizations listed under paragraphs "g" and "h" from

31 a list of candidates which shall be provided by the  
32 organization upon request by the governor.

33 Sec. 17. Section 159A.4, unnumbered paragraph 2,  
34 Code 1993, is amended to read as follows:

35 The governor shall appoint persons who shall be  
36 confirmed by the senate, pursuant to section 2.32, to  
37 serve as voting members of the committee. However,  
38 the secretary of agriculture shall appoint the person  
39 representing the department of agriculture and land  
40 stewardship, the director of the Iowa department of  
41 economic development shall appoint the person  
42 representing that department, the director of the  
43 state department of transportation shall appoint the  
44 person representing that department, and the director  
45 of the department of natural resources shall appoint  
46 the person representing that department. The governor  
47 may make appointments of persons representing  
48 organizations listed under paragraphs "g" and "h"  
49 through "i" from a list of candidates which shall be  
50 provided by the organization upon request by the

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1 governor.

2 Sec. 18. Section 159A.5, subsections 1, 2, 4, 5,  
3 Code Supplement 1993, are amended to read as follows:

4 1. The purpose of the committee is to provide  
5 general oversight of operations of the office and to  
6 advise the office about all aspects concerning the  
7 production and consumption of renewable ~~fuel~~ fuels and  
8 coproducts. However, the committee shall not control  
9 policy decisions or direct the administration of this  
10 chapter.

11 2. The committee shall monitor conditions,  
12 practices, policies, programs, and procedures  
13 affecting the production and consumption of renewable  
14 ~~fuel~~ fuels and coproducts.

15 4. The committee shall review the annual report to  
16 the secretary regarding renewable ~~fuel~~ fuels and  
17 coproducts activities, as provided in section 159A.3.  
18 The committee may make written comments concerning the  
19 contents of the report. Upon request of the  
20 committee, the coordinator shall include the comments  
21 as part of the report.

22 5. The committee, in cooperation with the  
23 coordinator, shall do all of the following:

24 a. Review the operations of the office and shall  
25 make recommendations regarding the effectiveness of  
26 programs provided under this chapter.

27 b. Establish performance goals for the office and

28 adopt recommendations relating to improving the  
29 functions of the office and furthering the purposes of  
30 this chapter.

31 c. Encourage full support of programs designed to  
32 inform the public or targeted groups regarding  
33 renewable fuel fuels and coproducts production and  
34 consumption.

35 d. Support promotional programs or marketing  
36 strategies designed to encourage public consumption of  
37 renewable fuel fuels and coproducts.

38 e. Review the distribution of ethanol production  
39 incentive payments to qualified persons, pursuant to  
40 section 159A.8:

41 Sec. 19. Section 159A.6, Code 1993, is amended to  
42 read as follows:

43 ~~159A.6 POINT-OF-SALE PUBLIC PROMOTION PROGRAM~~  
44 EDUCATION, PROMOTION, AND ADVERTISING.

45 1. The office shall support education regarding,  
46 and promotion and advertising of, renewable fuels and  
47 coproducts. The office shall consult with the Iowa  
48 corn growers association and the Iowa soybean  
49 association.

50 2. The office shall establish a program to promote

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1 the advantages related to the use of renewable fuel  
2 fuels as an alternative to nonrenewable fuel fuels.  
3 Promotions shall be designed to inform the ultimate  
4 consumer of advantages associated with using renewable  
5 fuel fuels, and emphasize the benefits to the natural  
6 environment. The promotion shall inform consumers at  
7 the businesses of retail dealers of the motor vehicle  
8 fuel fuels.

9 The committee shall develop standards for decals  
10 required pursuant to section 214A.16, which shall be  
11 designed to promote the advantages of using renewable  
12 fuel fuels. The standards may be incorporated within  
13 a model decal adopted by the committee and approved by  
14 the office.

15 3. The office shall promote the advantages related  
16 to the use of coproducts derived from the production  
17 of renewable fuels, including the use of coproducts  
18 used as livestock feed or meal. Promotions shall be  
19 designed to inform the potential purchasers of the  
20 advantages associated with using coproducts. The  
21 office shall promote advantages associated with using  
22 coproducts of ethanol production as livestock feed or  
23 meal to cattle producers in this state.

24 Sec. 20. NEW SECTION. 159A.6A RENEWABLE FUELS

## 25 AND COPRODUCTS RESEARCH.

26 The office shall support research relating to  
27 renewable fuels and coproducts, including methods to  
28 increase efficiency and reduce costs associated with  
29 production. The office shall consult with the Iowa  
30 corn growers association and the Iowa soybean  
31 association. The office shall support research  
32 activities at the university of Iowa, Iowa state  
33 university of science and technology, and the  
34 university of northern Iowa.

35 Sec. 21. NEW SECTION. 159A.6B TECHNICAL  
36 ASSISTANCE.

37 The office shall assist persons in revitalizing  
38 rural regions of this state, by providing technical  
39 assistance to new or existing renewable fuel  
40 production facilities, including the establishment and  
41 operation of facilities, and specifically facilities  
42 which create coproducts, including coproducts which  
43 support livestock production operations. The office  
44 shall consult with the Iowa corn growers association  
45 and the Iowa soybean association. The office shall  
46 provide planning assistance which may include  
47 evaluations of methods to most profitably manage these  
48 operations. The business planning assistance shall  
49 provide for adequate environmental protection of this  
50 state's natural resources from the operation of the

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1 facility.

2 The office may execute contracts in order to  
3 provide technical support and outreach services for  
4 purposes of assisting and educating interested persons  
5 as provided in this section. The office may also  
6 contract with a consultant to provide part or all of  
7 these services. The office may require that a person  
8 receiving assistance pursuant to this section  
9 contribute up to fifty percent of the amount required  
10 to support the costs of contracting with the  
11 consultant to provide assistance to the person. The  
12 office shall assist the person in completing any  
13 technical information required in order to receive  
14 assistance by the department of economic development  
15 pursuant to the value-added agricultural products and  
16 processes financial assistance program created  
17 pursuant to section 15E.111. The office shall  
18 cooperate with the department of economic development,  
19 the department of natural resources, and regent  
20 institutions or other universities and colleges as  
21 provided in section 15E.111, in order to carry out

22 this section.

23 Sec. 22. Section 159A.7, Code Supplement 1993, is  
24 amended to read as follows:

25 159A.7 RENEWABLE ~~FUEL~~ FUELS AND COPRODUCTS FUND.

26 1. A renewable ~~fuel~~ fuels and coproducts fund is  
27 created in the state treasury under the control of the  
28 office of renewable ~~fuel~~ fuels and coproducts. The  
29 fund is composed of moneys accepted by the office.  
30 ~~Moneys in the fund shall be deposited into the~~  
31 ~~renewable fuel activities account or the ethanol~~  
32 ~~production incentive account.~~ The fund may include  
33 moneys appropriated by the general assembly, and other  
34 moneys available to and obtained or accepted by the  
35 office, including moneys from the United States, other  
36 states in the union, foreign nations, state agencies,  
37 political subdivisions, and private sources.

38 Moneys in the fund shall be used only to ~~administer~~  
39 ~~this chapter carry out the provisions of this section~~  
40 ~~and sections 159A.3, 159A.4, 159A.5, 159A.6, 159A.6A,~~  
41 ~~and 159A.6B within the state of Iowa.~~

42 2. Moneys in the ~~renewable fuel activities account~~  
43 ~~fund~~ shall be allocated at the beginning of ~~during~~  
44 each fiscal year as follows:

45 a. ~~Up to~~ At least forty percent ~~may~~ shall be  
46 dedicated to support education, promotion, and  
47 advertising of ethanol fuel renewable fuels and  
48 coproducts as provided in section 159A.6.

49 b. Up to thirty percent may be dedicated to  
50 support research at the university of Iowa.

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1 c. ~~Up to~~ thirty percent may be dedicated to  
2 support research at Iowa state university of science  
3 and technology, and the university of northern Iowa,  
4 as provided in section 159A.6A.

5 ~~d~~ c. The Any remaining balance shall be used by  
6 the office to support technical assistance as provided  
7 in section 159A.6B and any other projects or programs  
8 developed by the office.

9 3. Moneys Until July 1, 2000, moneys shall be  
10 deposited in the ethanol ~~production incentive account~~  
11 ~~fund~~ as provided in section 423.24. One Not more than  
12 one and one-half percent of the ~~total~~ moneys deposited  
13 in the account during each quarter available to  
14 support value-added agricultural products and  
15 processes pursuant to section 423.24 shall be  
16 allocated to the department for administration of the  
17 office. ~~Remaining moneys shall be allocated to~~  
18 provide financial incentives to support the increased

19 production of ethanol derived from an organic  
20 compound, including a photosynthate, as provided in  
21 section 159A.8:

22 4. Moneys in the fund are subject to an annual  
23 audit by the auditor of state. The fund is subject to  
24 warrants by the director of revenue and finance, drawn  
25 upon the written requisition of the coordinator.

26 5. In administering the fund, the office may do  
27 all of the following:

28 a. Contract, sue and be sued, and adopt procedures  
29 necessary to administer this section. However, the  
30 office shall not in any manner, directly or  
31 indirectly, pledge the credit of the state.

32 b. Authorize payment from the ~~accounts, from~~  
33 ~~income received by investment of moneys in the fund,~~  
34 ~~fund~~ for ~~administrative costs,~~ commissions, attorney  
35 and accountant fees, and other reasonable expenses  
36 related to and necessary for administering the  
37 ~~accounts fund.~~

38 6. Section 8.33 does not apply to moneys in the  
39 ~~renewable fuel activities account fund.~~ Income  
40 received by investment of moneys in the ~~account fund~~  
41 shall remain in that ~~account the fund.~~ Moneys  
42 appropriated for a state fiscal year to the ethanol  
43 production incentive account which remain unobligated  
44 and unencumbered on July 31 of the following state  
45 fiscal year shall be credited to the road use tax fund  
46 as provided in section 423.24. Unencumbered or  
47 unobligated moneys in the fund derived from moneys  
48 deposited pursuant to section 423.24, which are in  
49 excess of three hundred fifty thousand dollars of  
50 unencumbered or unobligated moneys in the fund

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1 deposited pursuant to that section, and which are  
2 remaining on June 30 of each fiscal year, shall be  
3 credited on August 31 to the road use tax fund as  
4 created in section 312.1.

5 Sec. 23. Section 214A.16, Code 1993, is amended to  
6 read as follows:

7 214A.16 NOTICE OF BLENDED FUEL -- DECAL.

8 All motor vehicle fuel kept, offered, or exposed  
9 for sale, or sold at retail containing over one  
10 percent ethanol, methanol, or any combination of  
11 oxygenate octane enhancers shall be identified as  
12 "with" either "ethanol", "methanol",  
13 "ethanol/methanol", or similar wording on a decal.  
14 All diesel fuel kept, offered, or exposed for sale, or  
15 sold at retail containing over one percent soybean oil

16 by volume shall be identified as "with sovadiesel" or  
17 similar wording on a decal. The design and location  
18 of the decals ~~may~~ shall be prescribed by rules adopted  
19 by the department. The department shall adopt the  
20 rules to be effective by January 1, 1995. A decal  
21 identifying a renewable fuel shall be consistent with  
22 standards adopted pursuant to section 159A.6. ~~If~~  
23 Until the department does not establish establishes  
24 standards for a decal relating to a specific oxygenate  
25 octane enhancer decals, the wording shall be on a  
26 white adhesive decal with black letters at least one-  
27 half inch high and at least one-quarter inch wide  
28 placed between thirty and forty inches above the  
29 driveway level on the front sides of any container or  
30 pump from which the motor fuel is sold. The  
31 department may approve an application to place a decal  
32 in a special location on a pump or container or use a  
33 decal with special lettering or colors, if the decal  
34 appears clear and conspicuous to the consumer. The  
35 application shall be made in writing pursuant to  
36 procedures adopted by the department. Designs for a  
37 decal identifying a renewable fuel shall be consistent  
38 with standards adopted pursuant to section 159A.6.  
39 Sec. 24. Section 216B.3, subsection 16, Code  
40 Supplement 1993, is amended to read as follows:  
41 16. a. A motor vehicle purchased by the  
42 commission shall not operate on gasoline other than  
43 gasoline blended with at least ten percent ethanol. A  
44 state issued credit card used to purchase gasoline  
45 shall not be valid to purchase gasoline other than  
46 gasoline blended with at least ten percent ethanol.  
47 The motor vehicle shall also be affixed with a  
48 brightly visible sticker which notifies the traveling  
49 public that the motor vehicle is being operated on  
50 gasoline blended with ethanol. However, the sticker

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1 is not required to be affixed to an unmarked vehicle  
2 used for purposes of providing law enforcement or  
3 security.  
4 b. Of all new passenger vehicles and light pickup  
5 trucks purchased by the commission, a minimum of ten  
6 percent of all such vehicles and trucks purchased  
7 shall be equipped with engines which utilize  
8 alternative methods of propulsion, including but not  
9 limited to any of the following:  
10 (1) A flexible fuel which is either of the  
11 following:  
12 (a) A fuel blended with not more than fifteen



13 percent gasoline and at least eighty-five percent  
 14 ethanol.

15 (b) A fuel which is a mixture of diesel fuel and  
 16 processed soybean oil. At least twenty percent of the  
 17 mixed fuel by volume must be processed soybean oil.

18 (c) A renewable fuel approved by the office of  
 19 renewable fuels and coproducts pursuant to section  
 20 159A.3.

21 (2) Compressed or liquified natural gas.

22 (3) Propane gas.

23 (4) Solar energy.

24 (5) Electricity.

25 The provisions of this paragraph "b" do not apply  
 26 to vehicles and trucks purchased and directly used for  
 27 law enforcement or off-road maintenance work.

28 Sec. 25. Section 260C.19A, Code Supplement 1993,  
 29 is amended to read as follows:

30 260C.19A MOTOR VEHICLES REQUIRED TO OPERATE ON  
 31 ETHANOL-BLENDED GASOLINE ALTERNATIVE FUELS.

32 1. A motor vehicle purchased by or used under the  
 33 direction of the board of directors to provide  
 34 services to a merged area shall not, on or after  
 35 January 1, 1993, operate on gasoline other than  
 36 gasoline blended with at least ten percent ethanol.  
 37 The motor vehicle shall also be affixed with a  
 38 brightly visible sticker which notifies the traveling  
 39 public that the motor vehicle is being operated on  
 40 gasoline blended with ethanol. However, the sticker  
 41 is not required to be affixed to an unmarked vehicle  
 42 used for purposes of providing law enforcement or  
 43 security.

44 2. Of all new passenger vehicles and light pickup  
 45 trucks purchased by or under the direction of the  
 46 board of directors to provide services to a merged  
 47 area, a minimum of ten percent of all such vehicles  
 48 and trucks purchased shall be equipped with engines  
 49 which utilize alternative methods of propulsion,  
 50 including but not limited to any of the following:

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1 a. A flexible fuel which is either of the  
 2 following:

3 (1) A fuel blended with not more than fifteen  
 4 percent gasoline and at least eighty-five percent  
 5 ethanol.

6 (2) A fuel which is a mixture of diesel fuel and  
 7 processed soybean oil. At least twenty percent of the  
 8 mixed fuel by volume must be processed soybean oil.

9 (3) A renewable fuel approved by the office of

10 renewable fuels and coproducts pursuant to section  
 11 159A.3.

12 b. Compressed or liquified natural gas.

13 c. Propane gas.

14 d. Solar energy.

15 e. Electricity.

16 The provisions of this subsection do not apply to  
 17 vehicles and trucks purchased and directly used for  
 18 law enforcement or off-road maintenance work.

19 Sec. 26. Section 262.25A, Code Supplement 1993, is  
 20 amended by adding the following new subsection:

21 NEW SUBSECTION. 3. Of all new passenger vehicles  
 22 and light pickup trucks purchased by or under the  
 23 direction of the state board of regents to provide  
 24 services to a merged area, a minimum of ten percent of  
 25 all such vehicles and trucks purchased shall be  
 26 equipped with engines which utilize alternative  
 27 methods of propulsion, including but not limited to  
 28 any of the following:

29 a. A flexible fuel which is either of the  
 30 following:

31 (1) A fuel blended with not more than fifteen  
 32 percent gasoline and at least eighty-five percent  
 33 ethanol.

34 (2) A fuel which is a mixture of processed soybean  
 35 oil and diesel fuel. At least twenty percent of the  
 36 fuel by volume must be processed soybean oil.

37 (3) A renewable fuel approved by the office of  
 38 renewable fuels and coproducts pursuant to section  
 39 159A.3.

40 b. Compressed or liquified natural gas.

41 c. Propane gas.

42 d. Solar energy.

43 e. Electricity.

44 The provisions of this subsection do not apply to  
 45 vehicles and trucks purchased and directly used for  
 46 law enforcement or off-road maintenance work.

47 Sec. 27. NEW SECTION. 266.19 RENEWABLE FUEL --  
 48 ASSISTANCE.

49 The university shall cooperate in assisting  
 50 renewable fuel production facilities supporting

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1 livestock operations managed by persons receiving  
 2 assistance pursuant to the value-added agricultural  
 3 products and processes financial assistance program  
 4 established in section 15E.111.

5 Sec. 28. Section 307.21, Code Supplement 1993, is  
 6 amended by adding the following new subsection:

7 **NEW SUBSECTION. 4A.** Of all new passenger vehicles  
8 and light pickup trucks purchased by the  
9 administrator, a minimum of ten percent of all such  
10 vehicles and trucks purchased shall be equipped with  
11 engines which utilize alternative methods of  
12 propulsion, including but not limited to any of the  
13 following:

14 a. A flexible fuel which is either of the  
15 following:

16 (1) A fuel blended with not more than fifteen  
17 percent gasoline and at least eighty-five percent  
18 ethanol.

19 (2) A fuel which is a mixture of processed soybean  
20 oil and diesel fuel. At least twenty percent of the  
21 fuel by volume must be processed soybean oil.

22 (3) A renewable fuel approved by the office of  
23 renewable fuels and coproducts pursuant to section  
24 159A.3.

25 b. Compressed or liquified natural gas.

26 c. Propane gas.

27 d. Solar energy.

28 e. Electricity.

29 The provisions of this subsection do not apply to  
30 vehicles and trucks purchased and directly used for  
31 law enforcement or off-road maintenance work.

32 Sec. 29. Section 423.24, subsection 1, paragraph  
33 b, Code Supplement 1993, is amended to read as  
34 follows:

35 b. Beginning on July 1, 1993, three and one-half  
36 percent of the revenue, not to exceed one million  
37 dollars per quarter, derived from the use tax on motor  
38 vehicles, trailers, and motor vehicle accessories and  
39 equipment as collected pursuant to section 423.7,  
40 shall be deposited in the ethanol production incentive  
41 account of the renewable fuel fund created in section  
42 ~~159A.7.~~ used to support value-added agricultural  
43 products and processes as follows:

44 (1) Ninety-one and one-quarter percent of these  
45 moneys shall be deposited in the value-added  
46 agricultural products and processes financial  
47 assistance fund as created in section 15E.112.

48 (2) eight and three-quarters percent of these  
49 moneys shall be deposited in the renewable fuels and  
50 coproducts fund as created in section 159A.7.

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1 PARAGRAPH DIVIDED. Moneys deposited according to  
2 this paragraph "b" are a continuing appropriation for  
3 expenditure under section ~~159A.8~~ sections 15E.112 and

4 159A.7. Moneys deposited during a state fiscal year  
5 to the ethanol production incentive account which  
6 remain unobligated and unencumbered on July 31 of the  
7 following state fiscal year shall be credited to the  
8 road use tax fund as provided in this section.

9 Sec. 30. Section 455B.104, Code Supplement 1993,  
10 is amended by adding the following new unnumbered  
11 paragraph:

12 NEW UNNUMBERED PARAGRAPH. The department shall  
13 assist persons applying for assistance to establish  
14 and operate renewable fuel production facilities  
15 pursuant to the value-added agricultural products and  
16 processes financial assistance program established in  
17 section 15E.111.

18 Sec. 31. NEW SECTION. 904.312A MOTOR VEHICLES.

19 1. A motor vehicle purchased by the department  
20 shall not operate on gasoline other than gasoline  
21 blended with at least ten percent ethanol. A state-  
22 issued credit card used to purchase gasoline shall not  
23 be valid to purchase gasoline other than gasoline  
24 blended with at least ten percent ethanol. The motor  
25 vehicle shall also be affixed with a brightly visible  
26 sticker which notifies the traveling public that the  
27 motor vehicle is being operated on gasoline blended  
28 with ethanol. However, the sticker is not required to  
29 be affixed to an unmarked vehicle used for purposes of  
30 providing law enforcement or security.

31 2. Of all new passenger vehicles and light pickup  
32 trucks purchased by the department, a minimum of ten  
33 percent of all such vehicles and trucks purchased  
34 shall be equipped with engines which utilize  
35 alternative methods of propulsion, including but not  
36 limited to any of the following:

37 a. A flexible fuel which is either of the  
38 following:

39 (1) A fuel blended with not more than fifteen  
40 percent gasoline and at least eighty-five percent  
41 ethanol.

42 (2) A fuel which is a mixture of diesel fuel and  
43 processed soybean oil. At least twenty percent of the  
44 mixed fuel by volume must be processed soybean oil.

45 (3) A renewable fuel approved by the office of  
46 renewable fuels and coproducts pursuant to section  
47 159A.3.

48 b. Compressed or liquified natural gas.

49 c. Propane gas.

50 d. Solar energy.

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1 e. Electricity.

2 The provisions of this subsection do not apply to  
3 vehicles and trucks purchased and directly used for  
4 law enforcement or off-road maintenance work.

5 Sec. 32. SOYDIESEL DEMONSTRATION PROJECTS.

6 1. The state department of transportation shall  
7 conduct a demonstration project using diesel trucks  
8 owned by the department. Each truck shall operate  
9 using soydiesel fuel for at least twenty thousand  
10 miles. However, trucks primarily used for snow  
11 removal shall operate for at least twelve thousand  
12 miles. The projects shall be under the oversight of  
13 the renewable fuels and coproducts advisory committee.  
14 The state department of transportation shall evaluate  
15 the performance of vehicles operating on soydiesel  
16 fuel, including the rate of repairs on the vehicles  
17 and comments of persons operating and maintaining the  
18 vehicles. The department shall submit its findings  
19 and recommendations to the renewable fuels and  
20 coproducts advisory committee as part of the reports  
21 provided in subsection 2.

22 2. Notwithstanding section 423.24, as amended in  
23 this Act, for the period beginning on July 1, 1993,  
24 and ending July 1, 1994, an amount equal to two and  
25 one-half percent of the total moneys used to support  
26 value-added agricultural products and processes as  
27 provided in that section, which would otherwise be  
28 allocated to the value-added agricultural products and  
29 processes financial assistance fund, shall instead be  
30 allocated to the office of renewable fuels and  
31 coproducts. The moneys shall be used for purposes of  
32 conducting soydiesel demonstration projects  
33 administered by the state department of transportation  
34 under the oversight of the renewable fuels and  
35 coproducts advisory committee.

36 a. The office of renewable fuels and coproducts  
37 shall allocate the moneys to the state department of  
38 transportation. The department shall apply the moneys  
39 to support one or more special projects operations  
40 assistance grants which demonstrate the use of  
41 soydiesel fuel in one or more public transit systems.

42 b. The state department of transportation shall  
43 evaluate the performance of vehicles operating on  
44 soydiesel fuel, including the rate of repairs on the  
45 vehicles and comments of persons operating and  
46 maintaining the vehicles. The department shall submit  
47 initial findings and recommendations to the renewable  
48 fuels and coproducts advisory committee which shall

49 submit a report to the senate and chief clerk of the  
50 house, the legislative service bureau, the

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1 chairpersons and ranking members of the senate  
2 standing committee on agriculture, the senate standing  
3 committee on small business, economic development and  
4 tourism, the house of representatives standing  
5 committee on agriculture, and the house of  
6 representatives standing committee on small business,  
7 economic development and trade. The department shall  
8 submit final findings and recommendations to the  
9 renewable fuels and coproducts advisory committee  
10 which shall submit a report to the general assembly.

11 The initial report shall be due on October 1, 1994.

12 The final report shall be due on March 1, 1995.

13 c. Moneys described pursuant to this subsection  
14 are allocated contingent upon a contribution made by  
15 either a private or public source to support soydiesel  
16 fuel demonstration projects in Iowa commencing during  
17 the fiscal year beginning July 1, 1993, and ending  
18 June 30, 1994.

19 d. Moneys available under this section which  
20 remain unexpended or unobligated on June 30, 1994,  
21 shall remain available to support the demonstration  
22 project and shall not revert pursuant to section 8.33.  
23 Moneys remaining unexpended or unobligated on June 30,  
24 1995, shall be credited to the value-added  
25 agricultural products and processes financial  
26 assistance fund as created in section 15E.112.

27 **Sec. 33. ETHANOL PRODUCTION AND LIVESTOCK FEEDING**  
28 **EDUCATION PROJECT.**

29 1. For the period beginning July 1, 1993, and  
30 ending June 30, 1994, the office of renewable fuels  
31 and coproducts shall allocate from the renewable fuels  
32 and coproducts fund, not more than an amount equal to  
33 one and one-half percent of the total moneys used to  
34 support value-added agricultural products and  
35 processes as provided in section 423.24 to Iowa state  
36 university for purposes of sponsoring at least four  
37 seminars in different regions throughout the state,  
38 and a conference in a central location of the state.  
39 Iowa state university shall consult with the Iowa corn  
40 growers association and the Iowa soybean association.  
41 The seminars and the conference shall provide  
42 information relating to establishing and managing  
43 ethanol production facilities, the use of ethanol  
44 production coproducts to feed livestock, and the  
45 relationship between ethanol production and livestock

46 feeding operations. The university shall, to every  
47 extent possible, invite nationally recognized experts  
48 to provide information regarding ethanol production  
49 processes, livestock nutrition, capitalization of  
50 production facilities, operational requirements, and

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1 marketing opportunities.

2 2. The department of economic development and  
3 relevant organizations representing agricultural  
4 producers as designated by the department shall  
5 cooperate with the university, and shall provide  
6 information and a representative to appear at each  
7 seminar and the conference. The department shall  
8 provide information regarding financial and technical  
9 assistance available from the department.

10 3. The university shall submit a report not later  
11 than December 1 to the secretary of the senate and the  
12 chief clerk of the house, describing the seminars and  
13 conference, including attendance numbers, and an  
14 analysis regarding the results of the project in  
15 attracting persons to begin ethanol production and  
16 livestock feeding operations.

17 4. Moneys available under this section which  
18 remain unexpended or unobligated on June 30, 1994,  
19 shall remain available to support the education  
20 project and shall not revert pursuant to section 8.33.  
21 Moneys remaining unexpended or unobligated on June 30,  
22 1995, shall be credited to the renewable fuels and  
23 coproducts fund created in section 159A.7.

24 **Sec. 34. MICROBUSINESS RURAL ENTERPRISE**  
25 **DEMONSTRATION PROJECT.**

26 1. As used in this section:

27 a. "Department" means the department of economic  
28 development.

29 b. "Microbusiness or microbusiness enterprise"  
30 means a business producing services with five or fewer  
31 full-time equivalent employee positions, and with  
32 asset requirements of up to twenty-five thousand  
33 dollars.

34 c. "Microbusiness organization" means a nonprofit  
35 corporation organized under chapter 504A which is  
36 exempt from taxation pursuant to section 501(c) of the  
37 Internal Revenue Code, and which has a principal  
38 mission of actively engaging in microbusiness  
39 development, training, technical assistance, and  
40 access to capital for the start-up or expansion of  
41 microbusinesses.

42 2. For the period beginning July 1, 1993, and

43 ending June 30, 1994, the department shall allocate  
44 from the value-added agricultural products and  
45 processes financial assistance fund an amount equal to  
46 one and one-quarter percent of the total moneys used  
47 to support value-added agriculture products and  
48 processes as provided in section 423.24 to be used for  
49 the purpose of conducting a microbusiness rural  
50 enterprise demonstration project.

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1 3. The department shall contract with a  
2 microenterprise organization actively engaged in  
3 microbusiness enterprise in order to assist the  
4 establishment of this demonstration project. In order  
5 to qualify as the demonstration project, the  
6 microenterprise organization must:

7 a. Demonstrate a past performance and a capacity  
8 to successfully engage in microbusiness development.

9 b. Have a statewide commitment and focus to  
10 microbusiness development.

11 c. Provide training and technical assistance.

12 d. Demonstrate an ability to provide access to  
13 capital for start-up or expansion of a microbusiness.

14 e. Have established linkages with financial  
15 institutions.

16 f. Demonstrate an ability to provide follow-up  
17 technical assistance after a microbusiness start-up or  
18 expansion.

19 4. Moneys appropriated pursuant to this section  
20 which remain unexpended or unobligated on June 30,  
21 1994, shall be available to support the demonstration  
22 project and shall not revert pursuant to section 8.33.  
23 Moneys remaining unexpended or unobligated on June 30,  
24 1995, shall be available to support the demonstration  
25 project and shall not revert pursuant to section 8.33,  
26 but may be credited to the value-added agricultural  
27 products and processes financial assistance fund as  
28 created in section 15E.112.

29 5. The department shall submit a report to the  
30 secretary of the senate and the chief clerk of the  
31 house not later than November 1, 1994. The report  
32 shall detail the activities of the microenterprise  
33 organization, and describe the success of the project.

34 Sec. 35. PRIOR ALLOCATED MONEYS. In order to  
35 carry out the provisions of this Act, any moneys  
36 deposited in the ethanol production incentive account  
37 of the renewable fuel fund as provided in section  
38 423.24 prior to the effective date of this Act, shall  
39 be credited to the renewable fuels and coproducts fund



40 as if the moneys had been allocated to the fund  
41 pursuant to section 423.24 as provided by this Act.  
42 Moneys which remain in the renewable fuels and  
43 coproducts fund which exceed the amount required to be  
44 deposited in the fund pursuant to this Act shall be  
45 credited to the value-added agricultural products and  
46 processes financial assistance fund as created in  
47 section 15E.112 as if the moneys had been allocated to  
48 that fund pursuant to section 423.24 as provided by  
49 this Act.

50 Sec. 36. ELIMINATION OF FUNDING SOURCE --

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1 DIRECTIONS TO CODE EDITOR.

2 1. Section 423.24, subsection 1, paragraph b, Code  
3 Supplement 1993, is amended by striking the paragraph.

4 2. No moneys shall be deposited into the value-  
5 added agricultural products and processes financial  
6 assistance fund or the renewable fuels and coproducts  
7 fund, pursuant to section 423.24, as provided in this  
8 Act, after June 30, 2000.

9 3. Notwithstanding this section, restrictions upon  
10 the amount of money used to support administrative  
11 expenses by the department of economic development and  
12 the office of renewable fuels and coproducts shall  
13 continue to apply to moneys deposited in the value-  
14 added agricultural products and processes financial  
15 assistance fund and the renewable fuels and coproducts  
16 fund, pursuant to section 423.24, as provided in this  
17 Act, after June 30, 2000.

18 4. a. Any unencumbered or unobligated moneys in  
19 the value-added agricultural products and processes  
20 financial assistance fund derived from moneys  
21 deposited pursuant to section 423.24, which are in  
22 excess of three million six hundred fifty thousand  
23 dollars of the unencumbered or unobligated moneys in  
24 the fund deposited pursuant to that section, and which  
25 are remaining on June 30, 2000, shall be credited on  
26 August 31, 2000, to the road use tax fund as created  
27 in section 312.1.

28 b. Any unencumbered or unobligated moneys in the  
29 renewable fuels and coproducts fund derived from  
30 moneys deposited pursuant to section 423.24, which are  
31 in excess of three hundred fifty thousand dollars of  
32 the unencumbered or unobligated moneys in the fund  
33 deposited pursuant to that section, and which are  
34 remaining on June 30, 2000, shall be credited on  
35 August 31, 2000, to the road use tax fund as created  
36 in section 312.1.

37 5. The Code editor is directed to eliminate  
38 provisions within sections of the Code as provided in  
39 this Act wherever references to section 423.24,  
40 subsection 1, paragraph "b", appear in those  
41 provisions.  
42 6. This section takes effect on July 1, 2000.  
43 Sec. 37. REPEALS.  
44 1. 1992 Iowa Acts, chapter 1099, section 11, is  
45 repealed.  
46 2. Section 159A.8, Code 1993, is repealed.  
47 Sec. 38. EFFECTIVE DATE. This Act, being deemed  
48 of immediate importance, takes effect upon enactment."

PATTY JUDGE

S-5597

1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 15, by striking lines 4 through 7.  
5 2. By relettering as necessary.

MICHAEL E. GRONSTAL

S-5598

1 Amend House File 2326, 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 001. Section 16.102, Code 1993, is  
6 amended by adding the following new subsection:  
7 NEW SUBSECTION. 4. Any other project or purpose  
8 which the authority determines to be consistent with  
9 the economic development, maintenance, or expansion of  
10 housing, business, industry, or farming in the state.  
11 Sec. \_\_\_\_ . Section 419.1, subsections 6 and 11,  
12 Code 1993, are amended to read as follows:  
13 6. "Governing body" means the board, council or  
14 other body in which the legislative powers of the  
15 municipality are vested or in the case of the Iowa  
16 finance authority, "governing body" means the director  
17 of the Iowa finance authority.  
18 11. "Municipality" means any county, or any  
19 incorporated city in this state or the Iowa finance  
20 authority."  
21 2. Title page, line 2, by striking the words

- 22 "city or county" and inserting the following:  
23 "municipality".

WILLIAM D. PALMER

S-5599

- 1 Amend Senate File 2326 as follows:  
2 1. Page 2, line 12, by inserting after the word  
3 "woodwork." the following: "In arranging for the  
4 renovation, the department shall use as a major  
5 criteria the life cycle cost, as defined in section  
6 18.3, subsection 1, and the energy efficiency of the  
7 components of the renovation."  
8 2. Page 2, line 19, by inserting after the word  
9 "plumbing." the following: "In arranging for the  
10 renovation, the department shall use as a major  
11 criteria the life cycle cost, as defined in section  
12 18.3, subsection 1, and the energy efficiency of the  
13 components of the renovation."

RALPH ROSENBERG

S-5600

- 1 Amend the amendment, S-5562, to House File 2366, as  
2 amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 1, by inserting after line 34 the fol-  
5 lowing: "However, if more than one incumbent state  
6 senator is residing in an even-numbered senatorial  
7 district on February 1, 2002, and, on or before  
8 February 15, 2002, all but one of the incumbent  
9 senators resigns from office effective no later than  
10 January 1, 2003, the remaining incumbent senator shall  
11 represent the district in the senate for the Eightieth  
12 General Assembly. A copy of the resignation must be  
13 filed in the office of the secretary of state no later  
14 than five p.m. on February 15, 2002."

JACK W. HESTER  
WILMER RENSINK  
MARY KRAMER

S-5601

- 1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 20, by inserting after line 45 the

5 following:

6 "Sec. \_\_\_\_ . SENTENCING STUDY. The legislative  
7 council is requested to establish an interim study  
8 committee to review current criminal penalties and  
9 sentencing practices, including but not limited to the  
10 effects of mandatory minimum penalties on sentencing  
11 practices and the effects of sentencing practices on  
12 inmate populations at state and adult and residential  
13 community-based correctional facilities. The  
14 committee shall also conduct a comparative assessment  
15 of the relative penalties imposed for various crimes  
16 based not only on the threat posed by the prohibited  
17 criminal conduct, but also by the risk generally  
18 associated with particular criminal offenders."  
19 2. By renumbering and correcting internal  
20 references as necessary.

ANDY McKEAN  
AL STURGEON  
MICHAEL E. GRONSTAL

S-5602

1 Amend Senate File 2326 as follows:

2 1. Page 2, line 11, by inserting after the word  
3 "conditioning," the following: "information  
4 processing equipment and related software, local and  
5 wide area networks, telecommunications facilities,  
6 data storage and retrieval systems, and information  
7 system conversion,".  
8 2. Page 2, line 19, by inserting after the word  
9 "plumbing" the following: ", information processing  
10 equipment and related software, local and wide area  
11 networks, telecommunications facilities, data storage  
12 and retrieval systems, and information system  
13 conversion".

LARRY MURPHY

S-5603

1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 5, line 36, by striking the figure "211"  
5 and inserting the following: "221".  
6 2. Page 5, line 41, by striking the figure  
7 "18,498,730" and inserting the following:  
8 "18,723,730".  
9 3. Page 5, line 42, by striking the figure

- 10 "356.25" and inserting the following: "366.25".  
 11 4. Page 14, line 16, by striking the figure  
 12 "81,470,924" and inserting the following:  
 13 "81,245,924".  
 14 5. Page 15, by striking lines 4 through 7.  
 15 6. Page 15, line 10, by striking the figure  
 16 "1,150,000" and inserting the following: "975,000".  
 17 7. Page 19, line 19, by striking the word "remit"  
 18 and inserting the following: "use".  
 19 8. By striking page 19, line 43, through page 20,  
 20 line 6, and inserting the following:  
 21 "c. The department of corrections shall use any  
 22 additional recovered funds not otherwise transferred  
 23 or made available pursuant to this subsection for the  
 24 employment of additional correctional officers at the  
 25 Anamosa correctional facility, including salaries,  
 26 support, and miscellaneous purposes, as provided in  
 27 section 4, subsection 1, paragraph "b" of this Act."  
 28 9. Page 20, line 7, by striking the word  
 29 "corrections," and inserting the following:  
 30 "corrections and".  
 31 10. Page 20, line 9, by striking the words ", and  
 32 the judicial department".  
 33 11. By renumbering, relettering, redesignating,  
 34 and correcting internal references as necessary.

ANDY McKEAN

S-5604

- 1 Amend the amendment, S-5596, to House File 2337, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 25, line 43, by striking the word "shall"  
 5 and inserting the following: "may".

WAYNE BENNETT

S-5605

- 1 Amend the amendment, S-5596, to House File 2337, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 3, line 19, by striking the word  
 5 "fifteen" and inserting the following: "twenty-five".  
 6 2. Page 10, by striking lines 26 and 27 and  
 7 inserting the following: "the processing of  
 8 agricultural commodities, and which may include corn  
 9 gluten".  
 10 3. Page 15, by inserting after line 23 the

11 following:

12 "    . The office may contract to provide all or  
13 part of these services."

14 4. Page 15, line 34, by inserting after the word  
15 "Iowa." the following: "The office may contract to  
16 provide all or part of these services."

PATTY JUDGE

S-5606

1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 20, by inserting before line 15 the  
5 following:

6 "Sec. 800. APPROPRIATIONS TO THE DEPARTMENT OF  
7 CORRECTIONS - MONEYS ENCUMBERED - PRIORITIES.

8 1. Notwithstanding any other provision of law to  
9 the contrary, moneys appropriated to the department of  
10 corrections pursuant to 1993 Iowa Acts, chapter 171,  
11 sections 4, 5, and 6, shall be considered encumbered  
12 pursuant to section 8.33, and shall not revert to the  
13 general fund of the state at the end of the fiscal  
14 year commencing July 1, 1993. As used in this  
15 section, unless the context otherwise requires,  
16 "encumbered funds" means the moneys appropriated to  
17 the department of corrections pursuant to 1993 Iowa  
18 Acts, chapter 171, sections 4, 5, and 6, which would  
19 otherwise revert to the general fund of the state  
20 after the end of the fiscal year in which the moneys  
21 were appropriated, but for the prohibition contained  
22 in this section.

23 2. The department of corrections shall use  
24 encumbered funds in the fiscal year commencing July 1,  
25 1994, to fund up to an additional 50 FTEs for the  
26 employment of correctional officers in the  
27 correctional institutions specified in section  
28 904.102, and to purchase critically needed safety  
29 equipment, including but not limited to radios,  
30 emergency notification equipment, surveillance  
31 cameras, and other necessary surveillance and  
32 emergency response equipment, for use in correctional  
33 institutions. The FTEs provided in this section for  
34 the employment of correctional officers and the  
35 funding provided for the purchase of equipment are in  
36 addition to any FTEs or equipment funded in section 4  
37 of this Act. The department of corrections shall use  
38 its discretion in distributing the additional  
39 correctional officers and equipment throughout the

40 correctional facilities. The department of  
 41 corrections shall file a report with the department of  
 42 management concerning correctional officer positions  
 43 filled and critically needed safety equipment  
 44 purchased from encumbered funds provided under this  
 45 section. If the department is able to fund an  
 46 additional 50 FTEs for the employment of correctional  
 47 officers pursuant to this section and to purchase all  
 48 critically needed safety equipment, any remaining  
 49 funds shall be unencumbered and shall revert to the  
 50 general fund of the state at the end of the fiscal

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1 year commencing July 1, 1994.”  
 2 2. Page 24, by inserting after line 42 the  
 3 following:  
 4 “Section 800 of this Act, pertaining to the  
 5 encumbrance of certain moneys appropriated to the  
 6 department of corrections in the fiscal year  
 7 commencing July 1, 1993, being deemed of immediate  
 8 importance, takes effect upon enactment.”  
 9 3. By renumbering and correcting internal  
 10 references as necessary.

MICHAEL E. GRONSTAL  
 TOM VILSACK  
 EUGENE S. FRAISE  
 ANDY MCKEAN  
 ROBERT E. DVORSKY  
 RALPH ROSENBERG

S-5607

1 Amend the amendment, S-5440, to Senate File 2316 as  
 2 follows:  
 3 1. Page 1, line 40, by striking the words and  
 4 figure “after line 10” and inserting the following:  
 5 “before line 17”.

MERLIN E. BARTZ

S-5608

1 Amend Senate File 2325 as follows:  
 2 1. Page 9, by striking lines 21 through 30.

LARRY MURPHY

HOUSE AMENDMENT TO  
SENATE FILE 2319

S-5609

1 Amend Senate File 2319, 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. JUVENILE DETENTION HOMES -- ADDITIONAL  
6 APPROPRIATION. There is appropriated from the general  
7 fund of the state to the department of human services  
8 for the fiscal year beginning July 1, 1994, and ending  
9 June 30, 1995, in addition to other appropriations  
10 made to the department for that fiscal year, the  
11 following amount, or so much thereof as is necessary,  
12 to be used for the purpose designated:

13 For additional reimbursement of counties for  
14 juvenile detention homes in accordance with the  
15 provisions of this section, and in order to effectuate  
16 the purposes of this Act pertaining to the detention  
17 of children who habitually and substantially violate  
18 the conditions of probation:

19 ..... \$ 362,500

20 If the funds designated in this section, in  
21 addition to any other appropriation to the department  
22 of human services for reimbursement of counties for  
23 juvenile detention homes in the fiscal year beginning  
24 July 1, 1994, are insufficient to pay ten percent of  
25 the total cost of the homes, notwithstanding section  
26 232.142, subsection 3, the state payment shall be less  
27 than ten percent and the department shall prorate the  
28 state payment as necessary to keep expenditures within  
29 the funds designated in this section and in any other  
30 provision appropriating moneys to the department for  
31 reimbursement of counties for juvenile detention homes  
32 in the same fiscal year.

33 Sec. 2. Section 123.3, subsection 19, Code  
34 Supplement 1993, is amended to read as follows:

35 19. "Legal age" means ~~nineteen~~ twenty-one years of  
36 age or more.

37 Sec. 3. Section 123.47, Code 1993, is amended to  
38 read as follows:

39 123.47 PERSONS UNDER THE AGE OF ~~EIGHTEEN~~ TWENTY-  
40 ONE.

41 A person shall not sell, give, or otherwise supply  
42 alcoholic liquor, wine, or beer to any person knowing  
43 or having reasonable cause to believe that person to  
44 be under the age of ~~eighteen~~ twenty-one, and a person  
45 or persons under the age of ~~eighteen~~ twenty-one shall



46 not individually or jointly have alcoholic liquor,  
 47 wine, or beer in their possession or control; except  
 48 in the case of liquor, wine, or beer given or  
 49 dispensed to a person under the age of **eighteen**  
 50 **twenty-one** within a private home and with the

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1 knowledge, presence, and consent of the parent or  
 2 guardian for beverage or medicinal purposes or as  
 3 administered to the person by either a physician or  
 4 dentist for medicinal purposes and except to the  
 5 extent that a person under the age of **eighteen** ~~twenty-~~  
 6 ~~one~~ may handle alcoholic beverages, wine, and beer  
 7 during the regular course of the person's employment  
 8 by a liquor control licensee, or wine or beer  
 9 permittee under this chapter.

10 A person, age eighteen, nineteen, or twenty, other  
 11 than a licensee or permittee, who commits a first  
 12 offense under this section commits a scheduled  
 13 violation of section 805.8, subsection 10. A person,  
 14 age eighteen, nineteen, or twenty, other than a  
 15 licensee or permittee, who commits a second or  
 16 subsequent violation of this section, commits a simple  
 17 misdemeanor. A licensee or permittee who violates  
 18 this section with respect to a person who is age  
 19 nineteen or twenty is guilty of a simple misdemeanor  
 20 punishable by a fine of not more than fifty dollars.  
 21 The penalty provided under this section against a  
 22 licensee or permittee who violates this section with  
 23 respect to a person who is age nineteen or twenty is  
 24 the only penalty which shall be imposed against a  
 25 licensee or permittee who violates this section. A  
 26 licensee or permittee who violates this section with  
 27 respect to a person who is age eighteen commits a  
 28 simple misdemeanor, and is subject to the criminal and  
 29 civil penalties provided pursuant to sections 123.49  
 30 and 123.50 with respect to selling, giving, or  
 31 otherwise supplying alcoholic beverages, liquor, wine,  
 32 or beer to persons under legal age.

33 Sec. 4. Section 123.47B, Code 1993, is amended to  
 34 read as follows:

35 **123.47B PARENTAL AND SCHOOL NOTIFICATION - PERSONS**  
 36 **UNDER EIGHTEEN YEARS OF AGE.**

37 A peace officer shall make a reasonable effort to  
 38 identify a person under the age of eighteen discovered  
 39 to be in possession of alcoholic liquor, wine, or beer  
 40 in violation of section 123.47 and if the person is  
 41 not referred to juvenile court, the law enforcement  
 42 agency of which the peace officer is an employee shall

43 make a reasonable attempt to notify the person's  
44 custodial parent or legal guardian of such possession,  
45 whether or not the person is arrested or a citation is  
46 issued pursuant to section 805.16, unless the officer  
47 has reasonable grounds to believe that such  
48 notification is not in the best interests of the  
49 person or will endanger that person. If the person is  
50 taken into custody, the peace officer may make a

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1 reasonable effort to identify the elementary or  
2 secondary school the person attends, if any, and to  
3 notify the superintendent of the school district, the  
4 superintendent's designee, or the authorities in  
5 charge of the nonpublic school of the taking into  
6 custody. A juvenile court officer may also notify the  
7 superintendent of the school district, the  
8 superintendent's designee, or the authorities in  
9 charge of the nonpublic school which the child attends  
10 of the taking into custody. A reasonable attempt to  
11 notify the person includes but is not limited to a  
12 telephone call or notice by first class mail.

13 Sec. 5. Section 123.90, Code 1993, is amended by  
14 adding the following new unnumbered paragraph:  
15 **NEW UNNUMBERED PARAGRAPH.** In addition to any other  
16 penalties provided in this chapter, a person under the  
17 age of eighteen who is adjudicated delinquent for  
18 violating section 123.47 shall surrender all motor  
19 vehicle licenses or permits, which the court shall  
20 forward to the state department of transportation.  
21 The license shall be suspended by the department for  
22 ninety days for the first violation, one hundred  
23 eighty days for the second violation, and one year for  
24 third and subsequent violations, and the person shall  
25 not be eligible for a special minor's license under  
26 section 321.194.

27 Sec. 6. Section 124.401, subsection 1, Code 1993,  
28 is amended by adding the following new paragraph:  
29 **NEW PARAGRAPH.** g. A person who violates this  
30 subsection by bringing, or causing to be brought, into  
31 this state a controlled substance, counterfeit  
32 substance, or a simulated controlled substance shall  
33 be sentenced to two times the term otherwise imposed  
34 by law, and no such judgment, sentence, or part  
35 thereof shall be deferred or suspended.

36 Sec. 7. Section 124.401, subsection 3, Code 1993,  
37 is amended to read as follows:

38 3. a. It is unlawful for any person knowingly or  
39 intentionally to possess a controlled substance, a

40 counterfeit substance, or a simulated controlled  
 41 substance, unless such substance was obtained directly  
 42 from, or pursuant to, a valid prescription or order of  
 43 a practitioner while acting in the course of the  
 44 practitioner's professional practice, or except as  
 45 otherwise authorized by this chapter. Any Except as  
 46 otherwise provided in paragraph "b", any person who  
 47 violates this subsection is guilty of a serious  
 48 misdemeanor. If the controlled substance, counterfeit  
 49 substance, or simulated controlled substance is  
 50 marijuana, the punishment shall be by imprisonment in

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1 the county jail for not more than six months or by a  
 2 fine of not more than one thousand dollars, or by both  
 3 such fine and imprisonment.

4 b. Violation of this subsection with respect to  
 5 the following controlled substances, counterfeit  
 6 substances, or simulated controlled substances is a  
 7 class "D" felony:

8 (1) A mixture or substance containing heroin.

9 (2) Coca leaves, except coca leaves and extracts  
 10 of coca leaves from which cocaine, ecgonine, and  
 11 derivatives of ecgonine or their salts have been  
 12 removed.

13 (3) Cocaine, cocaine base, cocaine salts, optical  
 14 and geometric isomers, and salts of isomers.

15 (4) Ecgonine, its derivatives, their salts,  
 16 isomers, and salts of isomers.

17 (5) A mixture or substance containing a detectable  
 18 amount of phencyclidine (PCP).

19 (6) A mixture or substance containing a detectable  
 20 amount of lysergic acid diethylamide (LSD).

21 (7) A mixture or substance containing a detectable  
 22 amount of methamphetamine.

23 (8) Any other controlled substance, counterfeit  
 24 substance, or simulated controlled substance  
 25 classified in schedule I or II, except marijuana.

26 4. All or any part of a sentence imposed pursuant  
 27 to this section may be suspended and the person placed  
 28 upon probation upon such terms and conditions as the  
 29 court may impose including the active participation by  
 30 such person in a drug treatment, rehabilitation or  
 31 education program approved by the court.

32 Sec. 8. Section 124.401A, Code 1993, is amended to  
 33 read as follows:

34 124.401A ENHANCED PENALTY FOR DISTRIBUTION TO  
 35 PERSONS ON CERTAIN REAL PROPERTY.

36 In addition to any other penalties provided in this

37 chapter, a person who is eighteen years of age or  
38 older who unlawfully distributes or possesses with  
39 intent to distribute a substance or counterfeit  
40 substance listed in schedule I, or II which is a  
41 narcotic or cocaine, or III, or a simulated controlled  
42 substance represented to be a narcotic or cocaine  
43 controlled substance classified in schedule I, or II,  
44 or III, to another person who is eighteen years of age  
45 or older in or on, or within one thousand feet of the  
46 real property comprising a public or private  
47 elementary or secondary school, vocational school,  
48 public or private community college, college, or  
49 university, or in or on the real property comprising a  
50 public park, public swimming pool, public or private

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1 youth center, or on a marked school bus, may, at the  
2 judge's discretion, be sentenced up to an additional  
3 term of confinement of five years.

4 Sec. 9. NEW SECTION. 124.401B POSSESSION OF  
5 CONTROLLED SUBSTANCES ON CERTAIN REAL PROPERTY -  
6 ADDITIONAL PENALTY.

7 In addition to any other penalties provided in this  
8 chapter or another chapter, a person who unlawfully  
9 possesses a substance listed in schedule I, II, or  
10 III, or a simulated controlled substance represented  
11 to be a controlled substance classified in schedule I,  
12 II, or III, in or on, or within one thousand feet of  
13 the real property comprising a public or private  
14 elementary, secondary or vocational school, public or  
15 private community college, college, or university,  
16 public park, public swimming pool, public or private  
17 youth center, or on a marked school bus, may be  
18 sentenced to one hundred hours of community service  
19 work for a public agency or a nonprofit charitable  
20 organization. The court shall provide the offender  
21 with a written statement of the terms and monitoring  
22 provisions of the community service.

23 Sec. 10. Section 124.406, subsection 1, paragraphs  
24 a and b, Code 1993, are amended to read as follows:

25 a. Unlawfully distributes or possesses with intent  
26 to distribute a substance listed in schedule I or II;  
27 which is a narcotic or cocaine, to a person under  
28 eighteen years of age commits a class "B" felony and  
29 shall serve a minimum term of confinement of five  
30 years. However, if the substance was distributed in  
31 or on, or within one thousand feet of, the real  
32 property comprising a public or private elementary or  
33 secondary school, vocational school, public or private

34 community college, college, or university, or in or on  
35 the real property comprising a public park, public  
36 swimming pool, public or private youth center, or on a  
37 marked school bus, the person shall serve a minimum  
38 term of confinement of ten years.

39 b. Unlawfully distributes or possesses with the  
40 intent to distribute a controlled substance other than  
41 a narcotic or cocaine listed in schedule I, H, or III  
42 to a person under eighteen years of age who is at  
43 least three years younger than the violator commits a  
44 class "C" felony.

45 Sec. 11. Section 124.406, subsection 2, paragraphs  
46 a and b, Code 1993, are amended to read as follows:

47 a. Unlawfully distributes or possesses with the  
48 intent to distribute a counterfeit substance listed in  
49 schedule I or II which is a narcotic or cocaine, or a  
50 simulated controlled substance represented to be a

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1 narcotic or cocaine substance classified in schedule I  
2 or II, to a person under eighteen years of age commits  
3 a class "B" felony. However, if the substance was  
4 distributed in or on, or within one thousand feet of,  
5 the real property comprising a public or private  
6 elementary or secondary school, vocational school,  
7 public or private community college, college, or  
8 university, or in or on the real property comprising a  
9 public park, public swimming pool, public or private  
10 youth center, or on a marked school bus, the person  
11 shall serve a minimum term of confinement of ten  
12 years.

13 b. Unlawfully distributes or possesses with intent  
14 to distribute a counterfeit substance other than a  
15 narcotic or cocaine listed in schedule I, H, or III,  
16 or a simulated controlled substance represented to be  
17 any substance listed in schedule I, H, or III, to a  
18 person under eighteen years of age who is at least  
19 three years younger than the violator commits a class  
20 "C" felony.

21 Sec. 12. Section 124.406, Code 1993, is amended by  
22 adding the following new subsection:

23 **NEW SUBSECTION. 4.** It is unlawful for a person  
24 who is eighteen years of age or older to act with,  
25 enter into a common scheme or design with, conspire  
26 with, recruit or use a person under the age of  
27 eighteen for the purpose of delivering or  
28 manufacturing a controlled substance. A person who  
29 violates this subsection with respect to a controlled  
30 substance classified in schedule I, II, III, IV, or V

31 is guilty of a class "B" felony, and shall and must  
32 serve a minimum term of confinement of five years.  
33 The court shall not defer or suspend any portion of  
34 the mandatory minimum term of confinement, and shall  
35 not impose a fine in lieu of the mandatory minimum  
36 term of confinement, although a fine may be imposed in  
37 addition to a term of confinement.

38 Sec. 13. Section 124.415, Code 1993, is amended to  
39 read as follows:

40 124.415 PARENTAL AND SCHOOL NOTIFICATION --PERSONS  
41 UNDER EIGHTEEN YEARS OF AGE.

42 A peace officer shall make a reasonable effort to  
43 identify a person under the age of eighteen discovered  
44 to be in possession of a controlled substance,  
45 counterfeit substance, or simulated controlled  
46 substance in violation of this chapter, and if the  
47 person is not referred to juvenile court the law  
48 enforcement agency of which the peace officer is an  
49 employee shall make a reasonable attempt to notify the  
50 person's custodial parent or legal guardian of such

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1 possession, whether or not the person is arrested,  
2 unless the officer has reasonable grounds to believe  
3 that such notification is not in the best interests of  
4 the person or will endanger that person. If the  
5 person is taken into custody, the peace officer may  
6 make a reasonable effort to identify the elementary or  
7 secondary school the person attends, if any, and to  
8 notify the superintendent of the school district, the  
9 superintendent's designee, or the authorities in  
10 charge of the nonpublic school of the taking into  
11 custody. A juvenile court officer may also notify the  
12 superintendent of the school district, the  
13 superintendent's designee, or the authorities in  
14 charge of the nonpublic school of the taking into  
15 custody. A reasonable attempt to notify the person  
16 includes but is not limited to a telephone call or  
17 notice by first class mail.

18 Sec. 14. Section 232.2, subsection 6, Code  
19 Supplement 1993, is amended by adding the following  
20 new paragraph:

21 NEW PARAGRAPH. p. Who is a truant as defined in  
22 section 299.8. However, this provision shall not  
23 apply to a child attending a nonaccredited nonpublic  
24 school or receiving competent private instruction.

25 Sec. 15. Section 232.2, subsection 12, Code  
26 Supplement 1993, is amended by adding the following  
27 new paragraph:

28 NEW PARAGRAPH. c. The violation of the statutory  
29 compulsory attendance age requirement or the  
30 attendance policy of a public or an accredited  
31 nonpublic school with at least six unexcused absences  
32 during a semester which results in the child being  
33 deemed a truant pursuant to section 299.8. However,  
34 this provision shall not apply to a child attending a  
35 nonaccredited nonpublic school or receiving competent  
36 private instruction.

37 Sec. 16. Section 232.2, subsection 22, Code 1993,  
38 is amended by adding the following new unnumbered  
39 paragraph:

40 NEW UNNUMBERED PARAGRAPH. Unless otherwise  
41 enlarged or circumscribed by a court or juvenile court  
42 having jurisdiction over the child or by operation of  
43 law, the duties of a guardian ad litem with respect to  
44 a child shall include the following:

45 a. Conducting in-person interviews with the child  
46 and each parent, guardian, or other person having  
47 custody of the child.

48 b. Visiting the home, residence, or both home and  
49 residence of the child and any prospective home or  
50 residence of the child.

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1 c. Interviewing any person providing medical,  
2 social, educational, or other services to the child.

3 d. Obtaining first-hand knowledge, if possible, of  
4 the facts, circumstances, and parties involved in the  
5 matter in which the person is appointed guardian ad  
6 litem.

7 e. Attending any hearings in the matter in which  
8 the person is appointed as the guardian ad litem.

9 Sec. 17. Section 232.19, subsection 2, Code 1993,  
10 is amended to read as follows:

11 2. When a child is taken into custody as provided  
12 in subsection 1 the person taking the child into  
13 custody shall notify the child's parent, guardian or  
14 custodian as soon as possible and shall not place  
15 bodily restraints, such as handcuffs, on the child  
16 unless the child physically resists or threatens  
17 physical violence when being taken into custody.

18 However, if the child is thirteen years of age or  
19 older, the person taking the child into custody may  
20 place bodily restraints, such as handcuffs, on the  
21 child, regardless of whether the child physically  
22 resists or threatens physical violence. Unless the  
23 child is placed in shelter care or detention in  
24 accordance with the provisions of section 232.21 or

25 232.22, the child shall be released to the child's  
26 parent, guardian, custodian, responsible adult  
27 relative, or other adult approved by the court upon  
28 the promise of such person to produce the child in  
29 court at such time as the court may direct.

30 Sec. 18. Section 232.19, Code 1993, is amended by  
31 adding the following new subsection:

32 NEW SUBSECTION. 4. Notwithstanding any other  
33 provision of this chapter, a child shall not be placed  
34 in detention, or in a secure facility as part of a  
35 dispositional order under section 232.52 for a  
36 violation by that child of section 299.8.

37 Sec. 19. Section 232.28, subsection 3, Code 1993,  
38 is amended by adding the following new paragraph:

39 NEW PARAGRAPH. f. Notify the superintendent of  
40 the school district or the superintendent's designee,  
41 or the authorities in charge of the nonpublic school  
42 which the child attends of the child being taken into  
43 custody or receiving a citation involving alcohol or  
44 controlled substance possession, as provided in  
45 sections 123.47B and 124.415.

46 Sec. 20. Section 232.29, subsection 2, Code 1993,  
47 is amended to read as follows:

48 2. An informal adjustment agreement may prohibit a  
49 child from driving a motor vehicle for a specified  
50 period of time or under specific circumstances.

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1 require the child to perform a work assignment of  
2 value to the state or to the public, or require the  
3 child to make restitution consisting of a monetary  
4 payment to the victim or a work assignment directly of  
5 value to the victim.

6 Sec. 21. Section 232.42, Code 1993, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 3. Proceedings may be continued  
9 for up to one year upon the request of the county  
10 attorney and the child to permit the making of  
11 probation arrangements prior to the adjudicatory  
12 hearing. If either the child or the county attorney  
13 requests that the adjudicatory hearing be held at any  
14 time during the period of the continuance, the court  
15 shall set the matter for hearing.

16 Sec. 22. Section 232.44, subsection 1, Code 1993,  
17 is amended by adding the following new unnumbered  
18 paragraph:

19 NEW UNNUMBERED PARAGRAPH. If the child is placed  
20 in a detention facility in a county other than the  
21 county in which the child resides or in which the



22 delinquent act allegedly occurred but which is within  
23 the same judicial district, the hearing may take place  
24 in the county in which the detention facility is  
25 located and may take place by telephone conference  
26 call.

27 Sec. 23. Section 232.45A, subsections 2 and 3,  
28 Code 1993, are amended to read as follows:

29 2. Once a child sixteen years of age or older has  
30 been waived to and convicted of a forcible felony or a  
31 ~~felony violation of section 124.401 or chapter 707~~ by  
32 the district court, all criminal proceedings against  
33 the child for any forcible felony or a felony  
34 ~~violation of section 124.401 or chapter 707~~ occurring  
35 subsequent to the date of the conviction of the child  
36 shall begin in district court, notwithstanding  
37 sections 232.8 and 232.45. A copy of the findings  
38 required by section 232.45, subsection 8, shall be  
39 made a part of the record in the district court  
40 proceedings.

41 3. If proceedings against a child for a forcible  
42 ~~felony or a felony violation of section 124.401 or~~  
43 ~~chapter 707~~ who has previously been waived to and  
44 convicted of such an offense by the district court are  
45 mistakenly begun in the juvenile court, the matter  
46 shall be transferred to district court upon the  
47 discovery of the prior waiver and conviction,  
48 notwithstanding sections 232.8 and 232.45.

49 Sec. 24. Section 232.46, subsection 1, Code 1993,  
50 is amended to read as follows:

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1 1. At any time after the filing of a petition and  
2 prior to entry of an order of adjudication pursuant to  
3 section 232.47, the court may suspend the proceedings  
4 on motion of the county attorney or the child's  
5 counsel, enter a consent decree, and continue the case  
6 under terms and conditions established by the court.  
7 These terms and conditions may include prohibiting a  
8 child from driving a motor vehicle for a specified  
9 period of time or under specific circumstances, or the  
10 supervision of the child by a juvenile court officer  
11 or other agency or person designated by the court, and  
12 may include the requirement that the child perform a  
13 work assignment of value to the state or to the public  
14 or make restitution consisting of a monetary payment  
15 to the victim or a work assignment directly of value  
16 to the victim.

17 Sec. 25. Section 232.52, subsection 2, paragraph  
18 a, Code 1993, is amended by adding the following new

19 subparagraph:

20 NEW SUBPARAGRAPH. (4) That the child shall not  
21 operate a motor vehicle for a specified period of time  
22 or under specified condition.

23 Sec. 26. Section 232.52, subsection 2, paragraph  
24 e, Code 1993, is amended by adding the following new  
25 subparagraph:

26 NEW SUBPARAGRAPH. (5) The child has not  
27 successfully completed the alternative short-term  
28 placement program under section 232.191.

29 Sec. 27. Section 232.78, subsection 1, unnumbered  
30 paragraph 1, Code 1993, is amended to read as follows:

31 The juvenile court may enter an ex parte order  
32 directing a peace officer or a juvenile court officer  
33 to take custody of a child before or after the filing  
34 of a petition under this chapter provided all of the  
35 following apply:

36 Sec. 28. Section 232.79, subsection 1, unnumbered  
37 paragraph 1, Code 1993, is amended to read as follows:

38 A peace officer or juvenile court officer may take  
39 a child into custody or a physician treating a child  
40 may keep the child in custody, or a juvenile court  
41 officer may authorize a peace officer, physician, or  
42 medical security personnel to take a child into  
43 custody, without a court order as required under  
44 section 232.78 and without the consent of a parent,  
45 guardian, or custodian provided that both of the  
46 following apply:

47 Sec. 29. Section 232.147, Code Supplement 1993, is  
48 amended by adding the following new subsections:

49 NEW SUBSECTION. 9. A juvenile court officer or  
50 law enforcement agency may disclose the name of the

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1 child and an adjudication of delinquency or citation  
2 involving alcohol or controlled substance possession  
3 to the superintendent of the school district, the  
4 superintendent's designee, or the authorities in  
5 charge of the nonpublic school which the child  
6 attends, as provided in sections 123.47B and 124.415  
7 or past adjudications of delinquency or citations  
8 involving alcohol or controlled substance possession  
9 or indictable offenses committed by the child.

10 NEW SUBSECTION. 10. Notwithstanding any provision  
11 to the contrary, the county attorney may disclose  
12 information which would otherwise be confidential  
13 pursuant to this section to the extent necessary to  
14 initiate or conduct proceedings pertaining to seized  
15 or forfeited property in accordance with chapter 809.

16 Sec. 30. Section 232.148, Code 1993, is amended to  
17 read as follows:

18 232.148 FINGERPRINTS -- PHOTOGRAPHS.

19 1. Except as provided in this section, a child  
20 shall not be fingerprinted or photographed by a  
21 criminal justice agency after the child is taken into  
22 custody.

23 2. Fingerprints and photographs of a child who has  
24 been taken into custody and who is fourteen years of  
25 age or older may be taken and filed by a criminal  
26 justice agency investigating the commission of a  
27 public offense ~~constituting a felony other than a~~  
28 simple misdemeanor. However, fingerprint and  
29 photograph files of a child who enters into an  
30 informal adjustment or consent decree shall be  
31 retained only if the child is notified at the time of  
32 entering into the informal adjustment or consent  
33 decree that the files will be permanently retained by  
34 the criminal justice agency. The criminal justice  
35 agency shall forward the fingerprints to the  
36 department of public safety for inclusion in the  
37 automated fingerprint identification system. However,  
38 unless otherwise authorized pursuant to section  
39 232.45A or 690.4, or as otherwise authorized by law, a  
40 criminal history record shall not be created for  
41 inclusion in an automated system due to the retention  
42 of fingerprints pursuant to this section.

43 3. If a peace officer has reasonable grounds to  
44 believe that latent fingerprints found during the  
45 investigation of the commission of a public offense  
46 are those of a particular child, fingerprints of the  
47 child may be taken for immediate comparison with the  
48 latent fingerprints regardless of the nature of the  
49 offense. If the comparison is negative the  
50 fingerprint card and other copies of the fingerprints

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1 taken shall be immediately destroyed. If the  
2 comparison is positive and the child is referred to  
3 the court, the fingerprint card and other copies of  
4 the fingerprints taken shall be delivered to the court  
5 for disposition division of criminal investigation of  
6 the department of public safety in the manner and on  
7 the forms prescribed by the commissioner of public  
8 safety within two working days after the fingerprints  
9 are taken. If the child is not referred to the court  
10 after notification by the child or the child's  
11 representative that the child has not had a  
12 delinquency petition filed against the child or has

13 not entered into an informal adjustment agreement, the  
14 fingerprint card and copies of the fingerprints shall  
15 be immediately destroyed.

16 4. Fingerprint and photograph files of children  
17 shall be kept separate from those of adults. Copies  
18 of fingerprints and photographs of a child shall not  
19 be placed in any data storage system established and  
20 maintained by the department of public safety pursuant  
21 to chapter 692, or in any federal depository for  
22 fingerprints.

23 5.4. Fingerprint and photograph files of children  
24 may be inspected by peace officers when necessary for  
25 the discharge of their official duties. The juvenile  
26 court may authorize other inspections of such files in  
27 individual cases upon a showing that inspection is  
28 necessary in the public interest.

29 6.5. Fingerprints and photographs of a child shall  
30 be removed from the file and destroyed if upon  
31 notification by the child's guardian ad litem or legal  
32 counsel to the department of public safety that any of  
33 the following situations apply:

34 a. A petition alleging the child to be delinquent  
35 is not filed and the child has not entered into an  
36 informal adjustment, admitting involvement in a  
37 delinquent act alleged in the complaint.

38 b. After a petition is filed, the petition is  
39 dismissed or the proceedings are suspended and the  
40 child has not entered into a consent decree and has  
41 not been adjudicated delinquent on the basis of a  
42 delinquent act other than one alleged in the petition  
43 in question.

44 c. Upon petition by the child when the child  
45 reaches twenty-one years of age and the child has not  
46 been adjudicated a delinquent nor convicted of  
47 committing an aggravated misdemeanor or a felony after  
48 reaching sixteen years of age.

49 Sec. 31. Section 232.150, Code 1993, is amended by  
50 adding the following new subsection:

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1 NEW SUBSECTION. 1A. Upon an application pursuant  
2 to this section by a person whose activities resulted  
3 in the seizure or forfeiture of property pursuant to  
4 chapter 809, the court shall consider whether records  
5 pertaining to the seizure and forfeiture should be  
6 sealed also. The court shall take into account the  
7 interests of the person seeking to have the records  
8 sealed as well as any person claiming an interest in  
9 the property.

10 Sec. 32. NEW SECTION. 232.191 ALTERNATIVE SHORT-  
11 TERM DELINQUENT PLACEMENT PILOT PROGRAM.

12 The department shall establish and implement no  
13 later than January 1, 1995, an alternative short-term  
14 delinquent placement pilot program at an existing  
15 facility for juveniles who have been adjudicated  
16 delinquent to be chosen by the department. The  
17 program shall consist of a resident phase and follow-  
18 up services. The resident phase of the program shall  
19 stress discipline and physical activities. The  
20 department shall develop criteria for the regimen to  
21 be followed and for admission to the resident phase.  
22 The department shall also develop criteria for  
23 providing follow-up services to a child who  
24 successfully completes the resident phase. Follow-up  
25 services shall be community-based and designed to  
26 assist the child to live without supervision after the  
27 provision of follow-up services ends.

28 Sec. 33. NEW SECTION. 232.192 EARLY INTERVENTION  
29 AND FOLLOW-UP PROGRAMS.

30 Contingent on a specific appropriation for these  
31 purposes, the department shall do the following:

32 1. Develop or expand programs providing specific  
33 life skills and interpersonal skills training for  
34 adjudicated delinquent youth who pose a low or  
35 moderate risk to the community.

36 2. Develop or expand a school-based program  
37 addressing truancy and school behavioral problems for  
38 youth ages twelve through seventeen.

39 3. Develop or expand an intensive tracking and  
40 supervision program for adjudicated delinquent youth  
41 at risk for placement who have been released from  
42 resident facilities, which shall include telephonic or  
43 electronic tracking and monitoring and intervention by  
44 juvenile authorities.

45 4. Develop or expand supervised community  
46 treatment for adjudicated delinquent youth who  
47 experience significant problems and who constitute a  
48 moderate community risk.

49 Sec. 34. NEW SECTION. 280.9B VIOLENCE PREVENTION  
50 CURRICULUM.

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1 The department of education shall develop a  
2 statewide violence prevention program based on law-  
3 related education. The department shall contract with  
4 a law-related education agency that serves the state  
5 and provides a comprehensive plan to develop violence  
6 prevention curricula for grades K through twelve,

7 provide training to teachers and school administrators  
8 on violence prevention, and develop school-community  
9 partnerships for violence prevention.

10 Sec. 35. Section 299.8, Code 1993, is amended to  
11 read as follows:

12 299.8 "TRUANT" DEFINED.

13 Any child of compulsory attendance age who fails to  
14 attend school as provided in this chapter, or as  
15 required by the school board's or school governing  
16 body's attendance policy, or who fails to attend  
17 competent private instruction under chapter 299A,  
18 without reasonable excuse for the absence, shall be  
19 deemed to be a truant. ~~A finding that a child is~~  
20 ~~truant; however, shall not by itself mean that the~~  
21 ~~child is a child in need of assistance within the~~  
22 ~~meaning of chapter 232 and shall not be the sole basis~~  
23 ~~for a child in need of assistance petition.~~

24 Sec. 36. NEW SECTION. 321.210B SUSPENSION OF  
25 PERSON'S LICENSE FOR ALCOHOL OFFENSES.

26 The department shall suspend for ninety days for a  
27 first offense, one hundred eighty days for a second  
28 offense, and one year for third and subsequent  
29 offenses the motor vehicle license of a person under  
30 the age of eighteen who is adjudicated delinquent for  
31 a violation of section 123.47 or 321J.2 if not  
32 otherwise revoked under section 321J.4.

33 Sec. 37. NEW SECTION. 321.210C SUSPENSION OF  
34 PERSON'S LICENSE FOR TRUANCY CONSTITUTING A DELINQUENT  
35 ACT.

36 The department shall suspend for ninety days the  
37 motor vehicle license of a juvenile who commits a  
38 delinquent act under section 232.2, subsection 12,  
39 paragraph "c", or postpone the issuance of a license  
40 for ninety days in the case of a juvenile who had not  
41 yet received a license at the time the delinquent act  
42 was committed.

43 Sec. 38. Section 321.216B, Code Supplement 1993,  
44 is amended to read as follows:

45 321.216B USE OF MOTOR VEHICLE LICENSE BY UNDERAGE  
46 PERSON TO OBTAIN ALCOHOL.

47 A person who is under the age of twenty-one, who  
48 alters or displays or has in the person's possession a  
49 fictitious or fraudulently altered motor vehicle  
50 license and who uses the license to violate or attempt

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1 to violate section 123.47 or ~~123.47A~~, commits a simple  
2 misdemeanor. The court shall forward a copy of the  
3 conviction or order of adjudication under section

4 232.47 to the department.

5 Sec. 39. Section 453A.2, Code 1993, is amended to  
6 read as follows:

7 453A.2 PERSONS UNDER LEGAL AGE.

8 1. A person shall not sell, give, or otherwise  
9 supply any tobacco, tobacco products, or cigarettes to  
10 any person under eighteen years of age ~~and a~~.

11 2. A person under eighteen years of age shall not  
12 smoke, use, ~~possess~~, purchase, or attempt to purchase  
13 any tobacco, tobacco products, or cigarettes.

14 3. The Iowa department of public health, a  
15 county health department, a city health department, or  
16 a city may directly enforce this section in district  
17 court and initiate proceedings pursuant to section  
18 453A.22 before a permit-issuing authority against a  
19 permit holder violating this section.

20 4. Payment and distribution of court costs,  
21 fees, and fines in a prosecution initiated by a city  
22 or county shall be made as provided in chapter 602 for  
23 violation of a city or county ordinance.

24 Sec. 40. Section 453A.3, Code 1993, is amended to  
25 read as follows:

26 453A.3 PENALTY.

27 A person who violates section 453A.2, subsection 1  
28 or 453A.39 is guilty of a simple misdemeanor.

29 A person who violates section 453A.2, subsection 2,  
30 shall pay a civil penalty pursuant to section 805.8,

31 subsection 11. Failure to pay the civil penalty  
32 imposed for a violation of section 453A.2, subsection  
33 2, is a simple misdemeanor punishable as a scheduled  
34 violation under section 805.8, subsection 11.

35 Sec. 41. Section 613.16, subsection 2, Code 1993,  
36 is amended to read as follows:

37 2. The legal obligation of the parent or parents  
38 of an unemancipated minor child under the age of  
39 eighteen years to pay damages shall be limited as  
40 follows:

41 a. Not more than ~~one~~ two thousand dollars for any  
42 one act.

43 b. Not more than ~~two~~ five thousand dollars,  
44 payable to the same claimant, for two or more acts.

45 Sec. 42. Section 709A.2, Code 1993, is amended to  
46 read as follows:

47 709A.2 PENALTY -- NOT A BAR.

48 A violation of section 709A.1, subsection 1, is a  
49 simple serious misdemeanor. Any other violation of  
50 section 709A.1 is a simple misdemeanor. A conviction

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1 does not bar a prosecution of the convicted person for  
2 ~~an another~~ indictable offense when the acts which  
3 caused or contributed to the delinquency or dependency  
4 of the child are indictable.

5 Sec. 43. NEW SECTION. 709C.1 SEXUALLY VIOLENT  
6 PREDATOR ACT.

7 This chapter shall be known as the "Sexually  
8 Violent Predator Act".

9 Sec. 44. NEW SECTION. 709C.2 DEFINITIONS.

10 As used in this chapter, unless the context clearly  
11 requires otherwise:

12 1. "Mental abnormality" means a congenital or  
13 acquired condition affecting the emotional or  
14 volitional capacity which predisposes the person to  
15 the commission of criminal sexual acts in a degree  
16 constituting the person a menace to the health and  
17 safety of others.

18 2. "Predatory" means acts directed towards  
19 strangers or individuals with whom a relationship has  
20 been established or promoted for the primary purpose  
21 of victimization.

22 3. "Sexually violent offense" means an act which  
23 is at least one of the following:

24 a. A public offense under section 709.2, 709.3,  
25 709.4, 709.8, 709.11, 709.12, or 709.14.

26 b. Murder in the first degree or second degree  
27 under section 707.2 or 707.3, assault under section  
28 708.1, domestic abuse assault under section 708.2A,  
29 kidnapping in the first degree or in the second degree  
30 under section 710.2 or 710.3, burglary or attempted  
31 burglary in the first degree under section 713.3 or  
32 713.4, which is determined beyond a reasonable doubt  
33 at the time of sentencing or during civil commitment.  
34 proceedings subsequent to the offense to have been  
35 sexually motivated.

36 c. A felony offense under federal law or the law  
37 of another state which is equivalent to one of the  
38 offenses listed in paragraph "a" or "b".

39 d. A violation of chapter 705 or 706 regarding an  
40 offense listed in paragraph "a", "b", or "c".

41 4. "Sexually violent predator" means a person who  
42 has been convicted of or charged with a sexually  
43 violent offense and who suffers from a mental  
44 abnormality or personality disorder which makes the  
45 person likely to engage in predatory acts of sexual  
46 violence.

47 Sec. 45. NEW SECTION. 709C.3 SEXUALLY VIOLENT  
48 PREDATOR PETITION.



49 1. The county attorney or the attorney general at  
50 the request of the county attorney, may file a

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1 petition alleging that a person is a sexually violent  
2 predator. The petition shall state sufficient facts  
3 to support the allegation.

4 2. A petition may be filed in the following  
5 circumstances:

6 a. The person has been convicted of, plead guilty  
7 to, or been adjudicated delinquent for committing a  
8 sexually violent offense.

9 b. The person has been found not guilty of a  
10 sexually violent offense by reason of insanity, or has  
11 been found incompetent to stand trial for allegedly  
12 committing a sexually violent offense.

13 c. The person is within ninety days of release  
14 from a facility to which the person was committed  
15 pursuant to the determination made in either paragraph  
16 "a" or "b".

17 Sec. 46. NEW SECTION. 709C.4 JUDICIAL  
18 DETERMINATION – TRANSFER FOR EVALUATION.

19 Upon the filing of a petition under section 709C.3,  
20 if the court determines that probable cause exists to  
21 believe that the person named in the petition is a  
22 sexually violent predator the court shall transfer a  
23 person to an appropriate facility for evaluation as to  
24 whether the person is a sexually violent predator.  
25 The evaluation shall be conducted by a person deemed  
26 to be professionally qualified to conduct the  
27 examination pursuant to rules adopted by the  
28 department of corrections in consultation with the  
29 department of human services and the criminal and  
30 juvenile justice planning division of the department  
31 of human rights.

32 Sec. 47. NEW SECTION. 709C.5 TRIAL – RIGHTS OF  
33 PARTIES.

34 Not later than forty-five days after the filing of  
35 a petition pursuant to section 709C.3, the court shall  
36 conduct a trial to determine whether the person is a  
37 sexually violent predator. At all stages of the  
38 proceedings under this chapter, any person subject to  
39 this chapter shall be entitled to the assistance of  
40 counsel, and if the person is indigent, the court  
41 shall appoint counsel to assist the person. If a  
42 person is subjected to an examination under this  
43 chapter, the person may retain experts or professional  
44 persons to perform an examination on the person's  
45 behalf. The person may be examined by a qualified

46 expert or professional person of the person's  
47 choosing, and the expert or professional shall have  
48 reasonable access to the person for the purpose of the  
49 examination, as well as to all relevant medical and  
50 psychological records and reports. In the case of a

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1 person who is indigent, the court shall, upon the  
2 person's request, assist the person in obtaining an  
3 expert or professional person to perform an  
4 examination or participate in the trial on the  
5 person's behalf. The person, the county attorney or  
6 the attorney general, or the judge shall have the  
7 right to demand that the trial be before a jury, if  
8 the person is an adult or a juvenile who has been  
9 waived to the district court. If no demand is made,  
10 or if the person is a juvenile who has not been waived  
11 to the district court, the trial shall be to the court  
12 or the juvenile court as applicable.

13 **Sec. 48. NEW SECTION. 709C.6 TRIAL -- DETER-**  
14 **MINATION -- COMMITMENT PROCEDURES.**

15 1. The court or jury shall determine whether,  
16 beyond a reasonable doubt, the person is a sexually  
17 violent predator. If the state alleges that the prior  
18 sexually violent offense that forms the basis for the  
19 petition for commitment was an act that was sexually  
20 motivated, the state shall prove beyond a reasonable  
21 doubt that the alleged sexually violent act was  
22 sexually motivated. If the court or jury determines  
23 that the person is a sexually violent predator, the  
24 person shall be committed to the custody of the  
25 department of human services in a secure facility for  
26 control, care, and treatment until such time as the  
27 person's mental abnormality of personality disorder  
28 has so changed that the person is safe to be at large.  
29 This control, care, and treatment shall be provided at  
30 a facility operated by the department of human  
31 services, however, adults and juveniles shall not be  
32 sent to the same facility. If the court or jury does  
33 not find beyond a reasonable doubt that the person is  
34 a sexually violent predator, the court shall order the  
35 person to be released in accordance with the terms of  
36 the person's sentence.

37 2. If the person charged with a sexually violent  
38 offense has been found incompetent to stand trial, and  
39 is about to or has been released and the person's  
40 commitment is sought pursuant to subsection 1, the  
41 court shall first hear evidence and determine whether  
42 the person did commit the act or acts charged if the

43 court did not enter a finding prior to dismissal due  
44 to incompetence that the person committed the act or  
45 acts charged. The hearing on this issue shall comply  
46 with all the procedures specified in this section. In  
47 addition, the rules of evidence applicable in criminal  
48 cases shall apply, and all constitutional rights  
49 available to defendants at criminal trials, other than  
50 the right not to be tried while incompetent, shall

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1 apply. After hearing evidence on this issue, the  
2 court shall make specific findings on whether the  
3 person did commit the act charged, the extent to which  
4 the person's incompetence or developmental disability  
5 affected the outcome of the hearing, including its  
6 effect on the person's ability to consult with and  
7 assist counsel and to testify on the person's own  
8 behalf, the extent to which the evidence could be  
9 reconstructed without the assistance of the person,  
10 and the strength of the prosecution's case. If, after  
11 the conclusion of the hearing on the issue, the court  
12 finds beyond a reasonable doubt that the person did  
13 commit the act charged, the court shall enter a final  
14 order, appealable by the person, on that issue, and  
15 may proceed to consider whether the person should be  
16 committed pursuant to this section.

17 Sec. 49. NEW SECTION. 709C.7 ANNUAL  
18 EXAMINATIONS.

19 Each person committed under this chapter shall have  
20 a current examination of the person's mental condition  
21 made at least once every year. The person may retain,  
22 or if the person is indigent and so requests, the  
23 court may appoint, a qualified expert or a  
24 professional person to examine the person, and the  
25 expert or professional person shall have access to all  
26 records concerning the person. The periodic report  
27 shall be provided to the court that committed the  
28 person under this chapter.

29 Sec. 50. NEW SECTION. 709C.8 PETITION FOR  
30 RELEASE -- PROCEDURES.

31 1. If the director of the department of human  
32 services determines that the person's mental  
33 abnormality or personality disorder has so changed  
34 that the person is not likely to engage in predatory  
35 acts of sexual violence if released, the director  
36 shall authorize the person to petition the court for  
37 release. The petition shall be served upon the court  
38 and the county attorney. The court, upon receipt of  
39 the petition for release, shall order a hearing on the

40 petition to be held not later than forty-five days  
41 after the date of service of the petition. The county  
42 attorney or the attorney general, if requested by the  
43 county, shall represent the state, and shall have the  
44 right to have the petitioner examined by an expert or  
45 professional person of county attorney's or attorney  
46 general's choice. The hearing shall be before a jury  
47 if demanded by either the petitioner or the state's  
48 counsel. The burden of proof shall be upon the county  
49 attorney or attorney general to show beyond a  
50 reasonable doubt that the petitioner's mental

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1 abnormality or personality disorder remains such that  
2 the petitioner is not safe to be at large and that if  
3 discharged is likely to engage in predatory acts of  
4 sexual violence.

5 2. Nothing contained in this chapter shall  
6 prohibit the person from otherwise petitioning the  
7 court for discharge without the approval of the  
8 director of the department of human services. The  
9 director shall provide the committed person with an  
10 annual written notice of the person's right to  
11 petition the court for release over the director's  
12 objection. The notice shall contain a waiver of  
13 rights. The director shall forward the notice and  
14 waiver form to the court with the annual report. If  
15 the person does not affirmatively waive the right to  
16 petition, the court shall set a show cause hearing to  
17 determine whether facts exist that warrant a hearing  
18 on whether the person's condition has so changed that  
19 the person is safe to be at large. The committed  
20 person shall have a right to have an attorney  
21 represent the person at the show cause hearing but the  
22 person is not entitled to be present at the show cause  
23 hearing. If the court at the show cause hearing  
24 determines that probable cause exists to believe that  
25 the person's mental abnormality or personality  
26 disorder has so changed that the person is safe to be  
27 at large and is not likely to engage in predatory acts  
28 of sexual violence if discharged, the court shall set  
29 a hearing on the issue. At the hearing the committed  
30 person shall be entitled to be present and to the  
31 benefit of all constitutional protections that were  
32 afforded to the person at the initial commitment  
33 proceeding. The county attorney or attorney general  
34 shall represent the state and shall have a right to  
35 request a jury trial and to have the committed person  
36 evaluated by experts chosen by the state. The

37 committed person shall also have the right to have  
 38 experts evaluate the person on the person's behalf and  
 39 the court shall appoint an expert if the person is  
 40 indigent and requests an appointment. The burden of  
 41 proof at the hearing shall be upon the state to prove  
 42 beyond a reasonable doubt that the committed person's  
 43 mental abnormality or personality disorder remains  
 44 such that the person is not safe to be at large and if  
 45 released is likely to engage in predatory acts of  
 46 sexual violence.

47 **Sec. 51. NEW SECTION. 709C.9 SUBSEQUENT**  
 48 **PETITIONS.**

49 Nothing in this chapter shall prohibit a person  
 50 from filing a petition for discharge pursuant to this

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1 chapter. However, if a person has previously filed a  
 2 petition for discharge without the approval of the  
 3 director of the department of human services and the  
 4 court has determined, either upon review of the  
 5 petition or following a hearing, that the petitioner's  
 6 petition was frivolous or that the petitioner's  
 7 condition had not so changed that the petitioner was  
 8 safe to be at large, the court shall deny the  
 9 subsequent petition unless the petition contains facts  
 10 upon which a court could find that the condition of  
 11 the petitioner has so changed that a hearing is  
 12 warranted. Upon receipt of a first or subsequent  
 13 petition from a committed person without the  
 14 director's approval, the court shall review the  
 15 petition and determine if the petition is based upon  
 16 frivolous grounds and if so shall deny the petition  
 17 without a hearing.

18 **Sec. 52. NEW SECTION. 709C.10 RELEASE OF**  
 19 **INFORMATION AUTHORIZED.**

20 Notwithstanding any other provision to the  
 21 contrary, the director of the department of human  
 22 services is authorized to release relevant information  
 23 that is necessary to protect the public, concerning a  
 24 specific sexually violent predator committed under  
 25 this chapter.

26 **Sec. 53. Section 723A.1, subsection 1, Code 1993,**  
 27 **is amended by adding the following new paragraph:**  
 28 **NEW PARAGRAPH. g. An offense constituting a**  
 29 **violation of section 725.2.**

30 **Sec. 54. Section 723A.2, Code 1993, is amended by**  
 31 **adding the following new unnumbered paragraph:**  
 32 **NEW UNNUMBERED PARAGRAPH. Criminal intelligence**  
 33 **data under section 692.1 may include relevant**

34 information pertaining to the person's association or  
35 affiliation with a criminal street gang.

36 Sec. 55. NEW SECTION. 724.4A WEAPONS FREE ZONES  
37 -- ENHANCED PENALTIES.

38 1. As used in this section, "weapons free zone"  
39 means the area in or on, or within one thousand feet  
40 of, the real property comprising a public or private  
41 elementary or secondary school, or in or on the real  
42 property comprising a public park. A weapons free  
43 zone shall not include that portion of a public park  
44 designated as a hunting area under section 461A.42.

45 2. Notwithstanding sections 902.9 and 903.1, a  
46 person who commits a public offense involving a  
47 firearm or offensive weapon, within a weapons free  
48 zone, in violation of this or any other chapter shall  
49 be sentenced as follows:

50 a. If the offense is a class "D" felony, by

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1 imprisonment not to exceed ten years and a fine of not  
2 more than ten thousand dollars.

3 b. If the offense is an aggravated misdemeanor, by  
4 imprisonment not to exceed five years and a fine of  
5 not more than seven thousand five hundred dollars.

6 c. If the offense is a serious misdemeanor, by  
7 imprisonment not to exceed one year and six months or  
8 a fine of not more than five thousand dollars, or  
9 both.

10 d. If the offense is a simple misdemeanor, by  
11 imprisonment not to exceed one year or a fine of not  
12 more than one thousand dollars, or both.

13 Sec. 56. Section 724.22, subsections 1 and 2, Code  
14 1993, are amended to read as follows:

15 1. Except as provided in subsection 3, a person  
16 who sells, loans, gives, or makes available a rifle or  
17 shotgun or ammunition for a rifle or shotgun to a  
18 minor commits a simple serious misdemeanor for a first  
19 offense and a class "D" felony for second and  
20 subsequent offenses.

21 2. Except as provided in subsections 4 and 5, a  
22 person who sells, loans, gives, or makes available a  
23 pistol or revolver or ammunition for a pistol or  
24 revolver to a person below the age of twenty-one  
25 commits a simple serious misdemeanor for a first  
26 offense and a class "D" felony for second and  
27 subsequent offenses.

28 Sec. 57. NEW SECTION. 724.30 RECKLESS USE OF A  
29 FIREARM.

30 A person who intentionally discharges a firearm in

31 a reckless manner commits the following:  
 32 1. A class "C" felony if a serious injury occurs.  
 33 2. A class "D" felony if a bodily injury which is  
 34 not a serious injury occurs.  
 35 3. An aggravated misdemeanor if property damage  
 36 occurs without a serious injury or bodily injury  
 37 occurring.  
 38 4. A simple misdemeanor if no injury to a person  
 39 or damage to property occurs.  
 40 Sec. 58. Section 726.6, subsections 2 and 3, Code  
 41 1993, are amended to read as follows:  
 42 2. a. A person who commits three or more acts of  
 43 child endangerment resulting in serious injury to a  
 44 child or minor is guilty of a class "B" felony.  
 45 b. Except as otherwise provided in paragraph  
 46 "a", a person who commits child endangerment resulting  
 47 in serious injury to a child or minor is guilty of a  
 48 class "C" felony.  
 49 c. A person who commits three or more acts of  
 50 child endangerment not resulting in serious injury to

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1 a child or minor is guilty of a class "C" felony.  
 2 3 d. A Except as otherwise provided in paragraph  
 3 "c", a person who commits child endangerment not  
 4 resulting in serious injury to a child or minor is  
 5 guilty of an aggravated misdemeanor.  
 6 Sec. 59. Section 805.8, subsection 10, Code  
 7 Supplement 1993, is amended to read as follows:  
 8 10. ALCOHOLIC BEVERAGE VIOLATIONS. For violations  
 9 of section ~~123.47A~~ 123.47, which constitute first  
 10 offenses as provided in that section, the scheduled  
 11 fine is fifteen dollars.  
 12 Sec. 60. Section 805.8, subsection 11, Code  
 13 Supplement 1993, is amended to read as follows:  
 14 11. SMOKING VIOLATIONS. For violations of section  
 15 142B.6 or 453A.2, subsection 2, the scheduled fine is  
 16 twenty-five dollars, and is a civil penalty, and the  
 17 criminal penalty surcharge under section 911.2 shall  
 18 not be added to the penalty, and the court costs  
 19 pursuant to section 805.9, subsection 6, shall not be  
 20 imposed. If the civil fine penalty assessed for a  
 21 violation of section 142B.6 is not paid in a timely  
 22 manner, a citation shall be issued for the violation  
 23 in the manner provided in section 804.1. However, a  
 24 person under age eighteen shall not be detained in a  
 25 secure facility for failure to pay the civil penalty.  
 26 The complainant shall not be charged a filing fee.  
 27 For failing to pay the civil penalty under section

28 453A.2, the scheduled fine is twenty-five dollars.

29 Failure to pay the scheduled fine shall not result in

30 the person being detained in a secure facility. The

31 complainant shall not be charged a filing fee.

32 Sec. 61. Section 808A.1, subsection 1, paragraph

33 d, Code 1993, is amended to read as follows:

34 d. A school locker, desk, or other facility or

35 space issued or assigned to, or chosen by, the student

36 for the storage of personal belongings of any kind,

37 which the student locks or is permitted to lock.

38 School officials may conduct periodic inspections of

39 all school lockers, provided the student is present

40 when the student's locker is searched. However, the

41 school district shall provide notice to the students;

42 at least twenty-four hours prior to the inspection, of

43 the date and time of the inspection.

44 Sec. 62. Section 808B.9, Code 1993, is amended to

45 read as follows:

46 808B.9 REPEAL.

47 This chapter is repealed effective July 1, 1994

48 1999.

49 Sec. 63. Section 809.1, Code 1993, is amended to

50 read as follows:

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#### 1 809.1 DEFINITIONS.

2 As used in this chapter, unless the context

3 otherwise requires:

4 1. "Seizable property" means any of the following:

5 a. Property which is relevant in a criminal

6 prosecution or investigation or in delinquency

7 proceedings or investigations of delinquent acts

8 pursuant to chapter 232.

9 b. Property defined by law to be forfeitable

10 property.

11 c. Property which if not seized by the state poses

12 an imminent danger to a person's health, safety, or

13 welfare.

14 2. "Forfeitable property" means any of the

15 following:

16 a. Property which is illegally possessed.

17 b. Property which has been used or is intended to

18 be used to facilitate the commission of a criminal

19 offense or delinquent act or to avoid detection or

20 apprehension of a person committing a criminal offense

21 or delinquent act.

22 c. Property which is acquired as or from the

23 proceeds of a criminal offense or delinquent act.

24 d. Property offered or given to another as an



25 inducement for the commission of a criminal offense or  
26 delinquent act.

27 3. "Seized property" means property taken or held  
28 by any law enforcement agency without the consent of  
29 the person, if any, who had possession or a right to  
30 possession of the property at the time it was taken  
31 into custody. Seized property does not include  
32 property taken into custody solely for safekeeping  
33 purposes or property taken into custody with the  
34 consent of the owner or the person who had possession  
35 at the time of the taking. If consent to the taking  
36 of property was given by the person in possession of  
37 the property and later withdrawn or found to be  
38 insufficient, the property shall then be returned or  
39 the property shall be deemed seized as of the time of  
40 the demand and refusal.

41 4. The definitions contained in subsections 1  
42 through 3 shall not apply to violations of chapter 321  
43 or 321J, or to delinquent acts arising solely as a  
44 result of a violation of chapter 321J.

45 Sec. 64. Section 809.5, subsection 1, Code 1993,  
46 is amended to read as follows:

47 1. Seized property which is no longer required as  
48 evidence or for use in an investigation may be  
49 returned to the owner without the requirement of a  
50 hearing, provided that the person's possession of the

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1 property is not prohibited by law and there is no  
2 forfeiture claim filed on behalf of the state. The  
3 seizing agency or, prosecuting attorney, or county  
4 attorney filing a delinquency petition shall send  
5 notice by regular mail, if the value of the property  
6 is less than fifty dollars, or certified mail, if the  
7 value of the property is equal to or greater than  
8 fifty dollars, to the last known address of any person  
9 having an ownership or possessory right in the  
10 property stating that the property is released and  
11 must be claimed within thirty days. Such notice shall  
12 state that if no written claim for the property is  
13 made upon the seizing agency within thirty days after  
14 the mailing of notice, the property shall be deemed  
15 abandoned and disposed of accordingly. In the event  
16 that there is more than one party who may assert a  
17 right to possession or ownership of the property, the  
18 seizing agency shall not release the property to any  
19 party until the expiration of the date for filing  
20 claims unless all other claimants execute a written  
21 waiver. In the event that there is more than one

22 claim filed for the return of property under this  
23 section, at the expiration of the period for filing  
24 claims the seizing agency or, prosecuting attorney, or  
25 county attorney filing a delinquency petition shall  
26 file a copy of all such claims with the clerk of court  
27 and the clerk shall proceed as if such claims were  
28 filed by the parties under section 809.3. In the  
29 event that no owner can be located or no claim is  
30 filed under this section, the property shall be deemed  
31 abandoned and the seizing agency shall become the  
32 owner of such property and may dispose of it in any  
33 reasonable manner.

34 Sec. 65. Section 809.5, subsection 2, paragraph c,  
35 Code 1993, is amended to read as follows:

36 c. The state has demonstrated that the evidence is  
37 needed in a criminal investigation or prosecution or  
38 in delinquency proceedings or investigations of  
39 delinquent acts pursuant to chapter 232.

40 Sec. 66. Section 809.5, subsection 3, Code 1993,  
41 is amended to read as follows:

42 3. The court shall, subject to any unresolved  
43 forfeiture hearing, make orders appropriate to the  
44 final disposition of the property including, but not  
45 limited to, the destruction of contraband once it is  
46 no longer needed in an investigation or prosecution,  
47 or pursuant to delinquency proceedings under chapter  
48 232.

49 Sec. 67. Section 809.7, unnumbered paragraph 2,  
50 Code 1993, is amended to read as follows:

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1 Property which has been seized for forfeiture, and  
2 is not already secured as evidence in a criminal case  
3 or delinquency proceedings pursuant to chapter 232,  
4 shall be safely secured or stored by the agency which  
5 caused its seizure unless directed otherwise by the  
6 attorney general.

7 Sec. 68. Section 809.11, subsection 1, Code 1993,  
8 is amended to read as follows:

9 1. Forfeiture is a civil proceeding. At the  
10 hearing the burden is on the state to prove by a  
11 preponderance of the evidence that the property is  
12 forfeitable. However, forfeiture is not dependent  
13 upon a prosecution for, or conviction of, a criminal  
14 offense, or the filing of a delinquency complaint or  
15 petition or adjudication of delinquency pursuant to  
16 chapter 232, and forfeiture proceedings are separate  
17 and distinct from any related criminal or juvenile  
18 court action.

19 Sec. 69. Section 809.12, subsection 2, Code 1993,  
20 is amended to read as follows:

21 2. If property forfeitable under this chapter is  
22 needed as evidence in a criminal or delinquency  
23 proceeding, it shall be retained under the control of  
24 the prosecuting attorney, or the prosecuting  
25 attorney's designee, or the county attorney filing a  
26 delinquency petition or the county attorney's  
27 designee, until such time as its use as evidence is no  
28 longer required.

29 Sec. 70. Section 809.13, subsection 2, Code 1993,  
30 is amended to read as follows:

31 2. Forfeited property not needed as evidence in a  
32 criminal case or delinquency proceeding shall be  
33 delivered to the department of justice, or, upon  
34 written authorization of the attorney general or the  
35 attorney general's designee, the property may be  
36 destroyed, sold, or delivered to an appropriate agency  
37 for disposal in accordance with this section.

38 Sec. 71. Section 809.13, subsection 4, Code 1993,  
39 is amended to read as follows:

40 4. Forfeited property which is not used by the  
41 department of justice in the enforcement of the law  
42 may be requisitioned by the department of public  
43 safety or any law enforcement agency within the state  
44 for use in enforcing the criminal laws of this state  
45 and the delinquency provisions of chapter 232.  
46 Forfeited property not requisitioned may be delivered  
47 to the director of the department of general services  
48 to be disposed of in the same manner as property  
49 received pursuant to section 18.15.

50 Sec. 72. Section 809.14, subsection 1, Code 1993,

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1 is amended to read as follows:

2 1. Property shall not be forfeited under this  
3 chapter to the extent of the interest of an owner,  
4 other than a joint tenant, who had no part in the  
5 commission of the crime or delinquent act and who had  
6 no knowledge of the criminal or delinquent use or  
7 intended use of the property. However, if it is  
8 established by a preponderance of the evidence that  
9 the owner permitted the use of the property under  
10 circumstances in which the owner knew or should have  
11 known that the property was being used for a criminal  
12 purpose, there is a rebuttable presumption that the  
13 owner knew that the property was intended to be used  
14 in the commission of a crime.

15 Sec. 73. Section 809.14, subsection 4, Code 1993,

16 is amended to read as follows:

17 4. This section does not preclude a civil suit by  
18 an owner of an interest in forfeited property against  
19 the party who, by criminal or delinquent use, caused  
20 the property to become forfeited to the state.

21 Sec. 74. Section 907.3, subsection 2, Code  
22 Supplement 1993, is amended to read as follows:

23 2. At the time of or after pronouncing judgment  
24 and with the consent of the defendant, the court may  
25 defer the sentence and assign the defendant to the  
26 judicial district department of correctional services.  
27 However, the court shall not defer the sentence for a  
28 violation of section 708.2A if the defendant has  
29 previously received a deferred judgment or sentence  
30 for a violation of section 708.2 or 708.2A which was  
31 issued on a domestic abuse assault, or if similar  
32 relief was granted anywhere in the United States  
33 concerning that jurisdiction's statutes which  
34 substantially correspond to domestic abuse assault as  
35 provided in section 708.2A, and the court shall not  
36 defer a sentence for a violation of section 124.406,  
37 subsection 4. In addition, the court shall not defer  
38 a sentence if it is imposed for contempt pursuant to  
39 section 236.8 or 236.14. Upon a showing that the  
40 defendant is not fulfilling the conditions of  
41 probation, the court may revoke probation and impose  
42 any sentence authorized by law. Before taking such  
43 action, the court shall give the defendant an  
44 opportunity to be heard on any matter relevant to the  
45 proposed action. Upon violation of the conditions of  
46 probation, the court may proceed as provided in  
47 chapter 908.

48 Sec. 75. Section 907.3, subsection 3, Code  
49 Supplement 1993, is amended to read as follows:

50 3. By record entry at the time of or after

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1 sentencing, the court may suspend the sentence and  
2 place the defendant on probation upon such terms and  
3 conditions as it may require including commitment to  
4 an alternate jail facility or a community correctional  
5 residential treatment facility for a specific number  
6 of days to be followed by a term of probation as  
7 specified in section 907.7. A person so committed who  
8 has probation revoked shall be given credit for such  
9 time served. However, the court shall not suspend the  
10 minimum term of two days imposed pursuant to section  
11 708.2A, and the court shall not suspend a sentence  
12 imposed pursuant to section 236.8 or 236.14 for

13 contempt or the minimum term of five years imposed by  
14 section 124.406, subsection 4.

15 Sec. 76. Section 123.47A, Code 1993, is repealed.

16 Sec. 77. APPROPRIATION – TRANSFER. For the  
17 fiscal year beginning July 1, 1994, and ending June  
18 30, 1995, \$362,500 shall be appropriated from the  
19 general fund to the governor's alliance on substance  
20 abuse to provide one-time grants to community-based  
21 correctional programs for replication of the youthful  
22 offender program established in Polk county. The  
23 governor's alliance on substance abuse may provide a  
24 one-time grant of up to \$100,000 to each eligible  
25 community-based correctional program, which applies  
26 for a grant for a proposal for replication of the  
27 youthful offender program to the governor's alliance  
28 on substance abuse by September 1, 1994. The  
29 governor's alliance on substance abuse shall submit a  
30 report to the general assembly regarding the  
31 distribution of these funds by January 15, 1995.

32 Sec. 78. APPROPRIATION – TRUANCY AND SCHOOL  
33 BEHAVIORAL PROBLEMS. There is appropriated from the  
34 general fund of the state to the department of human  
35 services for the fiscal year beginning July 1, 1994,  
36 and ending June 30, 1995, the following amount, or so  
37 much thereof as is necessary, to be used for the  
38 purpose designated:

39 For school-based programs addressing truancy and  
40 school behavioral problems pursuant to section  
41 232.192, subsection 2, as enacted in this Act:

42 ..... \$ 200,000

43 Sec. 79. APPROPRIATION – VIOLENCE PREVENTION  
44 CURRICULUM. There is appropriated from the general  
45 fund of the state to the department of education for  
46 the fiscal year beginning July 1, 1994, and ending  
47 June 30, 1995, the following amount, or so much  
48 thereof as is necessary, to be used for the following  
49 purpose:

50 For implementation of a statewide violence

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1 prevention program pursuant to section 280.9B, as  
2 enacted in this Act:

3 ..... \$ 75,000

4 Sec. 80. APPROPRIATION – ASSOCIATE JUVENILE  
5 JUDGE. There is appropriated from the general fund of  
6 the state to the judicial department for the fiscal  
7 year beginning July 1, 1994, and ending June 30, 1995,  
8 the following amount, or so much thereof as is  
9 necessary, to be used for the purpose designated:

10 For an additional associate juvenile judge for a  
 11 judicial district located in a county with a  
 12 population over two hundred twenty-five thousand,  
 13 including salaries, support, maintenance,  
 14 miscellaneous purposes, and for not more than the  
 15 following full-time equivalent positions:

16 .....	\$	140,000
17 .....	FTEs	2.75"

18 Sec. 81. Section 62 of this Act takes effect  
 19 June 30, 1994.

20 2. Title page, by striking line 1, through Title  
 21 page 2, line 19 and inserting the following: "An Act  
 22 relating to juvenile justice by establishing or  
 23 enhancing penalties for delinquent acts which may be  
 24 committed by juveniles, establishing or enhancing  
 25 penalties for public offenses relating to juvenile  
 26 justice, authorizing searches of student lockers in a  
 27 school without advance notice, delaying the repeal of  
 28 the interception of communications law, providing for  
 29 the commitment of persons determined to be sexually  
 30 violent predators, and making related appropriations  
 31 and providing an effective date."

S-5610

1 Amend the amendment, S-5596, to House File 2337, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

- 4 1. Page 8, line 37, by striking the word "ten"
- 5 and inserting the following: "~~ten~~ fifteen".
- 6 2. Page 19, line 5, by striking the word "ten"
- 7 and inserting the following: "fifteen".
- 8 3. Page 19, line 47, by striking the word "ten"
- 9 and inserting the following: "fifteen".
- 10 4. Page 20, line 24, by striking the word "ten"
- 11 and inserting the following: "fifteen".
- 12 5. Page 21, line 9, by striking the word "ten"
- 13 and inserting the following: "fifteen".
- 14 6. Page 22, line 32, by striking the word "ten"
- 15 and inserting the following: "fifteen".

MERLIN E. BARTZ

S-5611

1 Amend the amendment, S-5585, to House File 2350, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

- 4 1. Page 8, by inserting after line 23 the fol-
- 5 lowing:

6 "6. a. The general assembly declares that the  
7 lease of a medium security correctional facility with  
8 750 beds, to be built on state-owned, unimproved real  
9 property located near the state mental health  
10 institute at Clarinda, serves the public purpose and  
11 is an essential governmental function which will  
12 promote the general welfare of the citizens of the  
13 state of Iowa.

14 b. Notwithstanding any other provision of law to  
15 the contrary or any provision providing for an  
16 alternative or independent method of establishing a  
17 correctional facility, the department of corrections  
18 may establish a correctional facility pursuant to this  
19 subsection. The department of human services may  
20 lease unimproved real property located near the state  
21 mental health institute at Clarinda to a person or  
22 entity that is leasing the property for the purpose of  
23 constructing a 750-bed, medium security correctional  
24 facility. The department of corrections may enter  
25 into a lease or lease-purchase agreement, to lease the  
26 newly constructed correctional facility from the  
27 person or entity leasing the real property from the  
28 department of human services. Notwithstanding any  
29 other provision of law to the contrary, a party to a  
30 lease or lease-purchase agreement entered into  
31 pursuant to this subsection shall not be required to  
32 publish any notice or proceed with any other or  
33 further proceedings with respect to the lease or  
34 lease-purchase agreement, except as otherwise provided  
35 in this subsection. Any lease entered into in  
36 accordance with this subsection shall specify the  
37 duration of the lease and any possible extensions, as  
38 well as whether a purchase option is included. The  
39 department of corrections may enter into a lease  
40 agreement pursuant to this subsection for an original  
41 term of one year, or for an original term of a  
42 different duration. However, if the original term is  
43 for one year, the lease agreement shall provide  
44 automatic one-year extensions of the term, and such  
45 automatic extensions shall occur unless legislation is  
46 enacted prior to the expiration of the original term  
47 or the applicable extension which directs the  
48 department of corrections to terminate the lease."  
49 2. Page 21, line 4, by inserting after the word  
50 "services" the following: ", the project specified in

Page 2

1 section 4, subsection 6, of this Act, pertaining to a  
2 medium-security facility with 750 beds to be built on

3 state-owned, unimproved real property located near the  
4 state mental health institute at Clarinda.”

5 3. Page 21, by inserting after line 46 the fol-  
6 lowing:

7 “\_\_\_ . This section shall not prohibit the  
8 financing method specified in section 4, subsection 6,  
9 of this Act.”

10 4. By renumbering and correcting internal  
11 references as necessary.

LEONARD L. BOSWELL  
TOM VILSACK  
PATTY JUDGE  
TONY BISIGNANO

HOUSE AMENDMENT TO  
SENATE FILE 2206

S-5612

1 Amend Senate File 2206, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 27, by inserting after the word  
4 “deer.” the following: “However, a nonresident  
5 applicant may request one or more hunting zones, in  
6 order of preference, in which the applicant wishes to  
7 hunt. If the request cannot be fulfilled, the  
8 applicable fees shall be returned to the applicant.”

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 181

S-5613

-1 Amend the Senate amendment, H-5746, to House File  
2 181, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by striking lines 29 through 33.  
5 2. Page 1, by striking lines 41 through 48.  
6 3. Page 2, line 3, by striking the word and  
7 figures “July 1, 1996” and inserting the following:  
8 “May 1, 1995”.  
9 4. By renumbering as necessary.

S-5614

1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:



4 1. Page 8, by inserting after line 23 the  
5 following:

6 " \_\_\_\_ . In accordance with the financing methods  
7 specified in the plan for financing of additional  
8 correctional beds at correctional facilities and  
9 community-based correctional facilities provided in  
10 this Act, the department of corrections shall  
11 construct 500 additional medium security beds for men  
12 at the Clarinda correctional facility."

13 2. Page 20, by inserting after line 45 the  
14 following:

15 "Sec. \_\_\_\_ . MODIFICATIONS TO DEPARTMENT OF  
16 CORRECTIONS FIVE-YEAR PLAN -- NONBINDING REFERENDUM  
17 SUBMITTED TO VOTERS.

18 1. The department of corrections shall modify its  
19 five-year plan issued on March 4, 1994, to include the  
20 costs of establishing minimum staffing levels at  
21 community-based corrections residential facilities, as  
22 well as to require that a minimum of 70 percent of all  
23 residents of community-based corrections residential  
24 facilities receive substance abuse treatment. Upon  
25 making the modifications to the five-year plan, the  
26 department of corrections shall certify to the state  
27 commissioner of elections the costs of the modified  
28 five-year plan, and the amount certified to the state  
29 commissioner of elections shall be included on the  
30 ballot for the nonbinding referendum required by this  
31 section.

32 2. Notwithstanding any provision of law to the  
33 contrary, the state commissioner of elections shall  
34 cause the following nonbinding public question to be  
35 submitted to the voters at the regular school election  
36 to be held in 1994 as specified in section 277.1,  
37 following publication of the question in the manner  
38 provided in section 49.53:

39 "Should the State of Iowa, through the future  
40 enactment of legislation by the General Assembly, levy  
41 an income surtax in the amount of (here insert amount  
42 certified by the department of corrections pursuant to  
43 subsection 1) to fund the expansion of the Iowa  
44 corrections system to build prisons and other  
45 correctional facilities? (This referendum is not  
46 binding and would require the enactment of legislation  
47 prior to implementation.)

48 Yes \_\_\_\_

49 No \_\_\_\_"

50 3. The referendum required by this section is not

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1 binding, and the public question included on the  
2 ballot pursuant to subsection 2 does not require the  
3 state to incur a public debt upon an affirmative vote  
4 of the majority of voters. The income surtax  
5 specified in subsection 2 shall not be imposed and the  
6 expansion of the Iowa corrections system referred to  
7 in subsection 2 shall not occur unless further action  
8 is taken through the enactment of legislation by a  
9 subsequent general assembly.”  
10 3. By renumbering and correcting internal  
11 references as necessary.

LARRY MURPHY

## S-5615

1 Amend the amendment, S-5596, to House File 2337, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 4, line 33, by striking the words “or  
5 technical”.  
6 2. Page 13, by striking lines 17 through 32.

PATTY JUDGE

## S-5616

1 Amend the amendment, S-5233, to House File 542, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. By striking page 1, line 5 through page 2,  
5 line 32 and inserting the following:  
6 “\_\_\_ . By striking page 2, line 33 through page 5,  
7 line 34 and inserting the following:  
8 “Sec. \_\_\_ : Section 135.104, subsection 3, Code  
9 1993, is amended to read as follows:  
10 3. A screening program for children, with emphasis  
11 on children less than five six years of age.  
12 Sec. \_\_\_ . Section 135.105, Code 1993, is amended  
13 by adding the following new subsection:  
14 NEW SUBSECTION. 3. Develop rules by January 1,  
15 1995, to provide for lead hazard inspections and a  
16 requirement of mitigation of lead hazards in the case  
17 of a lead-poisoned child. The department shall  
18 consult with federal, state, and local governments and  
19 agencies in developing the rules. The rules shall be  
20 consistent with the recommendations of the centers for  
21 disease control of the United States department of

22 health and human services. The measures shall only be  
23 effective following action by the general assembly as  
24 provided in section 135.105D.

25 Sec. \_\_\_\_ . NEW SECTION. 135.105A LEAD INSPECTOR  
26 AND LEAD ABATEMENT CONTRACTOR TRAINING AND  
27 CERTIFICATION ESTABLISHED.

28 The department shall establish a program for the  
29 training and certification of lead inspectors and lead  
30 abatement contractors. The department shall consult  
31 with federal, state, and local governments and  
32 agencies in developing the training and certification  
33 program. The department shall maintain a listing,  
34 available to the public and to local health depart-  
35 ments, of lead inspectors and lead abatement  
36 contractors who have successfully completed the  
37 training program and have been certified by the  
38 department. The department shall develop rules by  
39 January 1, 1995, regarding training, certification,  
40 suspension, and revocation requirements and establish  
41 fees in amounts sufficient to defray the costs of the  
42 training and certification program. The rules shall  
43 also prohibit a certified lead inspector from also  
44 obtaining certification as a lead abatement  
45 contractor. The programs shall be implemented no  
46 earlier than July 1, 1995, and only following action  
47 by the general assembly as provide in section  
48 135.105D.

49 Sec. \_\_\_\_ . NEW SECTION. 135.105B DEVELOPMENT OF  
50 STANDARDS FOR LEAD INSPECTION AND ABATEMENT.

Page 2

1 1. The department shall develop standards by  
2 January 1, 1995, regarding inspection for lead-based  
3 paint and lead hazards and for abatement of lead  
4 hazards, including lead-based paint and lead hazards  
5 found in privately owned homes and rental property.  
6 The standards shall include but not be limited to the  
7 defining of "interim control", "lead abatement", "lead  
8 abatement contractor", "lead hazard", "lead  
9 inspector", "lead-based paint", and "lead-poisoned  
10 child". The department shall consult with federal,  
11 state, and local governments and agencies in  
12 developing the standards.

13 2. The methods developed for lead inspections and  
14 abatement shall include, but are not limited to, the  
15 following:

16 a. That lead inspections performed are adequate to  
17 detect the presence of lead-based paint and lead  
18 hazards. The methods shall provide for the use of

19 laboratories, if necessary, approved by the  
20 department, in connection with any lead inspection  
21 which relies on the use of a laboratory to detect the  
22 presence of lead in samples of substances from  
23 premises.

24 b. Techniques approved by the department to abate  
25 lead hazards, taking into account reliability,  
26 effectiveness, and affordability. The standards shall  
27 include provisions for the protection of personal  
28 health and safety, hazard awareness, proper cleanup  
29 procedures, and other measures necessary to protect  
30 residents and workers.

31 3. Procedures for follow-up inspections and  
32 recordkeeping to ensure that abatement is completed.

33 Sec. \_\_\_\_ . NEW SECTION. 135.105C REQUIREMENTS --  
34 PROVISIONS -- PENALTY.

35 1. Beginning July 1, 1995, a person shall not do  
36 either of the following:

37 a. Train lead inspectors or lead abatement  
38 contractors unless the person is trained and certified  
39 in accordance with the rules established for training  
40 and certification by the department and unless the  
41 training program has been approved by the department.

42 b. Perform lead abatement work for compensation  
43 unless the person is certified as a lead abatement  
44 contractor, and a person shall not perform lead  
45 inspections for compensation unless the person is  
46 certified as a lead inspector. Certification is not  
47 required for persons who perform lead abatement work  
48 or lead inspections without compensation.

49 2. Beginning July 1, 1995, a person who violates  
50 this section is subject to a civil penalty not to

Page 3

1 exceed five thousand dollars.

2 Sec. \_\_\_\_ . NEW SECTION. 135.105D CONTINGENCY --  
3 ACTION BY GENERAL ASSEMBLY.

4 The rules developed pursuant to section 135.105,  
5 subsection 3, regarding lead-poisoned children, the  
6 program and rules developed pursuant to section  
7 135.105A regarding inspector and lead abatement  
8 contractor training and certification, and the  
9 standards and definitions developed pursuant to  
10 section 135.105B shall be submitted by the department  
11 to the Seventy-sixth General Assembly, 1995 Session,  
12 for action by the general assembly. The standards,  
13 rules, and definitions submitted shall only become

- 14 effective following action by the general assembly,  
15 and no earlier than July 1, 1995.””  
16 2. By renumbering as necessary.

JEAN LLOYD-JONES  
JIM KERSTEN

S-5617

- 1 Amend the amendment, S-5596, to House File 2337, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 4, by inserting after line 45 the  
5 following:  
6 “    . The degree to which the facility produces a  
7 coproduct which is marketed in the same locality as  
8 the facility.”  
9 2. Page 5, line 47, by inserting after the word  
10 “operations.” the following: “The highest priority  
11 shall be provided to a renewable fuel production  
12 facility which produces coproducts which are used to  
13 produce livestock raised in the same locality as the  
14 production facility.”  
15 3. Page 5, line 48, by striking the words “a  
16 high” and inserting the following: “the highest”.  
17 4. By relettering as necessary.

BERL E. PRIEBE

S-5618

- 1 Amend the amendment, S-5596, to House File 2337, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 6, by striking lines 18 through 20 and  
5 inserting the following: “production operations. The  
6 agricultural””.

BERL E. PRIEBE

S-5619

- 1 Amend the amendment, S-5596, to House File 2337, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 5, line 42, by striking the word “ninety-  
5 nine” and inserting the following: “ninety”.  
6 2. Page 5, line 43, by inserting after the word  
7 “denatured.” the following: “However, if the facility  
8 markets the ethanol for further refining, the facility

9 must demonstrate that the refiner will produce one  
10 hundred ninety proof ethanol from the ethanol  
11 purchased from the facility."

BERL E. PRIEBE

S-5620

1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 8, by inserting after line 23 the  
5 following:  
6 "\_\_\_ . In accordance with the financing methods  
7 specified in the plan for financing of additional  
8 correctional beds at correctional facilities and  
9 community-based correctional facilities provided in  
10 this Act, the department of corrections shall  
11 construct a 750-bed, medium security correctional  
12 facility for men, to be located at or near the  
13 Clarinda correctional facility."  
14 2. By renumbering as necessary.

LEONARD L. BOSWELL  
PATTY JUDGE  
TONY BISIGNANO  
TOM VILSACK  
JOE J. WELSH

S-5621

1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 23, by inserting after line 37 the  
5 following:  
6 "\_\_\_ . Notwithstanding any other provision of law  
7 to the contrary, competitive bidding shall not be  
8 required for the construction of facilities financed  
9 by bonds issued pursuant to this section."  
10 2. Page 23, line 47, by inserting after the word  
11 "cases" the following: ", including those collected  
12 for both scheduled and nonscheduled violations,".  
13 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5622

- 1 Amend the amendment, S-5596, to House File 2337, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 3, line 24, by striking the figure  
5 "twenty-five" and inserting the following: "fifty".

BERL E. PRIEBE

S-5623

- 1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 21, by inserting after line 46 the  
5 following:  
6 "3. If a provision of this Act provides for the  
7 construction or lease of additional correctional beds  
8 located at or near the Clarinda correctional facility  
9 or the state mental health institute at Clarinda, with  
10 financing provided as specified in subsection 2,  
11 paragraph "a" or "b" of this section, the treasurer of  
12 state and the auditor of state, in cooperation and  
13 consultation with each other, shall review the  
14 development costs incurred by Clarinda Heartland,  
15 Inc., and determine which development costs are  
16 necessary and appropriate. Those development costs  
17 approved by the treasurer of state and the auditor of  
18 state shall be paid through the financing method  
19 authorized pursuant to subsection 2, paragraph "a" or  
20 "b" of this section. However, costs associated with  
21 lobbying on behalf of Clarinda Heartland, Inc. shall  
22 not be authorized for payment through the financing  
23 method authorized pursuant to subsection 2, paragraph  
24 "a" or "b" of this section."  
25 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2383

S-5624

- 1 Amend the Senate amendment, H-6096, to House File  
2 2383, as amended, passed, and reprinted by the House  
3 as follows:  
4 1. Page 1, by striking line 38 and inserting the

5 following:

6 "\_\_\_\_. Page 7, lines 25 and 26, by striking the  
7 words "or as a result of an employee's action under".

S-5625

1 Amend the amendment, S-5596, to House File 2337, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 7, by striking lines 29 through 37 and  
5 inserting the following: "account fund. There is  
6 appropriated to the fund three million six hundred  
7 fifty thousand dollars from the general fund of the  
8 state for each fiscal year beginning July 1, 1993, and  
9 ending June 30, 2000. Not more than forty thousand  
10 dollars each fiscal year shall be used by the depart-  
11 ment for administration of the value-added  
12 agricultural products and processes financial  
13 assistance program, as provided in section 15E.111.  
14 Except as otherwise".

15 2. Page 8, by striking lines 14 through 21 and  
16 inserting the following: "unobligated moneys in the  
17 fund derived from the standing appropriation made  
18 pursuant to this section, which are in excess of three  
19 million six hundred fifty thousand dollars of  
20 unencumbered or unobligated moneys in the fund  
21 deposited from the appropriation made pursuant to this  
22 section, and which are remaining on June 30 of each  
23 fiscal year, shall be credited on August 31 to the  
24 general fund."

25 3. Page 17, by striking lines 9 through 21 and  
26 inserting the following:

27 "3. Moneys shall be deposited in the ethanol  
28 production incentive account as provided in section  
29 423.24. One percent of the moneys deposited in the  
30 account during each quarter shall be allocated to the  
31 department for administration of the office. Remaining  
32 moneys shall be allocated to provide financial  
33 incentives to support the increased production of  
34 ethanol derived from an organic compound, including a  
35 photosynthate, as provided in section 159A.8. There  
36 is appropriated to the fund three hundred fifty  
37 thousand dollars from the general fund of the state  
38 for each fiscal year beginning July 1, 1993, and  
39 ending June 30, 2000. Not more than sixty thousand  
40 dollars shall be used by the department for  
41 administration of the office."

42 4. By striking page 17, line 47, through page 18,  
43 line 4, and inserting the following: "unobligated  
44 moneys in the fund derived from the standing



45 appropriation made pursuant to this section, which are  
46 in excess of three hundred fifty thousand dollars of  
47 unencumbered or unobligated moneys in the fund  
48 deposited from the appropriation made pursuant to this  
49 section, and which are remaining on June 30 of each  
50 fiscal year, shall be credited on August 31 to the

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1 general fund."

2 5. By striking page 21, line 33, through page 22,  
3 line 8, and inserting the following: "b, Code  
4 Supplement 1993, is amended by striking the  
5 paragraph."

6 6. Page 23, by striking lines 22 through 31 and  
7 inserting the following:

8 "2. For the period beginning on July 1, 1993, and  
9 ending July 1, 1994, there is allocated to the office  
10 of renewable fuels and coproducts \$100,000 from the  
11 amount otherwise appropriated to the value-added  
12 agricultural products and processes financial  
13 assistance fund pursuant to this Act, for purposes  
14 of".

15 7. Page 24, by striking lines 32 through 35 and  
16 inserting the following: "and coproducts fund, not  
17 more than one hundred thousand dollars to Iowa state".

18 8. Page 25, by striking lines 45 through 48 and  
19 inserting the following: "processes financial  
20 assistance fund an amount of fifty thousand dollars to  
21 be used for".

22 9. Page 26, by striking line 41 and inserting the  
23 following: "pursuant to this Act."

24 10. Page 26, by striking lines 48 and 49 and  
25 inserting the following: "that fund pursuant to this  
26 Act."

27 11. Page 27, by striking lines 2 and 3.

28 12. Page 27, by striking line 7 and inserting the  
29 following: "fund, pursuant to the standing  
30 appropriation provided in this".

31 13. Page 27, by striking line 16 and inserting  
32 the following: "fund, as provided in this".

33 14. Page 27, by striking line 21 and inserting  
34 the following: "deposited pursuant to this Act, which  
35 are in".

36 15. Page 27, line 24, by striking the words "that  
37 section," and inserting the following: "this Act".

38 16. Page 27, by striking line 30 and inserting  
39 the following: "moneys deposited pursuant to this  
40 Act, which are".

41 17. Page 27, line 33, by striking the words "that

42 section," and inserting the following: "this Act."  
 43 18. Page 27, by striking lines 39 through 41 and  
 44 inserting the following: "this Act wherever  
 45 references to the standing appropriations appear in  
 46 those provisions."

DERRYL McLAREN

S-5626

1 Amend Senate File 2326 as follows:  
 2 1. Page 2, line 30, by inserting after the word  
 3 "fund." the following: "Lease-purchase contracts  
 4 entered into pursuant to subsection 2 may provide for  
 5 the pledge of moneys in the capitol complex renovation  
 6 fund and these moneys, as received and deposited, are  
 7 immediately subject to the lien and pledge for  
 8 payments under the lease-purchase contracts without  
 9 further acts, and the pledge is effective, and these  
 10 moneys may be applied to the purposes of the pledge  
 11 without the necessity for a further appropriation of  
 12 the general assembly."

WILLIAM D. PALMER

S-5627

1 Amend the amendment, S-5596, to House File 2337, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 7, by striking lines 29 through 37 and  
 5 inserting the following: "account fund. There is  
 6 appropriated to the fund three million six hundred  
 7 fifty thousand dollars from the general fund of the  
 8 state for each fiscal year beginning July 1, 1993, and  
 9 ending June 30, 2000. Not more than forty thousand  
 10 dollars each fiscal year shall be used by the depart-  
 11 ment for administration of the value-added  
 12 agricultural products and processes financial  
 13 assistance program, as provided in section 15E.111.  
 14 Except as otherwise".  
 15 2. Page 8, by striking lines 14 through 21 and  
 16 inserting the following: "unobligated moneys in the  
 17 fund derived from the standing appropriation made  
 18 pursuant to this section, which are in excess of three  
 19 million six hundred fifty thousand dollars of  
 20 unencumbered or unobligated moneys in the fund  
 21 deposited from the appropriation made pursuant to this  
 22 section, and which are remaining on June 30 of each  
 23 fiscal year, shall be credited on August 31 to the

24 general fund."

25 3. Page 17, by striking lines 9 through 21 and

26 inserting the following:

27 "3. Moneys shall be deposited in the ethanol  
28 production incentive account as provided in section  
29 423.24. One percent of the moneys deposited in the  
30 account during each quarter shall be allocated to the  
31 department for administration of the office. Remaining  
32 moneys shall be allocated to provide financial  
33 incentives to support the increased production of  
34 ethanol derived from an organic compound, including a  
35 photosynthate, as provided in section 159A.8: There  
36 is appropriated to the fund three hundred fifty  
37 thousand dollars from the general fund of the state  
38 for each fiscal year beginning July 1, 1993, and  
39 ending June 30, 2000. Not more than sixty thousand  
40 dollars shall be used by the department for  
41 administration of the office."

42 4. By striking page 17, line 47, through page 18,  
43 line 4, and inserting the following: "unobligated  
44 moneys in the fund derived from the standing  
45 appropriation made pursuant to this section, which are  
46 in excess of three hundred fifty thousand dollars of  
47 unencumbered or unobligated moneys in the fund  
48 deposited from the appropriation made pursuant to this  
49 section, and which are remaining on June 30 of each  
50 fiscal year, shall be credited on August 31 to the

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1 general fund."

2 5. By striking page 21, line 33, through page 22,

3 line 8, and inserting the following: "b, Code

4 Supplement 1993, is amended by striking the

5 paragraph."

6 6. Page 23, by striking lines 22 through 31 and

7 inserting the following:

8 "2. For the period beginning on July 1, 1993, and  
9 ending July 1, 1994, there is allocated to the office  
10 of renewable fuels and coproducts \$100,000 from the  
11 amount otherwise appropriated to the value-added  
12 agricultural products and processes financial  
13 assistance fund pursuant to this Act, for purposes  
14 of".

15 7. Page 24, by striking lines 32 through 35 and

16 inserting the following: "and coproducts fund, not

17 more than sixty thousand to Iowa state".

18 8. Page 25, by striking lines 45 through 48 and

19 inserting the following: "processes financial

20 assistance fund an amount of fifty thousand dollars to

21 be used for”.

22 9. Page 26, by striking line 41 and inserting the  
23 following: “pursuant to this Act.”

24 10. Page 26, by striking lines 48 and 49 and  
25 inserting the following: “that fund pursuant to this  
26 Act.”

27 11. Page 27, by striking lines 2 and 3.

28 12. Page 27, by striking line 7 and inserting the  
29 following: “fund, pursuant to the standing  
30 appropriation provided in this”.

31 13. Page 27, by striking line 16 and inserting  
32 the following: “fund, as provided in this”.

33 14. Page 27, by striking line 21 and inserting  
34 the following: “deposited pursuant to this Act, which  
35 are in”.

36 15. Page 27, line 24, by striking the words “that  
37 section,” and inserting the following: “this Act,”.

38 16. Page 27, by striking lines 26 and 27 and  
39 inserting the following: “August 31, 2000, to the  
40 general fund of the state.”

41 17. Page 27, by striking line 30 and inserting  
42 the following: “moneys deposited pursuant to this  
43 Act, which are”.

44 18. Page 27, line 33, by striking the words “that  
45 section,” and inserting the following: “this Act,”.

46 19. Page 27, by striking lines 35 and 36 and  
47 inserting the following: “August 31, 2000, to the  
48 general fund of the state.”

49 20. Page 27, by striking lines 39 through 41 and  
50 inserting the following: “this Act wherever

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1 references to the standing appropriations appear in  
2 those provisions.”

DERRYL McLAREN

### HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 2409

S-5628

1 Amend the Senate amendment, H-5920, to House File  
2 2409, 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 1, line 3, by striking the word and

- 7 figure "or 728.5" and inserting the following: "  
 8 728.5, or 728.5A,"  
 9 \_\_\_\_ . By striking page 1, line 6 through page 2,  
 10 line 22 and inserting the following:"  
 11 2. Page 1, line 6, by striking the word "MINORS"  
 12 and inserting the following: "ORDINANCES".  
 13 3. Page 1, line 8, by striking the word "minors"  
 14 and inserting the following: "persons".  
 15 4. Page 1, line 16, by striking the figure  
 16 "728.5," and inserting the following: "728.5".  
 17 5. Page 1, by striking lines 19 through 21 and  
 18 inserting the following:  
 19 "\_\_\_\_ . Page 2, line 24, by striking the word and  
 20 figure "or 728.5" and inserting the following: "  
 21 728.5, or 728.5A,".  
 22 \_\_\_\_ . By renumbering as necessary."

HOUSE AMENDMENT TO  
 SENATE FILE 2190

S-5629

- 1 Amend Senate File 2190, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 3, line 28, by inserting after the word  
 4 "land" the following: "under common ownership".  
 5 2. Page 3, line 28, by inserting after the word  
 6 "homes" the following: "manufactured homes, modular  
 7 homes or a combination of the homes".  
 8 3. Page 3, by striking lines 32 and 33 and  
 9 inserting the following: "such mobile home park."  
 10 4. Page 4, line 1, by inserting after the word  
 11 "structure" the following: "built on a permanent  
 12 chassis".  
 13 5. Page 11, line 5, by inserting after the word  
 14 "exemption" the following: "as provided in sections  
 15 425.2 and 427.3".  
 16 6. Page 14, line 9, by inserting after the word  
 17 "homes" the following: "and manufactured homes".  
 18 7. Page 14, lines 14 through 17, by striking the  
 19 words "If a mobile home has been converted to real  
 20 estate the title shall be collected and returned to  
 21 the county treasurer for cancellation." and inserting  
 22 the following: "If a mobile home has been converted  
 23 to real estate the title shall be collected and  
 24 returned to the county treasurer for cancellation."

S-5630

1 Amend the amendment, S-5440, to Senate File 2316 as  
2 follows:  
3 1. Page 1, by striking line 39 and inserting the  
4 following: "license a home food establishment.  
5 However, each home food establishment exempt from  
6 regulation, inspection, and licensing shall include a  
7 label on each food product offered for sale which  
8 states that the home food establishment and its food  
9 product were not inspected by the state or a municipal  
10 corporation pursuant to a retail food sanitation  
11 code."

TONY BISIGNANO

S-5631

1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 21, by inserting after line 46 the  
5 following:  
6 "c. (1) If a separate provision of this Act  
7 authorizes the construction of a 750-bed, medium  
8 security correctional facility for men, to be located  
9 at or near the Clarinda correctional facility, the  
10 treasurer of state shall, within thirty days of the  
11 enactment of this Act, analyze whether the financing  
12 method specified in paragraph "a" or "b" of this  
13 subsection provides for financing the project in a  
14 manner which is less expensive to the state than the  
15 method specified in subparagraph (2) of this  
16 paragraph. The treasurer of state shall report the  
17 findings of the analysis to the department of  
18 corrections. If the manner specified in paragraph "a"  
19 or "b" is found by the treasurer of state to be less  
20 expensive and a separate provision of this Act  
21 authorizes the construction, the construction shall be  
22 financed as provided in paragraph "a" or "b".  
23 However, if the construction financing is less  
24 expensive pursuant to subparagraph (2) of this  
25 paragraph and a separate provision of this Act  
26 authorizes the construction, the construction shall  
27 proceed in the manner specified in subparagraph (2).  
28 (2) If a separate provision of this Act authorizes  
29 the construction of a 750-bed, medium security  
30 correctional facility for men, to be located at or  
31 near the Clarinda correctional facility, and the  
32 treasurer of state determines pursuant to subparagraph

33 (1) that financing is less expensive pursuant to this  
34 subparagraph, then notwithstanding any other provision  
35 of law to the contrary or any provision providing for  
36 an alternative or independent method of establishing a  
37 correctional facility, the department of corrections  
38 may establish a correctional facility pursuant to this  
39 subparagraph and the separate provision of this Act  
40 authorizing the construction. The department of human  
41 services may lease unimproved real property located  
42 near the state mental health institute at Clarinda to  
43 a person or entity that is leasing the property for  
44 the purpose of constructing a 750-bed, medium security  
45 correctional facility. The department of corrections  
46 may enter into a lease or lease-purchase agreement, to  
47 lease the newly constructed correctional facility from  
48 the person or entity leasing the real property from  
49 the department of human services. Notwithstanding any  
50 other provision of law to the contrary, a party to a

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1 lease or lease-purchase agreement entered into  
2 pursuant to this subparagraph shall not be required to  
3 publish any notice or proceed with any other or  
4 further proceedings with respect to the lease or  
5 lease-purchase agreement, except as otherwise provided  
6 in this subparagraph. Any lease entered into in  
7 accordance with this subparagraph shall specify the  
8 duration of the lease and any possible extensions, as  
9 well as whether a purchase option is included. The  
10 department of corrections may enter into a lease  
11 agreement pursuant to this subparagraph for an  
12 original term of one year, or for an original term of  
13 a different duration. However, if the original term  
14 is for one year, the lease agreement shall provide  
15 automatic one-year extensions of the term, and such  
16 automatic extensions shall occur unless legislation is  
17 enacted prior to the expiration of the original term  
18 or the applicable extension which directs the  
19 department of corrections to terminate the lease.”  
20 2. By renumbering, relettering, and correcting  
21 internal references as necessary.

LARRY MURPHY  
MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO  
SENATE FILE 2263

S-5632

- 1 Amend Senate File 2263, as passed by the Senate, as  
2 follows:
- 3 1. Page 1, line 21, by inserting before the word  
4 "produced" the following: "jointly".
- 5 2. Page 1, line 22, by inserting after the word  
6 "grain." the following: "As used in this subsection,  
7 "jointly produced" includes but is not limited to  
8 grain owned by a landlord who receives a share of  
9 agricultural products as rent."
- 10 3. Page 1, line 23, by inserting after the word  
11 "owned" the following: "or leased".
- 12 4. Page 1, line 24, by striking the word  
13 "storing" and inserting the following: "jointly  
14 producing".
- 15 5. Page 1, line 25, by inserting after the word  
16 "persons" the following: "jointly".
- 17 6. Page 1, by striking lines 27 through 29.

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2146

S-5633

- 1 Amend the amendment, H-5929, to House File 2146, as  
2 amended, passed, and reprinted by the House, as  
3 follows:
- 4 1. Page 2, by striking lines 27 through 35 and  
5 inserting the following: "hours, the card shall be  
6 delivered to the appropriate city or county law  
7 enforcement agency of the jurisdiction in which the  
8 licensed premises is located. When the card is  
9 delivered to the appropriate law enforcement agency,  
10 the licensee shall file a written report of the  
11 circumstances under which the card was retained. The  
12 local law enforcement agency may investigate whether a  
13 violation of section 321.190, 321.216, or 321.216B has  
14 occurred. If an investigation is not initiated or a  
15 probable cause is not established by the local law  
16 enforcement agency, the motor vehicle license or  
17 nonoperator identification card shall be delivered to  
18 the person to whom it was issued. The local law  
19 enforcement agency may forward the card with the  
20 report to the department of transportation for  
21 investigation, in which case, the department may



22 investigate whether a violation of section 321.190,  
23 321.216, or 321.216B has occurred. The department of  
24 transportation shall return the card to the person to  
25 whom it was issued if an investigation is not  
26 initiated or a probable cause is not established."

HOUSE AMENDMENT TO  
SENATE FILE 2264

S-5634

- 1 Amend Senate File 2264, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 17, by striking the word "a" and
- 4 inserting the following: "an inter vivos or
- 5 testamentary".
- 6 2. Page 1, line 32, by inserting after the words
- 7 "payment of" the following: "expenses which include
- 8 but are not limited to".

HOUSE AMENDMENT TO  
SENATE FILE 2071

S-5635

- 1 Amend Senate File 2071, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "Code." the following: "All fish, furs, birds, or
- 5 animals, or mussels, clams, or frogs seized under this
- 6 section shall be relinquished to a representative of
- 7 the commission."
- 8 2. Page 1, by striking lines 25 through 27 and
- 9 inserting the following: "taken without prior
- 10 permission. All furbearing animals ~~so~~ and all parts
- 11 thereof taken as provided in the section shall be
- 12 disposed of on the site or shall be relinquished to a
- 13 representative of the commission."
- 14 3. By renumbering, relettering, or redesignating
- 15 and correcting internal references as necessary.

S-5636

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 2, line 27, by striking the word "use"
- 3 and inserting the following: "cigarette".
- 4 2. Page 2, line 28, by striking the word and
- 5 figures "423.24, subsection 2" and inserting the
- 6 following: "453A.35".
- 7 3. By striking page 2, line 35 through page 3,

8 line 12 and inserting the following:

9 "Sec. 2. Section 453A.35, Code 1993, is amended to  
10 read as follows:

11 453A.35 TAX AND FEES PAID TO GENERAL FUND AND  
12 CAPITOL COMPLEX RENOVATION FUND.

13 The For the fiscal year beginning July 1, 1995, and  
14 each subsequent fiscal year, the proceeds derived from  
15 the sale of stamps and the payment of taxes, fees and  
16 penalties provided for under this chapter, and the  
17 permit fees received from all permits issued by the  
18 department, shall be credited to the capitol complex  
19 renovation fund established in section 18.23, but not  
20 to exceed four million dollars, to be used as provided  
21 in that section and the remaining proceeds shall be  
22 credited to the general fund of the state. All permit  
23 fees provided for in this chapter and collected by  
24 cities in the issuance of permits granted by the  
25 cities shall be paid to the treasurer of the city  
26 where the permit is effective, or to another city  
27 officer as designated by the council, and credited to  
28 the general fund of the city. Permit fees so  
29 collected by counties shall be paid to the county  
30 treasurer."

DERRYL McLAREN

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2323

S-5637

1 Amend the Senate amendment, H-6060, to House File  
2 2323, as passed by the House, as follows:

- 3 1. Page 1, by striking lines 3 through 18.
- 4 2. Page 14, line 8, by striking the figure "56"
- 5 and inserting the following: "36".
- 6 3. Page 14, line 11, by striking the figure "57"
- 7 and inserting the following: "37".
- 8 4. Page 14, line 13, by striking the figure "58"
- 9 and inserting the following: "38".
- 10 5. Page 14, line 16, by striking the figure "59"
- 11 and inserting the following: "39".
- 12 6. Page 14, line 19, by striking the figure "60"
- 13 and inserting the following: "40".
- 14 7. Page 14, line 22, by striking the figure "61"
- 15 and inserting the following: "41".
- 16 8. Page 14, line 25, by striking the figure "62"
- 17 and inserting the following: "42".
- 18 9. Page 14, line 28, by striking the figure "63"

19 and inserting the following: "43".  
 20 10. Page 14, line 30, by striking the figure "64"  
 21 and inserting the following: "44".  
 22 11. Page 14, line 33, by striking the figure "65"  
 23 and inserting the following: "45".  
 24 12. Page 14, line 35, by striking the figure "66"  
 25 and inserting the following: "46".  
 26 13. Page 14, line 37, by striking the figure "67"  
 27 and inserting the following: "47".  
 28 14. Page 14, line 40, by striking the figure "68"  
 29 and inserting the following: "48".  
 30 15. Page 14, line 43, by striking the figure "69"  
 31 and inserting the following: "49".  
 32 16. Page 14, line 46, by striking the figure "70"  
 33 and inserting the following: "50".  
 34 17. Page 14, line 49, by striking the figure "71"  
 35 and inserting the following: "51".  
 36 18. Page 15, line 2, by striking the figure "72"  
 37 and inserting the following: "52".  
 38 19. Page 15, line 5, by striking the figure "73"  
 39 and inserting the following: "53".  
 40 20. Page 15, by inserting after line 21 the  
 41 following:  
 42 "Sec. 100. 1992 Iowa Acts, chapter 1234, section  
 43 6, is amended by adding the following new subsection:  
 44 **NEW SUBSECTION. 3.** There is appropriated from the  
 45 fund created by section 8.41 to the department of  
 46 economic development for the federal fiscal year  
 47 beginning October 1, 1992, and ending September 30,  
 48 1993, the following amount:  
 49 ..... \$ 28,736,000  
 50 Funds appropriated by this subsection are community

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1 development block grant funds awarded to the state  
 2 under public law No. 103-75, Emergency Supplemental  
 3 Appropriations for Relief From the Major Widespread  
 4 Flooding in the Midwest Act of 1993. The department  
 5 of economic development shall expend the funds  
 6 appropriated by this subsection as provided in the  
 7 federal law making the funds available and in  
 8 conformance with chapter 17A. An amount not exceeding  
 9 1.8 percent of the funds awarded shall be used by the  
 10 department for administrative expenses. From the  
 11 funds set aside for administrative expenses, the  
 12 department shall pay to the auditor of state an amount  
 13 sufficient to pay the cost of auditing the use and  
 14 administration of the state's portion of the funds  
 15 appropriated in this subsection."

16 \_\_\_\_ . Page 25, line 26, by striking the words and  
17 figures "Section 16" and inserting the following:  
18 "Sections 16 and 100".

19 \_\_\_\_ . Page 25, line 27, by striking the words  
20 "takes" and inserting the following: "take".

21 \_\_\_\_ . Page 25, by inserting after line 27 the  
22 following:

23 "Sec. 101. RETROACTIVE APPLICABILITY. Section 100  
24 of this Act is retroactively applicable to October 1,  
25 1992, and is applicable on and after that date."

26 \_\_\_\_ . Title page, line 7, by inserting after the  
27 word "effective" the following: "and applicability"."

S-5638

1 Amend the amendment, S-5585, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 15, by striking lines 8 through 10 and  
5 inserting the following:

6 " \_\_\_\_ . Of the funds appropriated in this  
7 subsection, the judicial department shall use not more  
8 than \$35,000 to reestablish the court appointed  
9 special advocate program in Woodbury county.

10 \_\_\_\_ . Of the funds appropriated pursuant to this  
11 subsection, the judicial department shall use not more  
12 than \$1,115,000 for increasing the existing capacity  
13 of the".

14 2. By relettering as necessary.

BRAD BANKS  
AL STURGEON

S-5639

1 Amend Senate File 2326 as follows:

2 1. Page 2, line 27, by striking the word "use"  
3 and inserting the following: "sales".

4 2. Page 2, line 28, by striking the word and  
5 figures "423.24, subsection 2" and inserting the  
6 following: "422.69, subsection 1A".

7 3. By striking page 2, line 35 through page 3,  
8 line 12 and inserting the following:

9 "Sec. 2. Section 422.69, Code 1993, is amended by  
10 adding the following new subsection:

11 NEW SUBSECTION. 1A. For the fiscal year beginning  
12 July 1, 1995, and each subsequent fiscal year, up to  
13 four million dollars from sales tax receipts shall be  
14 credited to the capitol complex renovation fund.

15 established in section 18.23, to be used as provided  
 16 in that section.”

DERRYL McLAREN

S-5640

1 Amend Senate File 2325 as follows:

2 1. By striking everything after the enacting  
 3 clause and inserting the following:

4 “Section 1. STATE COURTS -- JUSTICES, JUDGES, AND  
 5 MAGISTRATES.

6 1. The salary rates specified in subsections 2 and  
 7 3 are effective for the pay periods beginning July 1,  
 8 1994, and ending December 29, 1994, and for the pay  
 9 period beginning December 30, 1994, and for subsequent  
 10 pay periods until otherwise provided by the general  
 11 assembly. The salaries provided for in this section  
 12 shall be paid from funds appropriated to the judicial  
 13 department from the salary adjustment fund or if the  
 14 appropriation is not sufficient, from the funds  
 15 appropriated to the judicial department pursuant to  
 16 any Act of the general assembly.

17 2. The following annual salary rates shall be paid  
 18 to the persons holding the judicial positions  
 19 indicated during the pay periods beginning July 1,  
 20 1994, and ending December 29, 1994:

21 a. Chief justice of the supreme court:		
22 .....	\$	95,600
23 b. Each justice of the supreme court:		
24 .....	\$	92,100
25 c. Chief judge of the court of appeals:		
26 .....	\$	92,000
27 d. Each associate judge of the court of appeals:		
28 .....	\$	88,500
29 e. Each chief judge of a judicial district:		
30 .....	\$	87,600
31 f. Each district judge except the chief judge of a 32 judicial district:		
33 .....	\$	84,200
34 g. Each district associate judge:		
35 .....	\$	73,300
36 h. Each judicial magistrate:		
37 .....	\$	18,500

38 3. The following annual salary rates shall be paid  
 39 to the persons holding the judicial positions  
 40 indicated for the pay period beginning December 30,  
 41 1994, and for subsequent pay periods until otherwise  
 42 provided by the general assembly:

43 a. Chief justice of the supreme court:

44	.....	\$	97,500
45	b. Each justice of the supreme court:		
46	.....	\$	93,900
47	c. Chief judge of the court of appeals:		
48	.....	\$	93,800
49	d. Each associate judge of the court of appeals:		
50	.....	\$	90,300

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1	e. Each chief judge of a judicial district:		
2	.....	\$	89,400
3	f. Each district judge except the chief judge of a		
4	judicial district:		
5	.....	\$	85,900
6	g. Each district associate judge:		
7	.....	\$	74,800
8	h. Each judicial magistrate:		
9	.....	\$	18,900

10 Sec. 2. SALARY RATE LIMITS. Persons receiving the  
 11 salary rates established under section 1 of this Act  
 12 shall not receive any additional salary adjustments  
 13 provided by this Act.

14 Sec. 3. APPOINTED STATE OFFICERS. The governor  
 15 shall establish a salary for appointed nonelected  
 16 persons in the executive branch of state government  
 17 holding a position enumerated in section 4 of this Act  
 18 within the range provided by considering, among other  
 19 items, the experience of the individual in the  
 20 position, changes in the duties of the position, the  
 21 incumbent's performance of assigned duties, and  
 22 subordinates' salaries. However, the attorney general  
 23 shall establish the salary for the consumer advocate,  
 24 the chief justice of the state supreme court shall  
 25 establish the salary for the state court  
 26 administrator, and the state fair board shall  
 27 establish the salary of the secretary of the state  
 28 fair board, each within the salary range provided in  
 29 section 4 of this Act.

30 The governor, in establishing salaries as provided  
 31 in section 4 of this Act, shall take into  
 32 consideration other employee benefits which may be  
 33 provided for an individual including, but not limited  
 34 to, housing.

35 A person whose salary is established pursuant to  
 36 section 4 of this Act and who is a full-time permanent  
 37 employee of the state shall not receive any other  
 38 remuneration from the state or from any other source  
 39 for the performance of that person's duties unless the  
 40 additional remuneration is first approved by the

41 governor or authorized by law. However, this  
 42 provision does not exclude the reimbursement for  
 43 necessary travel and expenses incurred in the  
 44 performance of duties or fringe benefits normally  
 45 provided to employees of the state.

46 Sec. 4. STATE OFFICERS – SALARY RATES AND RANGES.

47 The following annual salary ranges are effective for  
 48 the positions specified in this section for the fiscal  
 49 year beginning July 1, 1994, and for subsequent fiscal  
 50 years until otherwise provided by the general

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1 assembly. The governor or other person designated in  
 2 section 3 of this Act shall determine the salary to be  
 3 paid to the person indicated at a rate within the  
 4 salary ranges indicated from funds appropriated by the  
 5 general assembly for that purpose.

6 1. The following salary ranges are effective  
 7 beginning with the fiscal year beginning July 1, 1994,  
 8 and as otherwise provided in this section:

9 SALARY RANGES	<u>Minimum</u>	<u>Maximum</u>
10 a. Range 1 .....	\$ 8,100	\$24,500
11 b. Range 2 .....	\$29,600	\$49,100
12 c. Range 3 .....	\$40,600	\$57,400
13 d. Range 4 .....	\$48,800	\$65,600
14 e. Range 5 .....	\$57,400	\$73,900

15 2. The following are range 1 positions: There are  
 16 no range 1 positions as of the fiscal year beginning  
 17 July 1, 1994.

18 3. The following are range 2 positions:  
 19 administrator of criminal and juvenile justice  
 20 planning of the department of human rights,  
 21 administrator of the arts division of the department  
 22 of cultural affairs, administrators of the division of  
 23 persons with disabilities, the division on the status  
 24 of women, the division on the status of African-  
 25 Americans, the division for deaf services, and the  
 26 division of Latino affairs of the department of human  
 27 rights, administrator of the division of professional  
 28 licensing and regulation of the department of  
 29 commerce, executive director of the commission of  
 30 veterans affairs, and administrator of the division of  
 31 emergency management of the department of public  
 32 defense.

33 4. The following are range 3 positions:  
 34 administrator of the division of community action  
 35 agencies of the department of human rights, and  
 36 chairperson and members of the employment appeal board  
 37 of the department of inspections and appeals.

38 5. The following are range 4 positions:  
 39 superintendent of banking, superintendent of credit  
 40 unions, drug abuse prevention coordinator,  
 41 administrator of the alcoholic beverages division of  
 42 the department of commerce, state public defender, and  
 43 chairperson and members of the board of parole.

44 6. The following are range 5 positions:  
 45 chairperson and members of the utilities board,  
 46 consumer advocate, job service commissioner, labor  
 47 commissioner, industrial commissioner, commissioner of  
 48 insurance, administrator of the historical division of  
 49 the department of cultural affairs, administrator of  
 50 the public broadcasting division of the department of

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1 education, the administrator of the state racing and  
 2 gaming commission of the department of inspections and  
 3 appeals, commandant of the veterans home, and  
 4 secretary of the state fair board.

5 7. The following salary ranges are effective  
 6 beginning with the fiscal year beginning July 1, 1994,  
 7 and as otherwise provided in this section:

8 SALARY RANGES	<u>Minimum</u>	<u>Maximum</u>
9 a. Range 6 .....	\$44,400	\$ 59,500
10 b. Range 7 .....	\$60,700	\$ 74,500
11 c. Range 8 .....	\$65,000	\$ 86,500
12 d. Range 9 .....	\$72,600	\$102,900

13 8. The following are range 6 positions: director  
 14 of the department of human rights, director of the  
 15 Iowa state civil rights commission, executive director  
 16 of the college student aid commission, director of the  
 17 department for the blind, and executive secretary of  
 18 the ethics and campaign disclosure board.

19 9. The following are range 7 positions: director  
 20 of the department of cultural affairs, director of the  
 21 department of personnel, director of public health,  
 22 executive director of the department of elder affairs,  
 23 commissioner of public safety, director of the  
 24 department of general services, director of the  
 25 department of commerce, director of the law  
 26 enforcement academy, and director of the department of  
 27 inspections and appeals.

28 10. The following are range 8 positions:  
 29 executive director of the Iowa finance authority,  
 30 director of revenue and finance, director of the  
 31 department of natural resources, director of the  
 32 department of corrections, and director of the  
 33 department of employment services.

34 11. The following are range 9 positions: director



35 of the department of education, director of human  
 36 services, director of the department of economic  
 37 development, executive director of the state board of  
 38 regents, director of the state department of  
 39 transportation, lottery commissioner, the state court  
 40 administrator, and the director of the department of  
 41 management.

42 **Sec. 5. PUBLIC EMPLOYMENT RELATIONS BOARD.**

43 1. The salary rates specified in this section are  
 44 effective for the pay period beginning December 30,  
 45 1994, and for subsequent pay periods until otherwise  
 46 provided by the general assembly. The salaries  
 47 provided for in this section shall be paid from funds  
 48 appropriated to the public employment relations board  
 49 from the salary adjustment fund, or if the  
 50 appropriation is not sufficient from funds

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1 appropriated to the public employment relations board  
 2 pursuant to any other Act of the general assembly.

3 2. The following annual salary rates shall be paid  
 4 to the persons holding the positions indicated:

5 a. Chairperson of the public employment relations  
 6 board:

7 ..... \$ 57,900

8 b. Two members of the public employment relations  
 9 board:

10 ..... \$ 53,800

11 **Sec. 6. PAY RATES AND RANGES -- EFFECTIVE DATES.**

12 The annual salary rates and ranges provided in section  
 13 4 of this Act become effective for the fiscal year  
 14 beginning July 1, 1994, with the pay period beginning  
 15 July 1, 1994.

16 **Sec. 7. COLLECTIVE BARGAINING AGREEMENTS FUNDED --**

17 **GENERAL FUND.** There is appropriated from the general  
 18 fund of the state to the salary adjustment fund for  
 19 distribution by the department of management to the  
 20 various state departments, boards, commissions,  
 21 councils, and agencies, including the state board of  
 22 regents, for the fiscal year beginning July 1, 1994,  
 23 and ending June 30, 1995, the following amount,  
 24 \$31,700,000 or so much thereof as may be necessary, to  
 25 fund the following annual pay adjustments, expense  
 26 reimbursements, and related benefits:

27 1. The collective bargaining agreement negotiated  
 28 pursuant to chapter 20 for employees in the blue  
 29 collar bargaining unit.

30 2. The collective bargaining agreement negotiated  
 31 pursuant to chapter 20 for employees in the public

32 safety bargaining unit.

33 3. The collective bargaining agreement negotiated  
34 pursuant to chapter 20 for employees in the security  
35 bargaining unit.

36 4. The collective bargaining agreement negotiated  
37 pursuant to chapter 20 for employees in the technical  
38 bargaining unit.

39 5. The collective bargaining agreement negotiated  
40 pursuant to chapter 20 for employees in the  
41 professional fiscal and staff bargaining unit.

42 6. The collective bargaining agreement negotiated  
43 pursuant to chapter 20 for employees in the university  
44 of northern Iowa faculty bargaining unit.

45 7. The collective bargaining agreement negotiated  
46 pursuant to chapter 20 for employees in the clerical  
47 bargaining unit.

48 8. The collective bargaining agreement negotiated  
49 pursuant to chapter 20 for employees in the  
50 professional social services bargaining unit.

#### Page 6

1 9. The collective bargaining agreement negotiated  
2 pursuant to chapter 20 for employees in the community-  
3 based corrections bargaining unit.

4 10. The collective bargaining agreement negotiated  
5 pursuant to chapter 20 for employees in the judicial  
6 branch of government bargaining unit.

7 11. The collective bargaining agreement negotiated  
8 pursuant to chapter 20 for employees in the patient  
9 care bargaining unit.

10 12. The annual pay adjustments, related benefits,  
11 and expense reimbursements referred to in sections 8  
12 and 9 of this Act for employees not covered by a  
13 collective bargaining agreement.

14 Of the moneys appropriated in this section, the  
15 first sums allocated shall be paid to the department  
16 of cultural affairs, the Iowa state civil rights  
17 commission, and the department of justice to fund the  
18 salary annualization costs of those state agencies for  
19 the fiscal year beginning July 1, 1994, and ending  
20 June 30, 1995.

#### 21 Sec. 8. NONCONTRACT STATE EMPLOYEES -- GENERAL.

22 1. a. For the fiscal year beginning July 1, 1994,  
23 the maximum salary levels of all pay plans provided  
24 for in section 19A.9, subsection 2, as they exist for  
25 the fiscal year ending June 30, 1994, shall be  
26 increased by 2 percent for the pay period beginning  
27 July 1, 1994, and by an additional 2 percent for the  
28 pay period beginning December 30, 1994.

29 b. In addition to the increases specified in this  
30 subsection, for the fiscal year beginning July 1,  
31 1994, employees may receive a merit increase or the  
32 equivalent of a merit increase.

33 2. The pay plans for state employees who are  
34 exempt from chapter 19A and who are included in the  
35 department of revenue and finance's centralized  
36 payroll system shall be increased in the same manner  
37 as provided in subsection 1.

38 3. This section does not apply to members of the  
39 general assembly, board members, commission members,  
40 salaries of persons set by the general assembly  
41 pursuant to this Act, or set by the governor,  
42 employees designated under section 19A.3, subsection  
43 5, and employees covered by 581 IAC 4.5(17).

44 4. The pay plans for the bargaining eligible  
45 employees of the state shall be increased in the same  
46 manner as provided in subsection 1. As used in this  
47 section, "bargaining eligible employee" means an  
48 employee who is eligible to organize under chapter 20,  
49 but has not done so.

50 5. The policies for implementation of this section

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1 shall be approved by the governor.

2 Sec. 9. STATE EMPLOYEES -- STATE BOARD OF REGENTS.

3 Of the funds appropriated for the purpose of providing

4 salary increases in section 7 of this Act, \$16,700,000

5 shall be allocated by the state board of regents for

6 the purposes of providing increases for state board of

7 regents employees covered by section 7 of this Act and

8 for employees not covered by a collective bargaining

9 agreement as follows:

10 1. For regents merit system employees to fund for

11 the fiscal year beginning July 1, 1994, increases

12 comparable to those provided for similar contract-

13 covered employees in this Act.

14 2. For faculty members and professional and

15 scientific employees to fund for the fiscal year

16 beginning July 1, 1994, percentage increases

17 comparable to those provided for contract-covered

18 employees in section 7, subsection 6, of this Act.

19 Sec. 10. APPROPRIATIONS FROM ROAD FUNDS.

20 1. There is appropriated from the road use tax

21 fund to the salary adjustment fund for the fiscal year

22 beginning July 1, 1994, and ending June 30, 1995, the

23 following amount, or so much thereof as may be

24 necessary, to be used for the purpose designated:

25 To supplement other funds appropriated by the

26 general assembly:  
 27 ..... \$ 1,350,000  
 28 2. There is appropriated from the primary road  
 29 fund to the salary adjustment fund, for the fiscal  
 30 year beginning July 1, 1994, and ending June 30, 1995,  
 31 the following amount, or so much thereof as may be  
 32 necessary, to be used for the purpose designated:  
 33 To supplement other funds appropriated by the  
 34 general assembly:  
 35 ..... \$ 3,450,000  
 36 3. Except as otherwise provided in this Act, the  
 37 amounts appropriated in subsections 1 and 2 shall be  
 38 used to fund the annual pay adjustments, expense  
 39 reimbursements, and related benefits for public  
 40 employees as provided in this Act.  
 41 Sec. 11. SPECIAL FUNDS - AUTHORIZATION. To  
 42 departmental revolving, trust, or special funds,  
 43 except for the primary road fund or the road use tax  
 44 fund, for which the general assembly has established  
 45 an operating budget, a supplemental expenditure  
 46 authorization is provided, unless otherwise provided,  
 47 in an amount necessary to fund salary adjustments as  
 48 otherwise provided in this Act.  
 49 Sec. 12. GENERAL FUND SALARY MONEYS. Funds  
 50 appropriated from the general fund of the state in

Page 8

1 this Act relate only to salaries supported from  
 2 general fund appropriations of the state except for  
 3 employees of the state board of regents.  
 4 Sec. 13. FEDERAL FUNDS APPROPRIATED. All federal  
 5 grants to and the federal receipts of the agencies  
 6 affected by this Act which are received and may be  
 7 expended for purposes of this Act are appropriated for  
 8 those purposes and as set forth in the federal grants  
 9 or receipts."

JOHN P. KIBBIE

S-5641

1 Amend Senate File 2260 as follows:  
 2 1. Page 2, by inserting after line 9 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 99B.6, subsection 1, paragraph  
 5 k, Code 1993, as amended by 1994 Iowa Acts, House File  
 6 2179, section 1, is amended to read as follows:  
 7 k. A person under the age of ~~twenty-one~~ eighteen  
 8 years shall not participate in the gambling except

9 pursuant to sections 99B.3, 99B.4, 99B.5, and 99B.7.  
10 Any licensee knowingly allowing a person under the age  
11 of ~~twenty-one~~ eighteen to participate in the gambling  
12 prohibited by this paragraph or any person knowingly  
13 participating in gambling with a person under the age  
14 of ~~twenty-one~~ eighteen, is guilty of a simple  
15 misdemeanor."

16 2. Page 4, by inserting after line 1 the  
17 following:

18 "Sec. \_\_\_\_ . Section 99D.11, subsection 7, Code  
19 1993, as amended by 1994 Iowa Acts, House File 2179,  
20 section 4, is amended to read as follows:

21 7. A person under the age of ~~twenty-one~~ eighteen  
22 years shall not make a pari-mutuel wager.

23 Sec. \_\_\_\_ . Section 99D.24, subsection 2, Code 1993,  
24 as amended by 1994 Iowa Acts, House File 2179, section  
25 5, is amended to read as follows:

26 2. A person knowingly permitting a person under  
27 the age of ~~twenty-one~~ eighteen years to make a pari-  
28 mutuel wager is guilty of a simple misdemeanor.

29 Sec. \_\_\_\_ . Section 99E.18, subsection 2, Code 1993,  
30 as amended by 1994 Iowa Acts, House File 2179, section  
31 6, is amended to read as follows:

32 2. A ticket or share shall not be sold to a person  
33 who has not reached the age of ~~twenty-one~~ eighteen.  
34 This does not prohibit the lawful purchase of a ticket  
35 or share for the purpose of making a gift to a person  
36 who has not reached the age of ~~twenty-one~~ eighteen. A  
37 licensee or a licensee's employee who knowingly sells  
38 or offers to sell a lottery ticket or share to a  
39 person who has not reached the age of ~~twenty-one~~  
40 eighteen is guilty of a simple misdemeanor. In  
41 addition the license of a licensee shall be suspended.  
42 A prize won by a person who has not reached the age  
43 of ~~twenty-one~~ eighteen but who purchases a winning  
44 ticket or share in violation of this subsection shall  
45 be forfeited.

46 Sec. \_\_\_\_ . Section 99F.9, subsection 6, Code 1993,  
47 as amended by 1994 Iowa Acts, House File 2179, section  
48 23, is amended to read as follows:

49 6. A person under the age of ~~twenty-one~~ eighteen  
50 years shall not make a wager on an excursion gambling

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1 boat and shall not be allowed in the area of the  
2 excursion boat where gambling is being conducted.  
3 However, a person eighteen years of age or older may  
4 be employed to work in a gambling area:

5 Sec. \_\_\_\_ . Section 99F.15, subsection 2, Code 1993,

6 as amended by 1994 Iowa Acts, House File 2179, section  
7 27, is amended to read as follows:

8 2. A person knowingly permitting a person under  
9 the age of ~~twenty-one~~ eighteen years to make a wager  
10 is guilty of a simple misdemeanor."

11 3. Title page, line 2, by inserting after the  
12 word "games," the following: "the age of participants  
13 in gambling games,".

14 4. By renumbering as necessary.

JOE WELSH

S-5642

1 Amend House File 2429 as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 10, by inserting after line 6 the  
4 following:

5 "Sec. 100. Section 2.10, subsections 1 and 3, Code  
6 1993, as amended by 1993 Iowa Acts, chapter 177,  
7 section 16, are amended to read as follows:

8 1. Every member of the general assembly except the  
9 presiding officer of the senate, the speaker of the  
10 house, the majority and minority floor leader of each  
11 house, and the president pro tempore of the senate and  
12 speaker pro tempore of the house, shall receive an  
13 annual salary of ~~eighteen~~ twenty-five thousand ~~eight~~  
14 ~~hundred~~ dollars for the year 1995 and subsequent years  
15 while serving as a member of the general assembly. In  
16 addition, each such member shall receive the sum of  
17 sixty dollars per day for expenses of office, except  
18 travel, for each day the general assembly is in  
19 session commencing with the first day of a legislative  
20 session and ending with the day of final adjournment  
21 of each legislative session as indicated by the  
22 journals of the house and senate, except that if the  
23 length of the first regular session of the general  
24 assembly exceeds one hundred ten calendar days and the  
25 second regular session exceeds one hundred calendar  
26 days, the payments shall be made only for one hundred  
27 ten calendar days for the first session and one  
28 hundred calendar days for the second session.  
29 However, members from Polk county shall receive forty-  
30 five dollars per day. Each member shall receive a one  
31 hundred twenty-five dollar per month allowance for  
32 legislative district constituency postage, travel,  
33 telephone costs, and other expenses. Travel expenses  
34 shall be paid at the rate established by section  
35 18.117 for actual travel in going to and returning  
36 from the seat of government by the nearest traveled

37 route for not more than one time per week during a  
38 legislative session. However, any increase from time  
39 to time in the mileage rate established by section  
40 18.117 shall not become effective for members of the  
41 general assembly until the convening of the next  
42 general assembly following the session in which the  
43 increase is adopted; and this provision shall prevail  
44 over any inconsistent provision of any present or  
45 future statute.

46 3. The speaker of the house, presiding officer of  
47 the senate, and the majority and minority floor leader  
48 of each house shall each receive an annual salary of  
49 ~~twenty-nine~~ thirty-six thousand dollars for the year  
50 1995 and subsequent years while serving in that

Page 2

1 capacity. The president pro tempore of the senate and  
2 the speaker pro tempore of the house shall receive an  
3 annual salary of ~~nineteen~~ twenty-six thousand ~~nine~~  
4 ~~hundred~~ dollars for the year 1995 and subsequent years  
5 while serving in that capacity. Expense and travel  
6 allowances shall be the same for the speaker of the  
7 house and the presiding officer of the senate, the  
8 president pro tempore of the senate and the speaker  
9 pro tempore of the house, and the majority and  
10 minority leader of each house as provided for other  
11 members of the general assembly.

12 Sec. \_\_\_\_ . EFFECTIVE DATE. Section 100 of this Act  
13 takes effect on January 1, 1995."

14 2. Title page, line 2, by inserting after the  
15 word "employees" the following: ", providing an  
16 effective date,".

JIM KERSTEN

HOUSE AMENDMENT TO  
SENATE FILE 2157

S-5643

1 Amend Senate File 2157, as passed by the Senate, as  
2 follows:

3 1. Page 3, line 10, by inserting after the word  
4 "years," the following: "An extension of time shall  
5 only be allowed for franchises granted on or after  
6 July 1, 1994."

S-5644

1 Amend House File 2424, as passed by the House, as  
2 follows:

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

5 "Sec. \_\_\_\_ . Section 321.210A, subsection 3, Code  
6 1993, is amended to read as follows:

7 3. Upon receipt of a report of a failure to pay  
8 the fine, penalty, surcharge, or court costs from the  
9 clerk of the district court, the department shall in  
10 accordance with its rules, suspend the person's motor  
11 vehicle license until the fine, penalty, surcharge, or  
12 court costs are paid, unless the person proves to the  
13 satisfaction of the department that the person cannot  
14 pay the fine, penalty, surcharge, or court costs. A  
15 suspension of a person's motor vehicle license under  
16 this section shall not, by itself, render the person  
17 ineligible for issuance of a temporary restricted  
18 license under section 321.215, subsection 1.

19 Sec. \_\_\_\_ . Section 321.215, subsection 2,  
20 unnumbered paragraph 1, Code Supplement 1993, is  
21 amended to read as follows:

22 Upon conviction and the suspension or revocation of  
23 a person's motor vehicle license under section  
24 321.209, subsection 5, 6, or 8; 321.210; ~~321.210A~~;  
25 321.513; or 321.555, subsection 2, or upon the denial  
26 of issuance of a license under section 321.560, based  
27 solely on offenses defined in section 321.555,  
28 subsection 1, paragraph "c", and upon the denial by  
29 the director of an application for a temporary  
30 restricted license, a person may apply to the district  
31 court having jurisdiction for the residence of the  
32 person for a temporary restricted permit to operate a  
33 motor vehicle for the limited purpose or purposes  
34 specified in subsection 1. The application may be  
35 granted only if all of the following criteria are  
36 satisfied:

37 Sec. \_\_\_\_ . Section 321.215, subsection 2, paragraph  
38 d, unnumbered paragraph 1, Code Supplement 1993, is  
39 amended to read as follows:

40 Proof of financial responsibility is established as  
41 defined in chapter 321A. However, such proof is not  
42 required if the motor vehicle license was suspended  
43 under section ~~321.210A~~ or 321.513 or revoked under  
44 section 321.209, subsection 8.

45 Sec. \_\_\_\_ . Section 321.215, subsection 2, Code  
46 Supplement 1993, is amended by adding the following  
47 new paragraph:

48 NEW PARAGRAPH. e. A permit applicant, whose



49 license has been denied under section 321.560 for  
50 offenses defined in section 321.555, subsection 1,

Page 2

- 1 paragraph "c", shall be required to provide a proposed  
2 schedule for repayment of overdue fines, penalties,  
3 surcharges, or court costs."  
4 2. By renumbering as necessary.

JOHN W. JENSEN  
JOE J. WELSH  
TOM VILSACK

S-5645

- 1 Amend the House amendment, S-5635, to Senate File  
2 2071, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, line 6, by striking the word "shall"  
5 and inserting the following: "may".  
6 2. Page 1, line 7, by inserting after the word  
7 "commission" the following: "or disposed of".

BILL FINK  
MERLIN E. BARTZ  
RAY TAYLOR

S-5646

- 1 Amend the amendment, S-5233, to House File 542, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, line 37, by inserting after the word  
5 "including" the following: "but not limited to".

MERLIN E. BARTZ

S-5647

- 1 Amend Senate File 2215 as follows:  
2 1. Page 3, by inserting after line 6 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 422.73, Code 1993, is amended  
5 by adding the following new subsection:  
6 **NEW SUBSECTION. 8.** Notwithstanding subsection 2,  
7 a claim for credit or refund of individual income tax  
8 paid for any tax year beginning on or after January 1,  
9 1985, and before January 1, 1989, is considered timely  
10 if filed with the department on or before April 30,

11 1995, if the taxpayer's claim is the result of the  
 12 unconstitutional taxation of federal pension benefits  
 13 based upon the decision in Davis v. Michigan  
 14 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500  
 15 (1989).  
 16 A taxpayer entitled to a credit or refund of tax  
 17 paid under this subsection shall receive the credit or  
 18 refund within the time frame used for other retired  
 19 federal employees claiming a credit or refund of tax  
 20 unlawfully imposed on their federal pensions during  
 21 the same tax years."

BRAD BANKS  
 JIM LIND  
 MERLIN E. BARTZ  
 MARY E. KRAMER  
 ALLEN BORLAUG

S-5648

1 Amend House File 121, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting before line 6 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 728.14, Code 1993, is amended  
 6 to read as follows:  
 7 728.14 COMMERCIAL FILM AND PHOTOGRAPHIC PRINT  
 8 PROCESSOR REPORTS OF DEPICTIONS OF MINORS ENGAGED IN  
 9 PROHIBITED SEXUAL ACTS.  
 10 ~~1~~ A commercial film and photographic print  
 11 processor who has knowledge of or observes, within the  
 12 scope of the processor's professional capacity or  
 13 employment, a film, photograph, video tape, negative,  
 14 or slide which depicts a minor whom the processor  
 15 knows or reasonably should know to be under the age of  
 16 eighteen, engaged in a prohibited sexual act or in the  
 17 simulation of a prohibited sexual act, shall report  
 18 the depiction to the county attorney immediately or as  
 19 soon as possible as required in this section. The  
 20 processor shall not report to the county attorney  
 21 depictions involving mere nudity of the minor, but  
 22 shall report depictions involving a prohibited sexual  
 23 act. This section shall not be construed to require a  
 24 processor to review all films, photographs, video  
 25 tapes, negatives, or slides delivered to the processor  
 26 within the processor's professional capacity or  
 27 employment.  
 28 For purposes of this section, "prohibited sexual  
 29 act" means any of the following:  
 30 a. A sex act as defined in section 702.17.

- 31 b. An act of bestiality involving a minor.  
 32 c. Fondling or touching the pubes or genitals of a  
 33 minor for the purpose of arousing or satisfying the  
 34 sexual desires of a person who may view a depiction of  
 35 the act.  
 36 d. Fondling or touching the pubes or genitals of a  
 37 person by a minor for the purpose of arousing or  
 38 satisfying the sexual desires of a person who may view  
 39 a depiction of the act.  
 40 e. Sadomasochistic abuse of a minor for the  
 41 purpose of arousing or satisfying the sexual desires  
 42 of a person who may view a depiction of the abuse.  
 43 f. Sadomasochistic abuse of a person by a minor  
 44 for the purpose of arousing or satisfying the sexual  
 45 desires of a person who may view a depiction of the  
 46 abuse.  
 47 2. A person who violates this section is guilty of  
 48 a simple misdemeanor."  
 49 2. By renumbering as necessary.

TONY BISIGNANO  
 TOM VILSACK

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2377

S-5649

- 1 Amend the Senate amendment, H-6054, to House File  
 2 2377, as amended, passed, and reprinted by the House  
 3 as follows:  
 4 1. Page 1, by striking lines 5 through 19.  
 5 2. By striking page 4, line 15 through page 5,  
 6 line 5.  
 7 3. By renumbering as necessary.

S-5650

- 1 Amend the House amendment, S-5577, to Senate File  
 2 2091, as amended, passed, and reprinted by the Senate  
 3 as follows:  
 4 1. Page 1, line 4, by striking the figure  
 5 "1,619,700" and inserting the following: "1,560,000".  
 6 2. Page 1, by striking line 6 and inserting the  
 7 following: "'238,200" and inserting the following:  
 8 "178,200".  
 9 —. Page 2, by inserting after line 24 the  
 10 following:  
 11 "Sec. —. DEPARTMENT OF HUMAN RIGHTS LOW-INCOME

12 WEATHERIZATION FUNDING. The department of human  
13 rights shall propose a funding mechanism which shall  
14 be submitted to the general assembly by December 31,  
15 1994, which shall generate an additional five hundred  
16 thousand dollars to one million dollars annually to be  
17 used for energy weatherization for low-income  
18 persons.””  
19 3. By renumbering as necessary.

RALPH ROSENBERG

S-5651

1 Amend Senate File 2183 as follows:  
2 1. Page 2, line 3, by striking the word “shall”  
3 and inserting the following: “with a population of  
4 more than thirty-four thousand and less than thirty-  
5 five thousand, according to the most recent federal  
6 decennial census, may”.

WILLIAM W. DIELEMAN

S-5652

1 Amend House File 642, 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 1.15, Code 1993, is amended to  
6 read as follows:  
7 1.15 ATTORNEY APPOINTED BY STATE IN CIVIL ACTIONS.  
8 In all civil causes of action where the state of  
9 Iowa or any of its subdivisions or departments is a  
10 party, and a member of the Sac and Fox Indian  
11 settlement is a party, the district court of Iowa  
12 shall appoint competent legal counsel at all stages of  
13 hearing, appeal, and final determination for any  
14 Indian not otherwise represented by legal counsel, in  
15 any domestic relations matter, including, but not  
16 limited to, matters pertaining to dependency, neglect,  
17 delinquency, care, or custody of minors. The court  
18 shall fix and allow reasonable compensation for the  
19 services of the attorney, costs of transcripts and  
20 depositions, and investigative expense, which shall be  
21 paid as a claim by the office of county auditor of the  
22 county where the action is commenced, and the county  
23 shall be paid for all sums so paid out of any funds in  
24 the state treasury not otherwise appropriated, upon  
25 filing the claim with the director of revenue and  
26 finance.

27 Sec. 2. Section 25B.2, Code 1993, is amended by  
28 adding the following new subsection:  
29 NEW SUBSECTION. 3. If, on or after the effective  
30 date of this Act, a state mandate is enacted by the  
31 general assembly, or otherwise imposed, on a political  
32 subdivision and the state mandate requires a political  
33 subdivision to engage in any new activity, to provide  
34 any new service, or to provide any service beyond that  
35 required by any law enacted prior to the effective  
36 date of this Act, and the state does not appropriate  
37 moneys to fully fund the cost of the state mandate,  
38 the political subdivision is not required to perform  
39 the activity or provide the service and the political  
40 subdivision shall not be subject to the imposition of  
41 any fines or penalties for the failure to comply with  
42 the state mandate unless the legislation specifies the  
43 amount or proportion of the cost of the state mandate  
44 which the state shall pay annually. However, this  
45 subsection does not apply to any requirement imposed  
46 on a political subdivision relating to public employee  
47 retirement systems under chapters 97B, 410, and 411.  
48 For the purposes of this subsection, any  
49 requirement originating from the federal government  
50 and administered, implemented, or enacted by the

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1 state, or any allocation of federal moneys conditioned  
2 upon enactment of a state law or rule, is not a state  
3 mandate.

4 For the purposes of this subsection, "political  
5 subdivision" includes community colleges and area  
6 education agencies.

7 Sec. 3. Section 72.5, subsection 1, unnumbered  
8 paragraph 1, and subsection 3, Code 1993, are amended  
9 to read as follows:

10 A contract for a public improvement or construction  
11 of a public building, including new construction or  
12 renovation of an existing public building, by the  
13 state, or an agency or political subdivision of the  
14 state, shall not be let without satisfying the  
15 following requirements:

16 3. The department of management shall develop a  
17 proposal for submission to the general assembly on or  
18 before January 10, 1991, to create a division within  
19 the department of management to evaluate life cycle  
20 costs on design proposals submitted on public  
21 improvement and construction contracts for agencies  
22 and political subdivisions of the state, to assure  
23 uniform comparisons and professional evaluations of

24 design proposals by an independent agency. The report  
25 shall also address potential redundancy and conflicts  
26 within existing state law regarding life cycle cost  
27 analysis and recommend the resolution of any problems  
28 which are identified.

29 Sec. 4. Section 99A.4, Code 1993, is amended to  
30 read as follows:

31 **99A.4 DUTIES OF PEACE OFFICERS.**

32 Every sheriff, deputy sheriff, constable, marshal,  
33 policeman, police officer, and peace officer shall  
34 ~~observe and inspect licensed premises and ascertain~~  
35 ~~whether gambling devices are present thereon and~~  
36 ~~immediately report the finding thereof of gambling~~  
37 ~~devices at licensed premises~~ to the authority or  
38 authorities issuing the license or licenses applicable  
39 to the premises in question.

40 Sec. 5. Section 99A.7, Code 1993, is amended to  
41 read as follows:

42 **99A.7 COUNTY ATTORNEY GENERAL -- DUTY.**

43 The county attorney for the county in which the  
44 ~~hearing is held shall; and the attorney general may;~~  
45 shall attend the hearing, interrogate the witnesses,  
46 and advise the issuing authority. The county attorney  
47 ~~shall; and the attorney general may; shall~~ also appear  
48 for the issuing authority in any certiorari proceeding  
49 taken pursuant to the provisions of section 99A.6.

50 Sec. 6. Section 147.92, Code 1993, is amended to

**Page 3**

1 read as follows:

2 **147.92 ATTORNEY GENERAL AND COUNTY ATTORNEY.**

3 Upon request of the department the attorney general  
4 shall institute in the name of the state the proper  
5 proceedings against any person charged by the  
6 department with violating any provision of this or the  
7 following chapters of this subtitle, excluding  
8 chapters 152B and 152C; ~~and the county attorney; at~~  
9 ~~the request of the attorney general; shall appear and~~  
10 ~~prosecute such action when brought in the county~~  
11 ~~attorney's county.~~

12 Sec. 7. Section 216D.2, subsection 2, Code 1993,  
13 is amended to read as follows:

14 2. "Food service" includes restaurant, cafeteria,  
15 snack bar, vending machines for food and beverages,  
16 and goods and services customarily offered in  
17 connection with any of these. ~~It does not include~~  
18 ~~goods and services offered by a veteran's newsstand~~  
19 ~~under section 331-361; subsection 4.~~

20 Sec. 8. Section 229.19, unnumbered paragraph 3,

21 Code Supplement 1993, is amended to read as follows:

22 The court or, if the advocate is appointed by the  
23 county board of supervisors, the board shall prescribe  
24 reasonable compensation for the services of the  
25 advocate. The compensation shall be based upon the  
26 reports filed by the advocate with the court. The  
27 advocate's compensation shall be paid by the county in  
28 which the court is located, either on order of the  
29 court or, if the advocate is appointed by the county  
30 board of supervisors, on the direction of the board.  
31 If the advocate is appointed by the court, the  
32 advocate is an employee of the state for purposes of  
33 chapter 669. If the advocate is appointed by the  
34 county board of supervisors, the advocate is an  
35 employee of the county for purposes of chapter 670.  
36 If the patient or the person who is legally liable for  
37 the patient's support is not indigent, the board shall  
38 recover the costs of compensating the advocate from  
39 that person. If that person has an income level as  
40 determined pursuant to section 815.9 greater than one  
41 hundred percent but not more than one hundred fifty  
42 percent of the poverty guidelines, at least one  
43 hundred dollars of the advocate's compensation shall  
44 be recovered in accordance with rules adopted by the  
45 state public defender. If that person has an income  
46 level as determined pursuant to section 815.9 greater  
47 than one hundred fifty percent of the poverty  
48 guidelines, at least two hundred dollars of the  
49 advocate's compensation shall be recovered in  
50 accordance with rules adopted by the state public

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1 defender.

2 Sec. 9. Section 257B.39, Code 1993, is amended to  
3 read as follows:

4 257B.39 REPORT AS TO SALES -- INTEREST.

5 County auditors shall report, on or before January  
6 1 of each year, to the director of revenue and finance  
7 the amount of the sales and resales made during the  
8 previous year, of the sixteenth section, five-hundred-  
9 thousand-acre grant, and escheat estates, and lands  
10 taken under foreclosure of permanent school fund  
11 mortgages, and the director of revenue and finance  
12 shall charge them to the counties with interest from  
13 the date of such the sale or resale to January 1, at  
14 the rate of three percent per annum.

15 Sec. 10. Section 257B.42, Code 1993, is amended to  
16 read as follows:

17 257B.42 REPORT AS TO RENTS.

18 By January 1 of each year, county auditors shall  
19 report to the director of revenue and finance the  
20 amount of rents collected during the preceding year on  
21 unsold school lands and ~~lands taken under foreclosure~~  
22 ~~of permanent school fund mortgages then in the hands~~  
23 ~~of the county treasurer~~, and the director shall  
24 include the amount reported in the semiannual  
25 apportionment of interest.

26 Sec. 11. Section 309.82, Code 1993, is amended to  
27 read as follows:

28 309.82 RECORD OF FINAL COST.

29 On completion of a bridge or culvert, a detailed  
30 statement of cost, and of additions or alterations to  
31 the plans shall be filed by the engineer, all of which  
32 shall be retained in the county engineer's office as  
33 permanent records; ~~and when the work is completed and~~  
34 ~~approved, a statement of the costs shall be filed with~~  
35 ~~the department by the county engineer.~~

36 Sec. 12. Section 317.3, unnumbered paragraph 1,  
37 Code 1993, is amended to read as follows:

38 The board of supervisors of each county shall may  
39 annually appoint a county weed commissioner who may be  
40 a person otherwise employed by the county and who  
41 passes minimum standards established by the department  
42 of agriculture and land stewardship for noxious weed  
43 identification and the recognized methods for noxious  
44 weed control and elimination. The county weed  
45 commissioner's appointment shall be effective as of  
46 March 1 and shall continue for a term at the  
47 discretion of the board of supervisors unless the  
48 commissioner is removed from office as provided for by  
49 law. The county weed commissioner may, with the  
50 approval of the board of supervisors, require that

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1 commercial applicators and their appropriate employees  
2 pass the same standards for noxious weed  
3 identification as established by the department of  
4 agriculture and land stewardship. The name and  
5 address of the person appointed as county weed  
6 commissioner shall be certified to the county auditor  
7 and to the secretary of agriculture within ten days of  
8 the appointment. The board of supervisors shall fix  
9 the compensation of the county weed commissioner and  
10 deputies. In addition to compensation, the  
11 commissioner and deputies shall be paid their  
12 necessary travel expenses. At the discretion of the  
13 board of supervisors, the weed commissioner shall  
14 attend a seminar or school conducted or approved by



15 the state department of agriculture and land  
 16 stewardship relating to the identification, control,  
 17 and elimination of noxious weeds.

18 Sec. 13. Section 321.285, subsection 5, Code  
 19 Supplement 1993, is amended to read as follows:  
 20 5. Reasonable and proper, but not greater than  
 21 fifty-five miles per hour at any time between sunrise  
 22 and sunset, and not greater than fifty miles per hour  
 23 at any time between sunset and sunrise, on secondary  
 24 roads unless such roads are surfaced with concrete or  
 25 asphalt or a combination of both, in which case the  
 26 speed limits shall be the same as provided in  
 27 subsection 4 of this section. ~~Whenever~~ When the board  
 28 of supervisors of any county shall determine upon the  
 29 basis of an engineering and traffic investigation  
 30 ~~conducted by the department when so requested by said~~  
 31 ~~board~~ that the speed limit on any secondary road is  
 32 greater than is reasonable and proper under the  
 33 conditions found to exist at any intersection or other  
 34 place or upon any part of a secondary road, ~~said the~~  
 35 board shall determine and declare a reasonable and  
 36 proper speed limit ~~thereat at the intersection or~~  
 37 ~~other part of the secondary road.~~ Such The speed  
 38 limits as determined by the board of supervisors shall  
 39 be effective when appropriate signs giving notice  
 40 ~~thereof of the speed limits~~ are erected by the board  
 41 of supervisors at ~~such the~~ intersection or other place  
 42 or part of the highway.

43 Sec. 14. Section 331.321, subsection 1, paragraph  
 44 v, Code Supplement 1993, is amended by striking the  
 45 paragraph.

46 Sec. 15. Section 331.324, subsection 1, paragraph  
 47 b, Code 1993, is amended to read as follows:  
 48 b. Grant claims for mileage and expenses of  
 49 officers and employees in accordance with sections  
 50 70A.9 to 70A.13 and section 331.215, subsection 2; and

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1 grant employees leaves of absence to participate in  
 2 olympic competition in accordance with section 70A.24.  
 3 Sec. 16. Section 331.341, subsection 1, Code 1993,  
 4 is amended to read as follows:  
 5 1. When the estimated cost of a public  
 6 improvement, other than improvements which may be paid  
 7 for from the secondary road fund, exceeds ~~twenty-five~~  
 8 ~~thousand dollars~~ the amount specified in section  
 9 309.40, the board shall follow the contract letting  
 10 procedures provided for cities in sections 384.95 to  
 11 384.103. However, in following those sections the

12 board shall substitute the word "county" for the word  
13 "city", section 331.305 for section 362.3, shall  
14 consider "governing body" to mean the board, and shall  
15 exclude references to a city utility, utility board of  
16 trustees, or public utilities. As used in this  
17 section, "public improvement" means the same as  
18 defined in section 384.95 as modified by this  
19 subsection.

20 Sec. 17. Section 331.361, subsection 4, Code 1993,  
21 is amended by striking the subsection.

22 Sec. 18. Section 331.381, subsection 14, Code  
23 Supplement 1993, is amended to read as follows:

24 14. Provide for the ~~licensure~~, seizure,  
25 impoundment, and disposition of dogs in accordance  
26 with chapter 351.

27 Sec. 19. Section 331.502, subsection 3, Code  
28 Supplement 1993, is amended by striking the  
29 subsection.

30 Sec. 20. Section 331.502, subsection 14, Code  
31 Supplement 1993, is amended by striking the  
32 subsection.

33 Sec. 21. Section 331.507, subsection 3, paragraphs  
34 b and c, Code 1993, are amended by striking the  
35 paragraphs.

36 Sec. 22. Section 331.508, subsection 7, Code 1993,  
37 is amended by striking the subsection.

38 Sec. 23. Section 331.512, subsection 5, Code 1993,  
39 is amended to read as follows:

40 5. Carry out duties relating to the preparation of  
41 the tax list as provided in sections ~~427A-3, 427A-6,~~  
42 428.4, 441.17, 441.21, 443.2 to 443.9 and 443.21.

43 Sec. 24. Section 331.552, Code 1993, is amended by  
44 adding the following new subsection:

45 NEW SUBSECTION. 32. File with the county auditor  
46 the name of a designated employee, if other than the  
47 first deputy treasurer, authorized to perform the  
48 duties of the treasurer during the absence or  
49 disability of the treasurer and the name of any  
50 employee authorized to sign, on behalf of the

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1 treasurer, any form, notice, or document requiring the  
2 signature of the treasurer.

3 Sec. 25. Section 331.653, subsection 21, Code  
4 1993, is amended by striking the subsection.

5 Sec. 26. Section 331.756, subsection 5, unnumbered  
6 paragraph 1, Code Supplement 1993, is amended to read  
7 as follows:

8 Enforce all forfeited bonds and recognizances and

9 prosecute all proceedings necessary for the recovery  
 10 of debts, revenues, moneys, fines, penalties,  
 11 restitution of court-appointed attorney fees or  
 12 expense of a public defender, and forfeitures accruing  
 13 to the state, or the county or to a school district or  
 14 a road district in the county, and all suits in the  
 15 county against public service corporations which are  
 16 brought in the name of the state. To assist in this  
 17 duty, the county attorney may procure professional  
 18 collection services provided by persons or  
 19 organizations, including private attorneys, which are  
 20 generally considered to have knowledge and special  
 21 abilities which are not generally available to state  
 22 or local government or may designate another county  
 23 official or agency to assist with collection efforts.  
 24 Sec. 27. Section 331.756, subsections 13, 23, 30,  
 25 75, and 76, Code Supplement 1993, are amended by  
 26 striking the subsections.

27 Sec. 28. Section 331.903, subsection 4, Code 1993,  
 28 is amended to read as follows:

29 4. Each deputy officer, assistant and clerk shall  
 30 perform the duties assigned by the principal officer  
 31 making the appointment. During the absence or  
 32 disability of the principal officer, the first deputy,  
 33 or designee in those instances where there is no first  
 34 deputy or in the absence or disability of the first  
 35 deputy, shall perform the duties of the principal  
 36 officer.

37 Sec. 29. Section 351.25, Code 1993, is amended to  
 38 read as follows:

39 351.25 DOG AS PROPERTY.

40 All dogs under six months of age, and all dogs over  
 41 said age and wearing a collar with a valid license  
 42 rabies vaccination tag attached thereto to the collar,  
 43 shall be deemed property. Dogs not so provided with  
 44 license a rabies vaccination tag shall not be deemed  
 45 property.

46 Sec. 30. Section 351.26, Code 1993, is amended to  
 47 read as follows:

48 351.26 RIGHT AND DUTY TO KILL UNLICENSED UNTAGGED

49 DOG.  
 50 It shall be lawful for any person, and the duty of

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1 all peace officers within their respective  
 2 jurisdictions unless such jurisdiction shall have  
 3 otherwise provided for the seizure and impoundment of  
 4 dogs, to kill any dog for which a license rabies  
 5 vaccination tag is required, when such the dog is not

6 wearing a collar with license rabies vaccination tag  
7 attached as herein provided.

8 Sec. 31. Section 351.27, Code 1993, is amended to  
9 read as follows:

10 351.27 RIGHT TO KILL LICENSED TAGGED DOG.

11 It shall be lawful for any person to kill a dog,  
12 licensed and wearing a collar with license a rabies  
13 vaccination tag attached, when such the dog is caught  
14 in the act of worrying, chasing, maiming, or killing  
15 any domestic animal or fowl, or when such dog is  
16 attacking or attempting to bite a person.

17 Sec. 32. Section 427.3, subsections 1 and 2, Code  
18 1993, are amended by striking the subsections.

19 Sec. 33. Section 455E.11, subsection 2, paragraph  
20 a, subparagraph (15), Code Supplement 1993, is amended  
21 to read as follows:

22 (15) Notwithstanding the limitations of use of the  
23 fees imposed under section 455B.310 and retained by a  
24 city, county, public agency, or private agency under  
25 this section, moneys retained by the city, county,  
26 public agency, or private agency may be used to defray  
27 the cost of installation of a scale at a sanitary  
28 landfill or to defray the costs of closure of the  
29 sanitary landfill, the costs related to the  
30 establishment of a transfer station, or the costs of a  
31 hydrogeological plan for other environmental  
32 protection and environmental compliance activities.

33 Sec. 34. Section 568.3, Code 1993, is amended to  
34 read as follows:

35 568.3 APPLICATION BY PROSPECTIVE PURCHASER.

36 If the county auditor fails or neglects to make  
37 such application, then any A person desiring to  
38 purchase such land described in section 568.1 may file  
39 a written application with the secretary of state,  
40 asking that the said land be surveyed, appraised, and  
41 sold.

42 Sec. 35. Section 568.4, Code 1993, is amended to  
43 read as follows:

44 568.4 FORM OF APPLICATION.

45 The said application whether made by the county  
46 auditor or by a person desiring to purchase the land,  
47 shall contain an accurate description thereof of the  
48 land, stating whether the land is abandoned river  
49 channel, or land within such the abandoned river  
50 channel, or an island or a sand bar in a navigable

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1 stream, and giving the number of township and range in  
2 which it is located, and the section numbers if

3 possible, and also the estimated acreage.

4 Sec. 36. Section 602.8102, subsection 34, Code  
5 Supplement 1993, is amended by striking the  
6 subsection.

7 Sec. 37. Section 641.1, Code 1993, is amended to  
8 read as follows:

9 641.1 INDEBTEDNESS DUE THE STATE.

10 In all cases in which any person is indebted to the  
11 state, or to any officer or agent thereof for the use  
12 or benefit of the state, the ~~proper county attorney or~~  
13 attorney general shall demand payment or security  
14 therefor, when, in the opinion of ~~said county attorney~~  
15 ~~or the~~ attorney general, the debt is not sufficiently  
16 secured.

17 Sec. 38. Section 641.2, Code 1993, is amended to  
18 read as follows:

19 641.2 ATTACHMENT AUTHORIZED.

20 In all actions for money due to the state, or to  
21 any agent or officer for the use of the state, it  
22 shall be lawful for an attachment to issue against the  
23 property or debts of the defendant not exempt from  
24 execution, upon the filing of an affidavit by the  
25 ~~county attorney of the proper county, or of the~~  
26 attorney general, that the ~~county attorney or~~ attorney  
27 general verily believes that a specific amount therein  
28 stated is justly due, and the defendant therein has  
29 refused to pay or secure the same, and unless an  
30 attachment is issued against the property of the  
31 defendant there is danger that the amount due will be  
32 lost to the state.

33 Sec. 39. REPEALS.

34 1. Chapters 169B and 361, Code 1993, are repealed.

35 2. Sections 70A.24, 351.1 through 351.14, 351.17,  
36 351.20, 351.22 through 351.24, 351.34, 427A.2 through  
37 427A.6, 427A.9 through 427A.11, 428.10, and 568.2,  
38 Code 1993, are repealed."

39 2. Title page, line 2, by inserting after the  
40 word "state" the following: "by striking certain  
41 duties of cities, counties, and county auditors for  
42 civil actions, abandoned islands, and public  
43 contracts, by providing for the funding of state  
44 mandates, the department of public health for health  
45 professional licensing, and other matters related to  
46 the state, by removing a reporting requirement by  
47 county auditors for foreclosures of permanent school  
48 fund mortgages, by providing for the recovery of  
49 compensation for an advocate for an involuntarily  
50 committed mental patient, by making the appointment of

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1 a county weed commissioner optional, by increasing the  
 2 dollar limit before county contract letting procedures  
 3 are required, by striking leave requirements for  
 4 public employees for Olympic competition, by striking  
 5 a requirement for lobby space in courthouses for  
 6 certain veterans, by reducing bridge and culvert cost  
 7 records kept by the state, by providing for the  
 8 designation of certain county officers to act on  
 9 behalf of the principal officers, by striking property  
 10 tax exemptions for certain veterans, by amending  
 11 procedures for setting speed limits on secondary  
 12 roads, by striking provisions relating to personal  
 13 property taxes, by striking requirements for county  
 14 attorneys to represent school districts, by striking  
 15 the requirements for county dog licensing, by striking  
 16 assessment provisions for ice and coal dealers, and by  
 17 making provisions for other properly related matters”.

TOM VILSACK  
 O. GENE MADDOX

HOUSE AMENDMENT TO  
 SENATE FILE 2277

S-5653

1 Amend Senate File 2277, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by striking lines 9 through 11 and  
 4 inserting the following: “one-half unit of United  
 5 States government and one unit of United States  
 6 history. The one-half unit of United States  
 7 government shall include the voting procedure as  
 8 described in this lettered paragraph and section  
 9 280.9A. The government instruction shall also include  
 10 a study of the Constitution of the United States and  
 11 the bill of rights contained in the Constitution and  
 12 an assessment of a student's knowledge of the  
 13 Constitution and the bill of rights.”

HOUSE AMENDMENT TO  
 SENATE FILE 2314

S-5654

1 Amend Senate File 2314, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 13, by striking the figure

4 "1,892,481" and inserting the following: "1,867,481".

5 2. Page 1, line 18, by striking the figure  
6 "50,000" and inserting the following: "35,000".

7 3. Page 1, by striking lines 29 through 35 and  
8 inserting the following:

9 "( ) Of the amount appropriated and the number  
10 of FTEs allocated in this paragraph "a", \$90,000 and  
11 1.4 FTEs shall be used to support a livestock market  
12 news program."

13 4. Page 2, line 11, by striking the figure  
14 "3,700,175" and inserting the following: "3,715,675".

15 5. Page 2, line 12, by striking the figure  
16 "121.00" and inserting the following: "122.50".

17 6. Page 2, by inserting after line 12 the  
18 following:

19 "Of the moneys appropriated and the FTEs allocated  
20 pursuant to this lettered paragraph, an additional  
21 \$15,500 and 1.5 additional FTEs shall be allocated for  
22 purposes of supporting meat and poultry inspections as  
23 provided in chapter 189A."

24 7. Page 4, by striking lines 18 through 22.

25 8. Page 5, line 33, by striking the figure  
26 "198,750" and inserting the following: "188,750".

27 9. Page 7, line 8, by striking the figure  
28 "1,852,012" and inserting the following: "1,827,012".

29 10. Page 7, line 26, by striking the figure  
30 "1,651,984" and inserting the following: "1,626,984".

31 11. Page 7, line 32, by striking the figure  
32 "1,797,940" and inserting the following: "2,442,940".

33 12. Page 7, line 33, by striking the figure  
34 "176.00" and inserting the following: "172.00".

35 13. By striking page 7, line 8, through page 8,  
36 line 5.

37 14. Page 8, by inserting before line 6 the  
38 following:

39 " . Of the amount appropriated and the number of  
40 FTEs allocated under this paragraph "a", \$45,000 and 1  
41 FTE shall be used to support facilitating the review  
42 and approval of permits related to livestock  
43 operations. The department may consult with the soil  
44 conservation division of the department of agriculture  
45 and land stewardship and the livestock and  
46 environmental coordinator regarding livestock  
47 operation permits, as provided in this Act."

48 15. Page 8, by striking lines 6 through 35 and  
49 inserting the following:

50 " . Of the amount appropriated and the number of

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1 FTEs allocated in paragraph "a", \$779,000 and 10.00  
2 additional FTEs shall be used to carry out the  
3 provisions of chapter 455B relating to the  
4 administration, regulation, and enforcement of the  
5 federal Safe Drinking Act."

6 16. Page 11, line 28, by striking the figure  
7 "200,000" and inserting the following: "240,318".

8 17. Page 12, line 20, by striking the figure  
9 "900,000" and inserting the following: "300,000".

10 18. Page 12, by inserting after line 20 the  
11 following:

12 " \_\_\_\_ . The division may consult with the department  
13 of natural resources and the livestock and  
14 environmental coordinator established in the office of  
15 the governor regarding the organic nutrient management  
16 program."

17 19. Page 12, by inserting after line 30 the  
18 following:

19 "Sec. \_\_\_\_ . LIVESTOCK AND ENVIRONMENTAL  
20 COORDINATOR. The position established within the  
21 office of governor responsible for coordinating  
22 livestock production efforts shall be referred to as  
23 the livestock and environmental coordinator. The  
24 coordinator shall promote the expansion of livestock  
25 production in this state in a manner which encourages  
26 sound management practices and preserves the quality  
27 of life traditionally enjoyed by residents of this  
28 state, including practices which provide for the  
29 effective disposal or application of organic nutrients  
30 in a manner which does not negatively impact upon  
31 environmental quality or nonagricultural uses. The  
32 coordinator may regularly consult with the soil  
33 conservation division of the department of agriculture  
34 and land stewardship and the environmental protection  
35 division of the department of natural resources."

36 20. Page 13, by inserting after line 8 the  
37 following:

38 "Sec. \_\_\_\_ . DEPARTMENTAL STUDY -- COMMERCIAL  
39 WEIGHING AND MEASURING DEVICES. The department of  
40 agriculture and land stewardship shall study its  
41 licensing structure for the inspection of commercial  
42 weighing and measuring devices, including fees  
43 required to be paid by licensees pursuant to section  
44 214.3. The department shall examine the relationship  
45 between fees and the costs incurred in administration,  
46 regulation, and enforcement of provisions relating to  
47 the licensing of the devices. The department shall  
48 submit a report, including findings and



49 recommendations, to the governor and the general  
50 assembly by January 9, 1995."

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1 21. Page 13, by striking lines 22 through 35 and  
2 inserting the following: "revenue and finance in  
3 cooperation with each appropriate agency shall track  
4 receipts to the general fund which under law were  
5 previously collected to be used for specific purposes,  
6 or to be credited to, or be deposited to a particular  
7 account or fund, as provided in section 8.60.

8 The department of revenue and finance and each  
9 appropriate agency shall prepare".

10 22. Page 15, by striking lines 23 through 29.

11 23. Page 16, by striking lines 1 through 16 and  
12 inserting the following:

13 "Sec. \_\_\_\_ . LEASE-PURCHASE -- BUDGET SUBMISSION.

14 This section applies to each state agency receiving an  
15 appropriation in this Act. The departmental estimate  
16 required under section 8.23 for the fiscal period  
17 beginning July 1, 1995, which includes the state  
18 agency, shall provide an itemized list indicating the  
19 nature and amount of each lease-purchase contract  
20 payment included in the estimate for proposed  
21 contracts which have not been reported by the state  
22 agency to the legislative fiscal committee of the  
23 legislative council pursuant to section 8.46 prior to  
24 the submission of the estimate. The governor shall  
25 include in the governor's budget for the fiscal year  
26 beginning July 1, 1995, a listing indicating the  
27 nature and amount of each lease-purchase contract  
28 which was itemized in a departmental estimate in ac-  
29 cordance with this section and is included in the  
30 governor's budget. A state agency receiving an  
31 appropriation in this Act shall not enter into a  
32 lease-purchase contract during the fiscal year  
33 beginning July 1, 1995, unless the contract was  
34 itemized in a departmental estimate and included in  
35 the governor's budget in accordance with this  
36 section."

37 24. By striking page 16, line 17 through page 17,  
38 line 13, and inserting the following:

39 "Sec. 100. SOIL CONSERVATION ASSISTANCE. There is  
40 appropriated from the unobligated and unencumbered  
41 moneys deposited or required to be deposited in the  
42 water protection practices account of the water  
43 protection fund established in section 161C.4 to the  
44 division of soil conservation within the department of  
45 agriculture and land stewardship for the fiscal period

46 beginning July 1, 1993, and ending June 30, 1995, the  
47 following amount, or so much thereof as is necessary,  
48 to be used for the purpose designated:

49 For the purpose of providing interest-free loans to  
50 persons who receive assistance from the United States

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1 department of agriculture under the emergency  
2 conservation program:

3 ..... \$ 500,000

4 The loans shall be made in order to provide any  
5 matching moneys required to be contributed by a person  
6 receiving assistance under the federal program. The  
7 division shall seek to cooperate with the soil  
8 conservation service in implementing this section.  
9 The moneys must be repaid to the water protection  
10 practices account within five years from the date that  
11 the moneys are loaned. Moneys which are unobligated  
12 or unencumbered on June 30, 1995, shall be credited  
13 back to the account. In administering these moneys,  
14 the department may contract, sue, and be sued, and  
15 adopt rules necessary to carry out the provisions of  
16 this section. However, the division shall not in any  
17 manner directly or indirectly pledge the credit of  
18 this state."

19 25. By striking page 19, line 34 through page 21,  
20 line 6 and inserting the following:

21 "Sec. \_\_\_\_ . **NEW SECTION. 161C.6 ORGANIC NUTRIENT**  
22 **MANAGEMENT PROGRAM.**

23 1. An organic nutrient management program is  
24 created. The program shall be governed by rules which  
25 shall be adopted by the division. The program shall  
26 be funded from moneys deposited in the organic  
27 nutrient management fund.

28 2. a. The program shall provide financial  
29 incentives to establish livestock organic nutrients  
30 management systems to facilitate the proper  
31 utilization of livestock organic nutrients as a  
32 nutrient source, and to protect the water resources of  
33 the state from livestock organic nutrients runoff.

34 b. The amount of moneys allocated in cost-share  
35 payments to a person qualifying under the organic  
36 nutrient management program shall not exceed fifty  
37 percent of the estimated cost of establishing the  
38 system or fifty percent of the actual cost, whichever  
39 is less.

40 c. A person shall not be eligible to participate  
41 in the program, unless the person is an individual  
42 family farmer, an individual actively engaged in

43 farming as provided in section 9H.1, subsection 1,  
44 paragraphs "a" through "c", or the person is a family  
45 farm corporation, family farm limited partnership, a  
46 family farm trust, or a family farm limited liability  
47 company, all as defined in section 9H.1.

48 d. The department shall not allocate moneys to a  
49 person who is a party to a legal or administrative  
50 action, including a contested case proceeding under

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1 chapter 17A, which relates to an alleged violation of  
2 chapter 455B involving the disposal of livestock  
3 waste, until the action is resolved. The department  
4 of natural resources shall cooperate with the division  
5 by providing information necessary to administer this  
6 paragraph.

7 e. A person shall not use moneys allocated  
8 pursuant to this section for purposes of paying an  
9 amount imposed pursuant to a fine or civil penalty, or  
10 for remediating or restoring the condition of an area  
11 contaminated by livestock waste.

12 f. A person qualifying under the program shall not  
13 receive more than seven thousand five hundred dollars  
14 in financial incentives during any fiscal year  
15 beginning on July 1 and ending on June 30. A person  
16 who has received financial assistance in a prior  
17 fiscal year is eligible to receive financial  
18 assistance in a subsequent fiscal year, unless the  
19 financial assistance is used to support the  
20 establishment of a system previously receiving  
21 assistance under this program.

22 3. The division shall review swine confinement  
23 facilities if such facilities are subject to  
24 governmental use restrictions, including restrictions  
25 relating to the disposal of organic nutrients. The  
26 division shall cooperate with the department of  
27 natural resources and counties to ensure that waste  
28 disposal systems minimize their impact upon the  
29 environment.

30 4. The division shall maintain records regarding  
31 each award of financial incentives under this section,  
32 including the name of the person; the amount of the  
33 award; the location of the livestock manure management  
34 system established with financial incentive moneys;  
35 and whether the person is a family farm corporation,  
36 family farm limited partnership, family trust, or a  
37 family farm limited liability company.

38 Sec. 500. ORGANIC NUTRIENT DISPOSAL -- SWINE  
39 CONFINEMENT FACILITIES SUBJECT TO COUNTY ZONING --

## 40 CONSULTATION WITH STATE DEPARTMENTS.

41 1. As used in this section:

42 a. "Site" means one hundred and sixty acres of  
43 land or less, which are held by a person who also has  
44 an interest in a swine confinement facility located on  
45 the land.46 b. "Swine confinement facility" means a totally  
47 roofed structure used for the feeding or production of  
48 swine in which animal wastes are stored or removed as  
49 a liquid or semi-liquid.

50 2. A county may consult with the soil conservation

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1 division of the department of agriculture and land  
2 stewardship and the department of natural resources.  
3 Notwithstanding section 335.2, a county which  
4 determines that the impact of swine confinement  
5 operations and the disposal of organic nutrients  
6 impacts upon the county, may enact, implement, and  
7 enforce, an ordinance pursuant to chapter 335, which  
8 regulates a swine confinement facility or facilities,  
9 which are part of an operation which has a maximum  
10 capacity of six hundred twenty-five thousand or more  
11 pounds of live weight for swine. The ordinance shall  
12 apply to a site containing an operation which has a  
13 maximum capacity as provided in this subsection. For  
14 purposes of this section, the determination of live  
15 weight shall be based on an average weight of one  
16 hundred twenty-five pounds. However, swine weighing  
17 less than fifty-five pounds shall not be used in  
18 calculating the average weight.

19 3. Ordinances adopted pursuant to this section  
20 shall be of force and effect until July 1, 1995.

21 4. This section shall not apply to a swine  
22 confinement facility constructed before the effective  
23 date of this section of this Act. This section shall  
24 also not apply to a facility which is being  
25 constructed on the effective date of this section, or  
26 which will be constructed after the effective date of  
27 this section if a binding construction contract has  
28 been executed in writing before the effective date of  
29 this section. However, it shall apply to a facility  
30 constructed prior to the effective date of this Act,  
31 if the capacity of the facility is expanded after the  
32 effective date of this section of the Act unless the  
33 expansion is being constructed on the effective date  
34 of this section, or constructed pursuant to a binding  
35 construction contract as provided in this subsection.

36 Sec. 501. CONFINEMENT FEEDING OPERATIONS --ORGANIC

## 37 NUTRIENT MANAGEMENT.

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

40 a. "Confinement feeding operation" means a totally  
41 roofed facility or facilities, with a total capacity  
42 of more than four million pounds of live animal weight  
43 used to produce animals in which organic nutrients are  
44 stored or removed as a liquid or semi-liquid. For  
45 purposes of this section, the determination of live  
46 weight shall be based on an average weight of one  
47 hundred twenty-five pounds. However, swine weighing  
48 less than fifty-five pounds shall not be used in  
49 calculating the average weight.

50 b. "Department" means the department of natural

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1 resources.

2 2. A person required to submit evidence of  
3 compliance, and who holds an interest in a confinement  
4 feeding operation which is located on thirty-six or  
5 fewer square miles of land in which the person holds  
6 an interest shall dispose of organic nutrients  
7 produced from the operation in compliance with this  
8 section. The disposal must be made by any of the  
9 following methods:

10 a. The application of organic nutrients on land in  
11 accordance with rates which do not exceed rates  
12 recommended by the department of natural resources, as  
13 provided in 567 IAC ch. 65.

14 b. The transfer of organic nutrients to a person  
15 who disposes of the organic nutrients in a manner  
16 consistent with this section. The transfer must be  
17 accomplished by a document executed by both persons.

18 c. Any other manner of disposal by a person which  
19 is approved by the department.

20 3. A person shall be subject to penalties as  
21 provided in this section, unless the person submits  
22 evidence of compliance as may be required by the  
23 department in order to obtain a permit for the  
24 establishment of a confinement feeding operation, or  
25 in order to continue the operation of the feeding  
26 operation. The person shall submit the evidence of  
27 compliance in a manner prescribed by the department.  
28 The evidence of compliance shall include all of the  
29 following:

30 a. The name and address of the person.

31 b. The location of the confinement feeding  
32 operation.

33 c. A disposal plan which specifies handling,

34 storage, and disposal practices.

35 d. A legal description of the site subject to the  
36 disposal of the organic nutrients, and any other  
37 application of organic nutrients which will be applied  
38 to the site.

39 e. A copy of a document accomplishing a transfer  
40 of the organic nutrients.

41 f. Any other information required by the  
42 department in order to ensure that the person is  
43 complying with this section, including the records of  
44 the rates of application of organic nutrients on the  
45 site.

46 4. A person subject to this section shall comply  
47 with this section, including submitting evidence of  
48 compliance, within sixty days following the effective  
49 date of this Act. A person who does not comply with  
50 this section shall be subject to a civil penalty of

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1 not more than one thousand dollars which shall be  
2 assessed and collected as provided in section  
3 455B.109. Each day that a person fails to comply with  
4 this section constitutes a separate violation. The  
5 department of natural resources and the attorney  
6 general shall have sole enforcement authority under  
7 this section, as provided in section 455B.109."

8 26. Page 21, line 9, by inserting after the word  
9 "partnership," the following: "established on or  
10 after the effective date of this Act, which is".

11 27. Page 21, line 9, by inserting after the word  
12 "than" the following: "either".

13 28. Page 21, line 10, by striking the figure  
14 "496C," the following: "496C".

15 29. Page 21, line 14, by inserting after the word  
16 "chapter." the following: "However, this section  
17 shall not prohibit a person from owning an interest in  
18 real property or a building where a clinic is located,  
19 if veterinary medical services or a practice is  
20 conducted by the clinic by a professional corporation  
21 or a veterinarian licensed under this chapter."

22 30. Page 22, by inserting after line 27 the  
23 following:

24 "Sec. \_\_\_\_ . NEW SECTION. 214.4 TAGGING OF  
25 EQUIPMENT.

26 1. If the department does not receive payment of  
27 the license fee required pursuant to section 214.3  
28 within one month from the due date, the department  
29 shall send a notice to the owner or operator of the  
30 device. The notice shall be delivered by certified

31 mail. The notice shall state all of the following:

32 a. The owner or operator is delinquent in the  
33 payment of the required fee.

34 b. The owner or operator has fifteen days after  
35 receipt of the notice to pay the license fee required  
36 pursuant to section 214.3.

37 c. If the department does not receive payment of  
38 the license fee as required, the department may  
39 summarily tag and remove from service the commercial  
40 weighing and measuring device.

41 2. If the license fee is not received by the  
42 department within fifteen days after receipt of the  
43 notice by the owner or operator of the commercial  
44 weighing and measuring device, the department may tag  
45 and remove from service the device for which the  
46 license fee has not been paid."

47 31. Page 23, by inserting after line 7 the  
48 following:

49 "Sec. \_\_\_\_ . Section 321.453, Code 1993, as amended  
50 by 1994 Iowa Acts, Senate File 2080, section 3, is

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1 amended by striking the section and inserting in lieu  
2 thereof the following:

3 321.453 EXCEPTIONS.

4 The provisions of this chapter governing size,  
5 weight, and load, and the permit requirements of  
6 chapter 321E do not apply to fire apparatus, to road  
7 maintenance equipment owned by or under lease to any  
8 state or local authority, to implements of husbandry  
9 temporarily moved upon a highway, to implements moved  
10 from farm site to farm site or between the retail  
11 seller and a farm purchaser within a one hundred mile  
12 radius from the retail seller's place of business, to  
13 indivisible implements of husbandry temporarily moved  
14 between the place of manufacture and a retail seller  
15 or a farm purchaser, to implements received and moved  
16 by a retail seller of implements of husbandry in  
17 exchange for an implement purchased, or to implements  
18 of husbandry moved for repairs, except on any part of  
19 the interstate highway system. A vehicle, carrying an  
20 implement of husbandry, which is exempted from the  
21 permit requirements under this section shall be  
22 equipped with an amber flashing light under section  
23 321.423, shall be equipped with warning flags on that  
24 portion of the vehicle which protrudes into oncoming  
25 traffic, and shall only operate from thirty minutes  
26 prior to sunrise to thirty minutes following sunset."

27 32. Page 23, by inserting after line 7 the

28 following:

29 "Sec. \_\_\_\_ . Section 352.6, unnumbered paragraph 1,  
30 Code Supplement 1993, is amended to read as follows:  
31 An owner of farmland may submit a proposal to the  
32 county board for the creation or expansion of an  
33 agricultural area within the county. The proposal  
34 shall include the payment of an amount set by the  
35 board which shall be not more than the amount required  
36 to pay for administrative expenses of the county in  
37 providing a notice and hearing on the proposal as  
38 provided in section 352.7. An agricultural area, at  
39 its creation, shall include at least three hundred  
40 acres of farmland, however, a smaller area may be  
41 created if the farmland is adjacent to farmland  
42 subject to an agricultural land preservation ordinance  
43 pursuant to section 335.27 or adjacent to land located  
44 within an existing agricultural area. The proposal  
45 shall include a description of the proposed area to be  
46 created or expanded, including its boundaries. The  
47 territory shall be as compact and as nearly adjacent  
48 as feasible. Land shall not be included in an  
49 agricultural area without the consent of the owner.  
50 Agricultural areas shall not exist within the

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1 corporate limits of a city. The county board may  
2 consult with the department of natural resources when  
3 creating or expanding an agricultural area contiguous  
4 to a location which is under the direct supervision of  
5 the department, including a state park, state  
6 preserve, state recreation area, or sovereign lake.  
7 Agricultural areas may be created in a county which  
8 has adopted zoning ordinances. Except as provided in  
9 this section, the use of the land in agricultural  
10 areas is limited to farm operations."

11 33. Page 23, by inserting after line 7 the  
12 following:

13 "Sec. \_\_\_\_ . Section 455A.18, Code Supplement 1993,  
14 is amended by adding the following new subsection:  
15 **NEW SUBSECTION. 4.** Notwithstanding section 12C.7,  
16 interest or earnings on investments or time deposits  
17 of the moneys in the Iowa resources enhancement and  
18 protection fund or any of its accounts shall be  
19 credited to the Iowa resources enhancement and  
20 protection fund."

21 34. By striking page 23, line 8, through page 27,  
22 line 4, and inserting the following:

23 "Sec. \_\_\_\_ . EFFECTIVE DATE. Sections 25, 26, and  
24 100, and this section of this Act, being deemed of



25 immediate importance, take effect upon enactment.”

26 35. Page 27, by inserting before line 5 the  
27 following:

28 “Sec. \_\_\_\_ . REPEAL. Sections 500 and 501 of this  
29 Act is repealed on July 1, 1995.

30 Sec. \_\_\_\_ . EFFECTIVE DATE. Sections 500 and 501 of  
31 this Act, being deemed of immediate importance, takes  
32 effect upon enactment.”

33 36. Title page, line 3, by inserting after the  
34 word “fees” the following: “, the repeal of sections,  
35 and effective dates”.

36 37. By renumbering, relettering, or redesignating  
37 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 126

S-5655

1 Amend Senate File 126, as passed by the Senate, as  
2 follows:

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

5 “Section 1. Section 422.42, Code 1993, is amended  
6 by adding the following new subsections and  
7 renumbering current subsections as necessary:

8 NEW SUBSECTION. 1. “Agricultural production”  
9 includes the production of flowering, ornamental, or  
10 vegetable plants in commercial greenhouses.  
11 “Agricultural products” include flowering, ornamental,  
12 or vegetable plants.

13 NEW SUBSECTION. 2A. “Farm machinery and  
14 equipment” means machinery and equipment used in  
15 agricultural production.”

16 2. Page 2, lines 8 and 9, by striking the words  
17 “growing plants or flowers” and inserting the  
18 following: “the production of flowering, ornamental,  
19 or vegetable plants”.

20 3. Page 2, by inserting after line 19 the  
21 following:

22 “Sec. \_\_\_\_ . Section 422.45, subsection 39,  
23 paragraphs a and c, Code Supplement 1993, are amended  
24 to read as follows:

25 a. The implement, machinery, or equipment is  
26 directly and primarily used in livestock or dairy  
27 production or in the production of flowering,  
28 ornamental, or vegetable plants.

29 c. The replacement part is essential to any repair  
30 or reconstruction necessary to the farm machinery’s or  
31 equipment’s exempt use in livestock or dairy

32 production or in the production of flowering,  
 33 ornamental, or vegetable plants."

34 4. Page 2, lines 28 and 29, by striking the words  
 35 "growing plants or flowers" and inserting the  
 36 following: "the production of flowering, ornamental,  
 37 or vegetable plants".

38 5. Page 3, by inserting after line 6 the  
 39 following:

40 "Sec. \_\_\_\_ . This Act takes effect January 1, 1995."

41 6. Title page, by striking lines 1 and 2 and  
 42 inserting the following: "An Act relating to the  
 43 production and processing of ornamental, flowering, or  
 44 vegetable plants for purposes of the state sales,  
 45 services, and use taxes."

46 7. Title page, line 2, by inserting after the  
 47 word "taxes" the following: ", and providing an  
 48 effective date".

49 8. By renumbering, relettering, or redesignating  
 50 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2350

S-5656

1 Amend the Senate amendment, H-6169, to House File  
 2 2350, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. Page 8, line 31, by inserting after the word  
 5 "facility." the following: "If the construction is  
 6 financed utilizing either of the financing methods  
 7 specified in section 19, subsection 2, paragraph "b"  
 8 or "c", then the maximum cost, not including interest  
 9 expense, shall not exceed \$22,000,000."

10 2. Page 8, by inserting after line 31 the  
 11 following:

12 " \_\_\_\_ . The department of corrections shall issue a  
 13 request for proposals for the construction of  
 14 additional medium security correctional beds for men,  
 15 to be located at the Newton correctional facility,  
 16 which would only be constructed if the proposal is  
 17 accepted. The department of corrections shall include  
 18 specifications concerning the number of correctional  
 19 beds in the request for proposals and issue the  
 20 request for proposals in such a manner that responses  
 21 are due and shall be included in a report submitted by  
 22 the department to the general assembly on or before  
 23 January 9, 1995. The department of corrections shall  
 24 not accept a proposal received in accordance with this

25 subsection without specific authorization through the  
 26 enactment of legislation to fund the proposal by the  
 27 Seventy-sixth General Assembly or a subsequent general  
 28 assembly."

29 3. Page 25, lines 32 and 33, by striking the  
 30 words "in amounts and".

31 4. By renumbering, relettering, or redesignating  
 32 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 2282

S-5657

1 Amend Senate File 2282, as passed by the Senate, as  
 2 follows:

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

5 "Section 1. Section 505.7, subsection 1, Code  
 6 Supplement 1993, is amended to read as follows:

7 1. All fees and charges which are required by law  
 8 to be paid by insurance companies, ~~and~~ associations,  
 9 and other regulated entities shall be payable to the  
 10 commissioner of the insurance division of the  
 11 department of commerce or department of revenue and  
 12 finance, as provided by law, whose duty it shall be to  
 13 account for and pay over the same to the treasurer of  
 14 state at the time and in the manner provided by law  
 15 for deposit in the general fund of the state.

16 Sec. \_\_\_\_ . Section 505.7, Code Supplement 1993, is  
 17 amended by adding the following new subsection:

18 NEW SUBSECTION. 8. The commissioner may assess  
 19 the costs of an audit or examination to a health  
 20 insurance purchasing cooperative, in the same manner  
 21 as provided for insurance companies under sections  
 22 507.7 through 507.9, and may establish by rule  
 23 reasonable filing fees to fund the cost of regulatory  
 24 oversight.

25 Sec. \_\_\_\_ . Section 505.8, Code 1993, is amended by  
 26 adding the following new subsection:

27 NEW SUBSECTION. 6. The commissioner shall  
 28 supervise all health insurance purchasing cooperatives  
 29 providing services or operating within the state and  
 30 the organization of domestic cooperatives. The  
 31 commissioner may admit nondomestic health insurance  
 32 purchasing cooperatives under the same standards as  
 33 domestic cooperatives."

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

36 "Sec. \_\_\_\_ . NEW SECTION. 505.20 HEALTH ACCOUNTING

## 37 STANDARDS -- DUTIES OF COMMISSIONER.

38 The commissioner, in conjunction with the community  
39 health management information system established in  
40 chapter 144C, if enacted by the Seventy-fifth General  
41 Assembly, shall adopt rules establishing health  
42 accounting standards to be enforced statewide. The  
43 community health management information system board  
44 shall propose accounting standards for cost and  
45 quality to the commissioner for approval. The  
46 commissioner shall enforce the standards in  
47 conjunction with the community health management  
48 information system board.

49 Sec. 101. NEW SECTION. 505.21 HEALTH CARE ACCESS  
50 --DUTIES OF COMMISSIONER -- PENALTIES.

## Page 2

1 1. The commissioner shall adopt rules establishing  
2 a requirement that an employer provide access to  
3 health care to the employees of the employer. The  
4 rules shall provide that an employer doing business  
5 within this state shall offer each employee, at a  
6 minimum, access to health insurance. The requirement  
7 contained in this section may be satisfied by offering  
8 any of the following:

9 a. Health care coverage through an insurer or  
10 health maintenance organization authorized to do  
11 business in this state.

12 b. Access to health benefits through a health  
13 benefits plan qualified under the federal Employee  
14 Retirement Income Security Act of 1974.

15 2. An employer may financially contribute toward  
16 the employee's health benefit plan. The employer  
17 shall offer payroll deduction of employee  
18 contributions and direct deposit of premium payments  
19 related to a health insurance purchasing cooperative  
20 or other health care coverage.

21 3. A violation of this section may be reported to  
22 the consumer and legal affairs bureau in the insurance  
23 division. The division may issue, upon a finding that  
24 an employer has failed to offer an employee access to  
25 health insurance, any of the following:

26 a. A cease and desist order instructing the  
27 employer to cure the failure and desist from future  
28 violations of this section.

29 b. An order requiring an employer who has  
30 previously been the subject of a cease and desist  
31 order to pay an employee's reasonable health insurance  
32 premiums necessary to prevent or cure a lapse in  
33 health care coverage arising out of the employer's

34 failure to offer as required.

35 c. An order upon the employer assessing the  
36 reasonable costs of the division's investigation and  
37 enforcement action.

38 4. The insurance division shall annually provide a  
39 written report to the general assembly beginning  
40 January 1, 1995, which evaluates the effects of this  
41 section on providing universal coverage for all  
42 Iowans. If the division determines that the state has  
43 not achieved a level of individuals without health  
44 care coverage of less than three percent of total  
45 population through voluntary means by June 30, 1999,  
46 the division shall make recommendations for the  
47 implementation of and a financing mechanism for a  
48 requirement that all individuals in this state procure  
49 and maintain health care coverage for themselves and  
50 their dependents.””

Page 3

1 3. Page 3, line 25, by striking the word  
2 “regulations” and inserting the following: “rules”.

3 4. Page 5, by striking line 8 and inserting the  
4 following: “confidentiality of the memorandum or  
5 other material.  
6 Once any”.

7 5. Page 11, by striking lines 24 and 25 and  
8 inserting the following:

9 W  
10 I equals .03 W(R1-.03) 2 (R2-.09).”.

11 6. Page 23, by inserting after line 17 the  
12 following:

13 “Sec. \_\_\_\_ . Section 513B.2, subsection 16, Code  
14 Supplement 1993, is amended to read as follows:

15 16. “Small employer” means a person actively  
16 engaged in business who, on at least fifty percent of  
17 the employer’s working days during the preceding year,  
18 employed not less than two and not more than ~~twenty-~~  
19 five fifty full-time equivalent eligible employees.

20 In determining the number of eligible employees,  
21 companies which are affiliated companies or which are  
22 eligible to file a combined tax return for purposes of  
23 state taxation are considered one employer.

24 Sec. \_\_\_\_ . Section 513B.4, Code Supplement 1993, is  
25 amended by adding the following new subsection:

26 NEW SUBSECTION. 1A. Notwithstanding subsection 1,  
27 there shall be no variance in premium rates for a  
28 basic or standard benefit plan offered pursuant to  
29 this chapter for health status or claim experience.

30 Sec. \_\_\_\_ . Section 513B.4, subsection 2, unnumbered

31 paragraph 2, Code Supplement 1993, is amended by  
32 striking the paragraph and inserting in lieu thereof  
33 the following:

34 Case characteristics other than age, geographic  
35 area, family composition, and group size shall not be  
36 used by a small employer carrier without the prior  
37 approval of the commissioner.

38 Sec. \_\_\_\_ . Section 513B.4, Code Supplement 1993, is  
39 amended by adding the following new subsection:

40 NEW SUBSECTION. 5. Notwithstanding subsection 1,  
41 the commissioner, with the concurrence of the board of  
42 the Iowa small employer health reinsurance program  
43 established in section 513B.13, may by order reduce or  
44 eliminate the allowed rating bands provided under  
45 subsection 1, paragraphs "a", "b", and "c", or  
46 otherwise limit or eliminate the use of experience  
47 rating."

48 7. Page 23, by inserting after line 17 the  
49 following:

50 "Sec. \_\_\_\_ . Section 515A.13, Code 1993, is amended

#### Page 4

1 by adding the following new subsection:

2 NEW SUBSECTION. 5. PROHIBITED RELEASE. A person  
3 other than the commissioner or the commissioner's  
4 designee shall not release to another person, other  
5 than to the servicing insurer of the policy or to the  
6 commissioner or the commissioner's designee,  
7 experience, payroll, loss data, expiration date of a  
8 policy, or classification information without the  
9 prior written approval of the policy holder. A  
10 violation of this section shall be considered an  
11 unfair trade practice pursuant to chapter 507B."

12 8. Page 28, by inserting after line 24 the  
13 following:

14 "Subject to the materiality criteria, for purposes  
15 of paragraphs "b" and "c", a report shall be filed if  
16 the result of the revision affects more than ten  
17 percent of the cession."

18 9. Page 29, by inserting after line 17 the  
19 following:

20 "Sec. \_\_\_\_ . Section 101 of this Act, which creates  
21 new section 505.21, relating to health care access, is  
22 effective January 1, 1995."

23 10. Title page, line 6, by inserting after the  
24 word "state" the following: ", and providing an  
25 effective date".

26 11. By renumbering, relettering, or redesignating  
27 and correcting internal references as necessary.

S-5658

- 1 Amend the House amendment, S-5654, to Senate File
- 2 2314, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 2, by inserting after line 5 the
- 5 following:
- 6 "\_\_\_\_. Page 10, by inserting after line 10 the
- 7 following:
- 8 "In allocating moneys under this subsection, the
- 9 department shall give the highest priority to
- 10 providing handicapped access to boating facilities and
- 11 public waters."

LYLE E. ZIEMAN  
LARRY MURPHY

S-5659

- 1 Amend Senate Resolution 113 as follows:
- 2 1. Page 1, line 3, by striking the words "Al
- 3 Sturgeon" and inserting the following: "Jack Rife".
- 4 2. Page 1, line 4, by striking the words "Al
- 5 Sturgeon" and inserting the following: "Jack Rife".
- 6 3. Page 1, line 8, by striking the word
- 7 "Sturgeon's" and inserting the following: "Rife's".
- 8 4. Page 1, line 13, by striking the word
- 9 "Sturgeon" and inserting the following: "Rife".
- 10 5. Page 1, line 16, by striking the word
- 11 "Sturgeon's" and inserting the following: "Rife's".
- 12 6. Page 1, line 19, by striking the word
- 13 "Sturgeon" and inserting the following: "Rife".
- 14 7. Page 1, line 23, by striking the word
- 15 "Sturgeon" and inserting the following: "Rife".
- 16 8. Page 1, line 28, by striking the word
- 17 "Sturgeon" and inserting the following: "Rife".
- 18 9. Page 2, line 3, by striking the words "Al
- 19 Sturgeon" and inserting the following: "Jack Rife".
- 20 10. Page 2, line 9, by striking the words "Al
- 21 Sturgeon" and inserting the following: "Jack Rife".

MICHAEL E. GRONSTAL

S-5660

- 1 Amend Senate File 2260 as follows:
- 2 1. Page 2, by inserting after line 9 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 99B.6, subsection 1, paragraph
- 5 k, Code 1993, as amended by 1994 Iowa Acts, House File

6 2179, section 1, is amended to read as follows:

7 k. A person under the age of ~~twenty-one~~ eighteen  
8 years shall not participate in the gambling except  
9 pursuant to sections 99B.3, 99B.4, 99B.5, and 99B.7.  
10 Any licensee knowingly allowing a person under the age  
11 of ~~twenty-one~~ eighteen to participate in the gambling  
12 prohibited by this paragraph or any person knowingly  
13 participating in gambling with a person under the age  
14 of ~~twenty-one~~ eighteen, is guilty of a simple  
15 misdemeanor."

16 2. Page 4, by inserting after line 1 the  
17 following:

18 "Sec. \_\_\_\_ . Section 99D.11, subsection 7, Code  
19 1993, as amended by 1994 Iowa Acts, House File 2179/  
20 section 4, is amended to read as follows:

21 7. A person under the age of ~~twenty-one~~ eighteen  
22 years shall not make a pari-mutuel wager.

23 Sec. \_\_\_\_ . Section 99D.24, subsection 2, Code 1993,  
24 as amended by 1994 Iowa Acts, House File 2179, section  
25 5, is amended to read as follows:

26 2. A person knowingly permitting a person under  
27 the age of ~~twenty-one~~ eighteen years to make a pari-  
28 mutuel wager is guilty of a simple misdemeanor.

29 Sec. \_\_\_\_ . Section 99E.18, subsection 2, Code 1993,  
30 as amended by 1994 Iowa Acts, House File 2179, section  
31 6, is amended to read as follows:

32 2. A ticket or share shall not be sold to a person  
33 who has not reached the age of ~~twenty-one~~ eighteen.  
34 This does not prohibit the lawful purchase of a ticket  
35 or share for the purpose of making a gift to a person  
36 who has not reached the age of ~~twenty-one~~ eighteen. A  
37 licensee or a licensee's employee who knowingly sells  
38 or offers to sell a lottery ticket or share to a  
39 person who has not reached the age of ~~twenty-one~~  
40 eighteen is guilty of a simple misdemeanor. In  
41 addition the license of a licensee shall be suspended.  
42 A prize won by a person who has not reached the age  
43 of ~~twenty-one~~ eighteen but who purchases a winning  
44 ticket or share in violation of this subsection shall  
45 be forfeited.

46 Sec. \_\_\_\_ . Section 99F.1, subsection 10, Code 1993,  
47 as amended by 1994 Iowa Acts, House File 2179, section  
48 8, is amended to read as follows:

49 10. "Gambling game" means any game of chance  
50 authorized by the commission. The games of blackjack

Page 2

1 or twenty-one and poker are games of chance. However,  
2 for racetrack enclosures, "gambling game" does not



3 include a table ~~games~~ game of chance or video machines  
 4 ~~lottery~~ machine. "Gambling game" does not include  
 5 sports betting.

6 Sec. \_\_\_\_ . Section 99F.9, subsection 6, Code 1993,  
 7 as amended by 1994 Iowa Acts, House File 2179, section  
 8 23, is amended to read as follows:

9 6. A person under the age of ~~twenty-one~~ eighteen  
 10 years shall not make a wager on an excursion gambling  
 11 boat and shall not be allowed in the area of the  
 12 excursion boat where gambling is being conducted.

13 ~~However, a person eighteen years of age or older may~~  
 14 ~~be employed to work in a gambling area.~~

15 Sec. \_\_\_\_ . Section 99F.15, subsection 2, Code 1993,  
 16 as amended by 1994 Iowa Acts, House File 2179, section  
 17 27, is amended to read as follows:

18 2. A person knowingly permitting a person under  
 19 the age of ~~twenty-one~~ eighteen years to make a wager  
 20 is guilty of a simple misdemeanor."

21 3. Title page, line 2, by inserting after the  
 22 word "games," the following: "the age of participants  
 23 in gambling games,".

24 4. By renumbering as necessary.

JOE WELSH  
 BERL E. PRIEBE  
 TONY BISIGNANO  
 JIM KERSTEN  
 FLORENCE D. BUHR  
 WILLIAM D. PALMER

HOUSE AMENDMENT TO  
 SENATE FILE 196

S-5661

1 Amend Senate File 196, as amended, passed, and  
 2 reprinted by the Senate as follows:

3 1. By striking everything after the enacting  
 4 clause and inserting the following:

5 "Section 1. Section 422.45, subsection 21, Code  
 6 Supplement 1993, is amended by striking the subsection  
 7 and inserting in lieu thereof the following:

8 21. The gross receipts from sales or rentals to a  
 9 printer or publisher of the following: acetate; anti-  
 10 halation backing; anti-static spray; base material  
 11 used as a carrier for light sensitive emulsions; blow-  
 12 ups; bronze powder; carbon tissue; color separations;  
 13 contacts; continuous tone separations; creative art;  
 14 custom dies and die cutting materials; dampening  
 15 solution; design and styling; diazo coating; dot

16 etching; dot etching solutions; drawings; driers;  
 17 duplicate films or prints; electronically digitized  
 18 images; electrotypes; end product of image modulation;  
 19 engravings; etch solutions; film; finished art or  
 20 final art; fix; fixative spray; flying pasters; foils;  
 21 goldenrod paper; gum; halftones; illustrations; ink;  
 22 ink paste; keylines; lasering images; layouts;  
 23 lettering; line negatives and positives; linotypes;  
 24 lithographic offset plates; magnesium and zinc  
 25 etchings; masking paper; masks; masters; mats; mat  
 26 service; metal toner; models, modeling; mylar;  
 27 negatives; nonoffset spray; opaque film process paper;  
 28 padding compound; paper stock; photographic materials:  
 29 acids, plastic film, desensitizer emulsion, exposure  
 30 chemicals, fix, developers, paper; photography, day  
 31 rate; photopolymer coating; photographs; photostats;  
 32 photo-display tape; phototypesetter materials; ph-  
 33 indicator sticks; positives; press pack; printing  
 34 cylinders; printing plates, all types; process  
 35 lettering; proof paper; proofs and proof processes,  
 36 all types; pumice powder; purchased author  
 37 alterations; purchased composition; purchased  
 38 phototypesetting; purchased stripping and paste-ups;  
 39 red litho tape; reducers; screen tints; sketches;  
 40 stepped plates; stereotypes; strip type; tints; tissue  
 41 overlays; toners; transparencies; tympan; typesetting;  
 42 typography; varnishes; veloxes; and any other items  
 43 used in a like capacity to any of the above enumerated  
 44 items by the printer or publisher to complete a  
 45 finished product for sale at retail. Expendable tools  
 46 and supplies which are not enumerated in this  
 47 subsection are excluded from the exemption."  
 48 2. Title page, by striking lines 1 through 3 and  
 49 inserting the following: "An Act relating to the  
 50 sales, services, and use tax exemption for items used

Page 2

1 by printers and publishers."

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 121

S-5662

1 Amend the Senate amendment, H-6191, to House File  
 2 121, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. By striking page 1, line 10 through page 2,

5 line 3, and inserting the following:

6 ""Sec. \_\_\_\_ . Section 728.14, subsection 1, Code  
7 1993, is amended by adding the following new  
8 paragraph:

9 NEW PARAGRAPH. g. Nudity of a minor for the  
10 purpose of arousing or satisfying the sexual desires  
11 of a person who may view a depiction of the nude  
12 minor.””

13 2. Page 2, by inserting after line 4 the  
14 following:

15 “ \_\_\_\_ . Title page, line 3, by inserting after the  
16 word “degree” the following: “and which constitute  
17 failure of commercial film and photographic print  
18 processors to report depictions of minors engaged in  
19 prohibited sexual acts”.”

20 3. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2307

S-5663

1 Amend Senate File 2307, as passed by the Senate, as  
2 follows:

3 1. Page 2, by inserting after line 25 the  
4 following:

5 “Section 1. NEW SECTION. 633.5 NONESTATE  
6 PROPERTY -- INSURANCE PROCEEDS.

7 A decedent's estate shall not include life  
8 insurance proceeds, unless the proceeds are payable to  
9 the decedent's estate.

10 Sec. \_\_\_\_ . Section 633.197, Code 1993, is amended  
11 by adding the following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. For purposes of this  
13 section, the gross assets of the estate shall not  
14 include life insurance proceeds, unless payable to the  
15 decedent's estate.”

S-5664

1 Amend the amendment, S-5659, to Senate Resolution  
2 113 as follows:

3 1. Page 1, line 3, by striking the words “Jack  
4 Rife” and inserting the following: “Al Sturgeon and  
5 Mike Gronstal”.

6 2. Page 1, line 5, by striking the words “Jack  
7 Rife” and inserting the following: “Al Sturgeon and  
8 Mike Gronstal”.

9 3. Page 1, line 7, by striking the word “Rife's”  
10 and inserting the following: “Sturgeon's and

- 11 Gronstal's".  
 12 4. Page 1, line 9, by striking the word "Rife"  
 13 and inserting the following: "Sturgeon and Gronstal".  
 14 5. Page 1, line 11, by striking the word "Rife's"  
 15 and inserting the following: "Sturgeon's and  
 16 Gronstal's".  
 17 6. Page 1, line 13, by striking the word "Rife"  
 18 and inserting the following: "Sturgeon and Gronstal".  
 19 7. Page 1, line 15, by striking the word "Rife"  
 20 and inserting the following: "Sturgeon and Gronstal".  
 21 8. Page 1, line 17, by striking the word "Rife"  
 22 and inserting the following: "Sturgeon and Gronstal".  
 23 9. Page 1, line 19, by striking the words "Jack  
 24 Rife" and inserting the following: "Al Sturgeon and  
 25 Mike Gronstal".  
 26 10. Page 1, line 21, by striking the words "Jack  
 27 Rife" and inserting the following: "Al Sturgeon and  
 28 Mike Gronstal".

JACK RIFE

S-5665

- 1 Amend Senate Resolution 113 as follows:  
 2 1. Page 1, by inserting after line 27 the  
 3 following:  
 4 "WHEREAS, Senator Sturgeon has been instrumental in  
 5 helping develop the packing industry in Iowa; and  
 6 WHEREAS, Senator Sturgeon has been a man of few  
 7 words; and  
 8 WHEREAS, Senator Sturgeon has also moonlighted as  
 9 "Crazy Harold", asking for no additional pay when  
 10 providing entertainment to the Iowa Senate; and".  
 11 2. Page 2, by inserting after line 6 the  
 12 following:  
 13 "BE IT FURTHER RESOLVED, That the Senate present to  
 14 Senator Sturgeon a booth at the "Waveland" in  
 15 appreciation of his service."

MERLIN E. BARTZ

S-5666

- 1 Amend Senate Resolution 118 as follows:  
 2 1. Page 2, by inserting after line 12 the  
 3 following:  
 4 "BE IT FURTHER RESOLVED, That a copy of this  
 5 Resolution, in bold face and enlarged type, shall be  
 6 sent by the Secretary of the Senate to John Erickson,

7 Assistant Commissioner in charge of basketball  
8 officials in the Big Eight Conference."

JIM LIND  
LARRY MURPHY  
JIM KERSTEN  
DERRYL MCLAREN  
MERLIN E. BARTZ  
ALLEN BORLAUG  
DONALD B. REDFERN  
H. KAY HEDGE  
WILMER RENSINK  
JACK RIFE  
BRAD BANKS  
MARY LOU FREEMAN  
BILL FINK  
RANDAL J. GIANNETTO  
WALLY E. HORN  
ROBERT E. DVORSKY  
AL STURGEON  
PATRICK J. DELUHERY  
MARY KRAMER  
O. GENE MADDOX  
JIM RIORDAN  
TONY BISIGNANO  
TOM VILSACK

S-5667

- 1 Amend the amendment, S-5233, to House File 542, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 8, by striking the word  
5 "permanently".  
6 2. Page 1, line 13, by striking the word  
7 "permanent".  
8 3. Page 1, line 15, by striking the word  
9 "permanent".

ALLEN BORLAUG

S-5668

- 1 Amend House File 2366, as amended, passed, and re-  
2 printed by the House, as follows:  
3 1. By striking page 2, line 28, through page 3,  
4 line 11.  
5 2. By renumbering as necessary.

MICHAEL GRONSTAL

S-5669

- 1 Amend the House amendment, S-5560, to Senate File
- 2 2219, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 9 through 49.
- 5 2. Page 2, by striking lines 25 through 35.
- 6 3. By striking page 4, line 13 through page 5,
- 7 line 12.
- 8 4. By striking page 7, line 13 through page 8,
- 9 line 34.
- 10 5. By renumbering and correcting internal
- 11 references as necessary.

MICHAEL GRONSTAL

S-5670

- 1 Amend House File 2430, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 12, by striking lines 1 through 3 and
- 4 inserting the following: "Act, are repealed effective
- 5 April 1, 1995. If the repeals provided in this
- 6 subsection".
- 7 2. Page 12, line 7, by striking the word "May"
- 8 and inserting the following: "April".
- 9 3. Page 12, line 8, by striking the word "May"
- 10 and inserting the following: "April".
- 11 4. Page 12, by striking lines 14 through 16 and
- 12 inserting the following: "444.27, as enacted by this
- 13 Act, are repealed effective April 1, 1996. If the
- 14 repeals provided in".
- 15 5. Page 12, line 20, by striking the word "May"
- 16 and inserting the following: "April".
- 17 6. Page 12, line 21, by striking the word "May"
- 18 and inserting the following: "April".

WAYNE BENNETT

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2411

S-5671

- 1 Amend the Senate amendment, H-6029, to House File
- 2 2411, as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, line 41, by striking the figure
- 5 "1,433,500" and inserting the following: "1,457,000".

- 6 2. Page 2, by striking lines 42 through 45.
- 7 3. Page 3, line 20, by striking the figure
- 8 "6,160,833" and inserting the following: "6,137,333".
- 9 4. Page 3, line 46, by striking the figure
- 10 "99,070,486" and inserting the following:
- 11 "99,020,486".

12 5. By striking page 3, line 49 through page 4,

13 line 13, and inserting the following:

14 "a. Merged Area I .....	\$ 4,655,995
15 b. Merged Area II .....	\$ 5,603,450
16 c. Merged Area III .....	\$ 5,305,361
17 d. Merged Area IV .....	\$ 2,498,578
18 e. Merged Area V .....	\$ 5,389,288
19 f. Merged Area VI .....	\$ 5,008,716
20 g. Merged Area VII .....	\$ 6,879,876
21 h. Merged Area IX .....	\$ 8,732,354
22 i. Merged Area X .....	\$ 13,559,285
23 j. Merged Area XI .....	\$ 14,514,295
24 k. Merged Area XII .....	\$ 5,681,099
25 l. Merged Area XIII .....	\$ 5,885,862
26 m. Merged Area XIV .....	\$ 2,604,048
27 n. Merged Area XV .....	\$ 8,139,290
28 o. Merged Area XVI .....	\$ 4,562,989".

29 6. Page 6, line 20, by striking the figure

30 "296,470" and inserting the following: "301,470".

31 7. Page 6, by inserting after line 21 the

32 following:

33 "From the moneys appropriated in this subsection,

34 \$5,000 for the fiscal year beginning July 1, 1994, and

35 ending June 30, 1995, shall be expended to fund the

36 Iowa community scholarship program, and shall not be

37 used to pay, supplement, or supplant the salaries of

38 the employees of the college student aid commission."

39 8. Page 9, line 7, by striking the figure

40 "184,110,721" and inserting the following:

41 "183,680,721".

42 9. Page 11, line 16, by striking the figure

43 "205,696" and inserting the following: "185,696".

44 10. Page 11, line 41, by striking the figure

45 "146,760,798" and inserting the following:

46 "146,400,798".

47 11. Page 12, line 34, by striking the figure

48 "65,852,919" and inserting the following:

49 "65,812,919".

50 12. Page 15, line 46, by striking the figure

Page 2

- 1 "2,206,506" and inserting the following: "2,282,706".
- 2 13. Page 16, line 15, by striking the figure

3 "778,826" and inserting the following: "702,626".  
 4 14. Page 16, by striking lines 17 through 39.  
 5 15. Page 17, by inserting after line 17 the  
 6 following:  
 7 "Sec. \_\_\_\_ . Section 256.7, Code Supplement 1993, is  
 8 amended by adding the following new subsection:  
 9 NEW SUBSECTION. 24. Adopt rules that require the  
 10 board of directors of a school district to waive  
 11 school fees for indigent families."  
 12 16. Page 23, by inserting after line 46 the  
 13 following:  
 14 "Sec. \_\_\_\_ . REPEAL. Chapter 272D, Code 1993, is  
 15 repealed on July 1, 1995."  
 16 17. By renumbering, relettering and redesignating  
 17 as necessary.

S-5672

1 Amend Senate File 2327 as follows:  
 2 1. Page 1, line 16, by striking the figure "1994"  
 3 and inserting the following: "1995".  
 4 2. Page 1, line 21, by striking the figure "1995"  
 5 and inserting the following: "1996".

LARRY MURPHY

S-5673

1 Amend Senate File 2328 as follows:  
 2 1. Page 1, line 27, by inserting after the word  
 3 "custodian" the following: "or one grandparent of the  
 4 pregnant minor".

EUGENE FRAISE

S-5674

1 Amend Senate File 2329 as follows:  
 2 1. Page 1, line 2, by striking the words "state  
 3 to the state" and inserting the following: "state to  
 4 the Iowa".  
 5 2. Page 1, by inserting after line 6 the  
 6 following:  
 7 "Upon the appropriation of the funds in this  
 8 section to the Iowa communications network fund, the  
 9 Iowa telecommunications and technology commission  
 10 shall immediately transfer \$5,600,000 of the  
 11 appropriated amount to a separate fund established in  
 12 the office of the treasurer of state, to be used  
 13 solely for making a payment on the principal amount of



14 the bonds issued for the Iowa communications network  
15 which is scheduled for June of 1995. The commission  
16 shall certify to the treasurer of state when such  
17 payment is due, and upon receipt of the certification  
18 the treasurer shall make the payment. The commission  
19 shall pay any additional amount due from funds  
20 deposited in the Iowa communications network fund."  
21 3. Title page, line 1, by striking the word  
22 "state" and inserting the following: "Iowa".

PATTY JUDGE  
DONALD B. REDFERN  
EMIL J. HUSAK

HOUSE AMENDMENT TO  
SENATE FILE 2223

S-5675

1 Amend Senate File 2223, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting after line 29 the follow-  
4 ing:  
5 "4. "Voter registration agency" means an agency  
6 designated to conduct voter registration under section  
7 48A.19. Offices of the driver services division of  
8 the state department of transportation are not voter  
9 registration agencies."  
10 2. Page 1, line 30, by striking the figure "4"  
11 and inserting the following: "5".  
12 3. Page 4, by inserting after line 16 the  
13 following:  
14 "Sec. \_\_\_\_ . NEW SECTION. 48A.5A DETERMINATION OF  
15 RESIDENCE.  
16 Residence shall be determined in accordance with  
17 the following principles:  
18 1. The residence of a person is in the precinct  
19 where the person's home or dwelling is located.  
20 2. A residence for purposes of this chapter cannot  
21 be established in a commercial or industrial building  
22 that is not normally used for residential purposes  
23 unless the building is used as a primary nighttime  
24 residence.  
25 3. A person does not lose residence if the person  
26 leaves the person's home to reside temporarily in  
27 another state or precinct.  
28 4. If a person goes to another state or precinct  
29 and files an affidavit of residence in that state or  
30 precinct for election purposes, the person loses  
31 residence in the former state or precinct, unless the

32 person moved to the other state after that state's  
33 deadline for registering to vote in a particular  
34 election.

35 5. A student who resides at or near the school the  
36 student attends, but who is also able to claim a  
37 residence at another location under the provisions of  
38 this section, may choose either location as the  
39 student's residence for voter registration and voting  
40 purposes.

41 6. If an active member of the United States armed  
42 forces, as defined by section 53.37, has previously  
43 resided at a location that meets the requirements of  
44 this section, that person may claim either that  
45 previous residence or the person's current residence  
46 as the person's residence for voter registration and  
47 voting purposes.

48 7. Notwithstanding subsections 1 through 6, the  
49 residence of a homeless person is in the precinct  
50 where the homeless person usually sleeps. Residence

## Page 2

1 requirements shall be construed liberally to provide  
2 homeless persons with the opportunity to register to  
3 vote and to vote.

4 8. A person's declaration of residency for voter  
5 registration and voting purposes is presumed to be  
6 valid unless a preponderance of evidence indicates  
7 that another location should be considered the  
8 person's voting residence under the provisions of this  
9 chapter.

10 4. Page 4, line 34, by striking the word  
11 "drivers" and inserting the following: "driver's".

12 5. Page 7, line 20, by inserting after the word  
13 "and" the following: "the information".

14 6. Page 9, line 13, by striking the figure  
15 "48A.8" and inserting the following: "48A.16".

16 7. Page 11, line 2, by striking the word  
17 "DRIVERS" and inserting the following: "DRIVER'S".

18 8. Page 12, line 2, by striking the words "state  
19 funded" and inserting the following: "state-funded".

20 9. Page 12, line 10, by inserting after the word  
21 "rights" the following: "or its successor agency".

22 10. Page 12, line 12, by inserting after the word  
23 "rights" the following: "or its successor agency".

24 11. Page 12, by striking lines 13 and 14.

25 12. Page 12, by striking lines 21 through 24 and  
26 inserting the following: "the United States armed  
27 forces recruiting offices."

28 13. Page 12, by inserting after line 24 the

29 following:

30 "\_\_\_ . Agencies designated to provide voter  
31 registration services shall provide the following  
32 services:  
33 a. Distribution of a voter registration form  
34 either on paper or electronic medium.  
35 b. Assistance to registrants in completing voter  
36 registration forms, unless the registrant refuses  
37 assistance.  
38 c. Acceptance of completed voter registration  
39 forms for transmittal as required in section 48A.21."

40 14. Page 14, line 2, by striking the word  
41 "application".

42 15. Page 14, line 19, by striking the word  
43 "DRIVERS" and inserting the following: "DRIVER'S".

44 16. Page 14, line 23, by striking the word  
45 "drivers" and inserting the following: "driver's".

46 17. Page 14, line 25, by striking the word  
47 "drivers" and inserting the following: "driver's".

48 18. Page 15, by inserting after line 19 the  
49 following:

50 "Sec. \_\_\_ . NEW SECTION. 48A.25 COMPENSATION FOR

Page 3

1 ASSISTANCE IN COMPLETING REGISTRATION FORMS.

2 A person may pay, offer to pay, or accept  
3 compensation for assisting others in completing voter  
4 registration forms only if the compensation is based  
5 solely on the time spent providing the assistance.  
6 Paying, offering to pay, or receiving compensation  
7 based on the number of registration forms completed,  
8 or the party affiliations shown on completed  
9 registration forms, or on any other performance  
10 criteria, is a serious misdemeanor.

11 This section shall not apply to state statutory  
12 political committees, as defined in section 43.111.

13 This section shall not apply to state and political  
14 subdivision employees who are required to offer  
15 assistance to clients as a part of their regular job  
16 duties, and who shall not be granted additional  
17 compensation for voter registration activities. A  
18 person assisting another in completing a voter  
19 registration form shall not complete any portion of  
20 the form without the knowledge or consent of the  
21 registrant."

22 19. Page 16, line 12, by striking the figure  
23 "48A.27," and inserting the following: "48A.29,".

24 20. Page 17, line 4, by striking the word  
25 "drivers" and inserting the following: "driver's".

- 26 21. Page 17, line 16, by striking the word  
 27 "notice" and inserting the following: "form".  
 28 22. Page 19, line 9, by striking the word "form"  
 29 and inserting the following: "card".  
 30 23. Page 19, by striking lines 34 and 35 and  
 31 inserting the following: "the notice required by  
 32 paragraph "c" shall include a statement that  
 33 registration in".  
 34 24. Page 21, line 9, by striking the word  
 35 "section" and inserting the following: "subsection".  
 36 25. Page 21, line 32, by inserting after the word  
 37 "notice" the following: "and return card".  
 38 26. Page 22, line 4, by striking the word "form"  
 39 and inserting the following: "card".  
 40 27. Page 22, line 15, by striking the words  
 41 "changed residence" and inserting the following:  
 42 "moved".  
 43 28. Page 23, line 12, by striking the word "an"  
 44 and inserting the following: "the primary or general  
 45 election and at least eleven days before any other".  
 46 29. Page 24, line 12, by inserting after the word  
 47 "court" the following: ", or the United States  
 48 attorney,".  
 49 30. Page 24, line 15, by inserting after the word  
 50 "law." the following: "The clerk of district court

#### Page 4

- 1 shall send notice of a felony conviction to the state  
 2 registrar of voters. The registrar shall determine in  
 3 which county the felon is registered to vote, if any,  
 4 and shall notify the county commissioner of  
 5 registration for that county of the felony  
 6 conviction."  
 7 31. Page 24, line 20, by striking the figure  
 8 "48A.28" and inserting the following: "48A.29".  
 9 32. Page 25, by striking lines 23 and 24 and  
 10 inserting the following: "shall be kept by the voter  
 11 registration agency for twenty-two months after the  
 12 next general election after which time the agency may  
 13 destroy the records."  
 14 33. Page 26, line 9, by striking the figure  
 15 "48A.31" and inserting the following: "48A.32".  
 16 34. Page 26, line 19, by striking the word  
 17 "either".  
 18 35. Page 29, by striking lines 28 through 34, and  
 19 inserting the following:  
 20 "d. Files a challenge under section 48A.14 which  
 21 the challenger knows contains false information  
 22 pertaining to the reasons the registration is being

23 challenged.

24 e. Willfully or knowingly intimidates or  
25 threatens, or attempts to intimidate or threaten, any  
26 person for registering to vote or attempting to  
27 register to vote, or intimidates, threatens, or  
28 coerces, or attempts to intimidate, threaten, or  
29 coerce any person to register to vote or to attempt to  
30 register to vote."

31 36. Page 30, by striking lines 4 through 10.

32 37. By striking page 30, line 32 through page 31,  
33 line 1.

34 38. Page 35, by striking lines 3 through 9 and  
35 inserting the following: "registration. If the  
36 challenged voter's registration was canceled in the  
37 same county where the person attempted to vote because  
38 first class mail other than the registration receipt  
39 mailed pursuant to section 48.3 was returned by the  
40 postal service during the four years preceding the  
41 election in progress, the person's ballot shall be  
42 accepted for counting and the elector's registration  
43 shall be reinstated."

44 39. By renumbering and correcting internal  
45 references as necessary.

S-5676

1 Amend Senate File 2328 as follows:

2 1. By striking page 2, line 31 through page 3,  
3 line 1 and inserting the following:  
4 "b. The court shall advise the minor of the  
5 minor's right to a court-appointed advocate or to  
6 court-appointed legal counsel. The court shall  
7 provide a court-appointed advocate or court-appointed  
8 legal counsel, upon the request of the minor, at no  
9 cost to the minor. The minor's right to be  
10 represented by a court-appointed advocate or by a  
11 court-appointed legal counsel shall not be waived by  
12 the minor."

AL STURGEON

S-5677

1 Amend Senate File 2328 as follows:

2 1. By striking page 2, line 31 through page 3,  
3 line 1, and inserting the following:  
4 "b. The court shall advise the pregnant minor of  
5 the pregnant minor's right to a court-appointed  
6 advocate or to court-appointed legal counsel, and  
7 shall provide the pregnant minor with a court-

8 appointed advocate or with court-appointed legal  
9 counsel at no cost to the pregnant minor."

AL STURGEON

S-5678

1 Amend Senate File 2328 as follows:  
2 1. Page 4, by inserting after line 12 the  
3 following:  
4 "1. If a minor seeks counseling regarding the  
5 minor's decision of whether or not to seek an  
6 abortion, the person who provides counseling shall not  
7 be the same person as and shall not have any financial  
8 connection to the provider of the abortion."

AL STURGEON

S-5679

1 Amend Senate File 2328, as follows:  
2 1. Page 3, line 12, by inserting after the word  
3 "expeditiously." the following: "The court  
4 proceedings shall commence within twenty-four hours of  
5 the filing of a petition under this section."

AL STURGEON

S-5680

1 Amend Senate File 2328 as follows:  
2 1. Page 4, by inserting after line 16, the  
3 following:  
4 "8. A person who harasses or interferes with a  
5 minor seeking an abortion is guilty of a serious  
6 misdemeanor."  
7 2. By renumbering as necessary.

AL STURGEON

S-5681

1 Amend Senate File 2328 as follows:  
2 1. Page 2, line 4, by inserting after the letter  
3 "b," the following: "bb",  
4 2. Page 2, by inserting after line 6 the  
5 following:  
6 "bb. The minor elects not to allow notification of  
7 the minor's parent and the pregnant minor provides  
8 documentation of notification of a grandparent, an

9 aunt, an uncle, or a sibling of the minor who is over  
 10 eighteen years of age.”  
 11 3. By relettering as necessary.

AL STURGEON

S-5682

1 Amend Senate File 2328 as follows:  
 2 1. Page 1, by inserting after line 6, the  
 3 following:  
 4 “1A. The physician who will perform an abortion  
 5 shall provide the pregnant minor seeking an abortion  
 6 with written information regarding notification of a  
 7 parent, the availability of services to assist the  
 8 minor in informing the minor’s parent, and assistance  
 9 in seeking a waiver from the court, if the minor  
 10 objects to the notification.”  
 11 2. By renumbering as necessary.

AL STURGEON

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 642

S-5683

1 Amend the Senate amendment, H-6203, to House File  
 2 642, as amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 2, by inserting after line 6 the  
 5 following:  
 6 “Sec. \_\_\_\_ . Section 25B.3, subsection 2, Code 1993,  
 7 is amended to read as follows:  
 8 2. “State mandate” means a statutory requirement  
 9 or appropriation which requires a political  
 10 subdivision of the state to establish, expand, or  
 11 modify its activities in a manner which necessitates  
 12 additional combined annual expenditures of local  
 13 revenue by all affected political subdivisions of at  
 14 least one hundred thousand dollars, or additional  
 15 combined expenditures of local revenue by all affected  
 16 political subdivisions within five years of enactment  
 17 of five hundred thousand dollars or more, excluding an  
 18 order issued by a court of this state.  
 19 Sec. \_\_\_\_ . Section 25B.6, unnumbered paragraph 1,  
 20 Code 1993, is amended to read as follows:  
 21 A state agency or department shall not propose or  
 22 adopt an administrative rule which exceeds its

23 statutory authority by mandating expenditures by  
 24 political subdivisions, or agencies and entities which  
 25 contract with political subdivisions to provide  
 26 services. A state administrative rule, proposed  
 27 pursuant to chapter 17A, which necessitates additional  
 28 combined annual expenditures exceeding one hundred  
 29 thousand dollars by all affected political  
 30 subdivisions or agencies and entities which contract  
 31 with a the affected political subdivision subdivisions  
 32 to provide services shall be accompanied by a fiscal  
 33 note impact statement outlining the costs. The An  
 34 affected political subdivision, or an entity  
 35 representing the an affected political subdivision,  
 36 shall cooperate in the preparation of the fiscal note  
 37 impact statement. The fiscal note impact statement  
 38 shall be submitted to the administrative rules  
 39 coordinator for publication in the Iowa administrative  
 40 bulletin along with the notice of intended action."

41 2. Page 7, by inserting after line 4 the  
 42 following:

43 "Sec. \_\_\_\_ . Section 331.752, Code 1993, is amended  
 44 by adding the following new subsection:

45 NEW SUBSECTION. 3A. A resolution changing the  
 46 full-time or part-time status of a county attorney may  
 47 take effect at any time before the sixty days expire  
 48 upon agreement of the board of supervisors and the  
 49 affected county attorney or county attorney-elect."

50 3. Page 10, line 13, by inserting after the word

## Page 2

1 "taxes," the following: "by authorizing an early  
 2 change in full-time or part-time status of a county  
 3 attorney by agreement,".

4 4. By renumbering, relettering, or redesignating  
 5 and correcting internal references as necessary.

S-5684

1 Amend Senate File 2328 as follows:

2 1. Page 1, line 6, by striking the words "the  
 3 minor" and inserting the following: "each minor  
 4 responsible for the pregnancy".

5 2. Page 1, line 9, by striking the words "the  
 6 parent of the minor" and inserting the following: "a  
 7 parent of each minor responsible for the pregnancy".

8 3. Page 1, by striking lines 26 and 27, and  
 9 inserting the following:

10 "e. "Parent" means one parent of each of the  
 11 minors responsible for the pregnancy or the guardian



12 or custodian of each of the minors responsible for the  
13 pregnancy.”

14 4. Page 1, line 34, by striking the word “minor”  
15 and inserting the following: “pregnant minor”.

16 5. Page 2, line 1, by striking the word “minor”  
17 and inserting the following: “pregnant minor”.

18 6. Page 2, line 3, by striking the word “minor”  
19 and inserting the following: “pregnant minor”.

20 7. Page 2, line 4, by striking the words “or “d””  
21 and inserting the following: ““d”, “e”, or “f”.”

22 8. Page 2, line 5, by inserting after the word  
23 “parent” the following: “of the pregnant minor”.

24 9. Page 2, line 14, by inserting after the word  
25 “the” the following: “pregnant”.

26 10. Page 2, by inserting after line 15, the  
27 following:

28 “d. The pregnant minor elects not to allow  
29 notification of the pregnant minor’s parent and the  
30 pregnant minor provides documentation of counseling  
31 regarding the performance of an abortion from a member  
32 of the clergy. For the purposes of this paragraph,  
33 “member of the clergy” means a person ordained or  
34 designated as a leader of a religious faith.

35 e. The pregnant minor elects not to allow  
36 notification of the pregnant minor’s parent and the  
37 pregnant minor provides documentation of counseling  
38 regarding the performance of an abortion from a  
39 counselor. For the purposes of this paragraph,  
40 “counselor” means a psychologist licensed pursuant to  
41 chapter 154B, a school psychologist certified by the  
42 department of education as provided in section 154B.3,  
43 a psychiatrist licensed pursuant to chapter 148, or a  
44 social worker licensed pursuant to chapter 154C. A  
45 person who provides counseling under this paragraph  
46 shall not be the same person as and shall not have any  
47 financial connection to the provider of the abortion.”

48 11. Page 2, line 16, by striking the letter “d.”  
49 and inserting the following: “f.”

50 12. Page 2, line 27, by inserting after the words

## Page 2

1 “that the” the following: “pregnant”.

2 13. Page 2, line 29, by inserting after the word  
3 “the” the following: “pregnant”.

4 14. By striking page 2, line 31 through page 3,  
5 line 1 and inserting the following:

6 “b. The court shall advise the pregnant minor of  
7 the pregnant minor’s right to a court-appointed  
8 advocate or to court-appointed legal counsel, and

9 shall provide the pregnant minor with a court-  
10 appointed advocate or with court-appointed legal  
11 counsel at no cost to the pregnant minor."

12 15. Page 3, by striking lines 2 through 9, and  
13 inserting the following:

14 "c. The court proceedings shall be conducted in a  
15 manner which protects the anonymity of the pregnant  
16 minor and all court documents pertaining to the  
17 proceedings shall remain confidential. Only the  
18 pregnant minor; the pregnant minor's guardian ad  
19 litem; the pregnant minor's legal counsel; and any  
20 person whose presence is specifically requested by the  
21 pregnant minor, by the pregnant minor's guardian ad  
22 litem, or by the pregnant minor's legal counsel, may  
23 attend the hearing on the petition."

24 16. Page 3, line 16, by inserting after the word  
25 "the" the following: "pregnant".

26 17. Page 3, line 18, by inserting after the word  
27 "the" the following: "pregnant".

28 18. Page 3, line 20, by inserting after the word  
29 "the" the following: "pregnant".

30 19. Page 3, by striking lines 25 through 27, and  
31 inserting the following: "immediately to the pregnant  
32 minor, the pregnant minor's guardian ad litem, the  
33 pregnant minor's legal counsel, or any other person  
34 designated by the pregnant minor to receive the  
35 order."

36 20. Page 3, line 29, by striking the word "minor"  
37 and inserting the following: "pregnant minor".

38 21. Page 3, line 30, by inserting after the word  
39 "the" the following: "pregnant".

40 22. Page 3, line 33, by striking the word "minor"  
41 and inserting the following: "pregnant minor".

42 23. Page 4, line 3, by striking the word "minor"  
43 and inserting the following: "pregnant minor".

44 24. Page 4, by striking lines 8 and 9 and  
45 inserting the following:

46 "k. A person performing an abortion on a pregnant  
47 minor under this chapter may inform the parent of the  
48 pregnant minor of any necessary".

49 25. Page 4, line 12, by striking the word "minor"  
50 and inserting the following: "pregnant minor".

### Page 3

1 26. Page 4, line 17, by inserting after the word  
2 "A" the following: "PREGNANT".

3 27. Page 4, line 20, by striking the word "minor"  
4 and inserting the following: "pregnant minor".

5 28. Title page, line 1, by inserting after the

6 word "parent" the following: "of each minor  
 7 responsible for the pregnancy".  
 8 29. Title page, line 2, by striking the word  
 9 "minor" and inserting the following: "pregnant  
 10 minor".

AL STURGEON

S-5685

1 Amend Senate File 2330 as follows:  
 2 1. Page 1, by inserting after line 25 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 24.23, Code 1993, is amended by  
 5 adding the following new unnumbered paragraph:  
 6 NEW UNNUMBERED PARAGRAPH. In exercising its  
 7 supervision over certifying and levying boards with  
 8 respect to budgets, the state appeal board shall  
 9 prescribe a method by which it may ascertain how the  
 10 taxing jurisdictions make up for taxes not collected  
 11 or property tax credits not fully reimbursed,  
 12 including the homestead and additional low-income  
 13 credits. The state board shall prescribe such method  
 14 so as to prevent a taxing jurisdiction from keeping  
 15 its source of funding for those uncollected property  
 16 taxes or unreimbursed credits after these are fully  
 17 collected or reimbursed."

RAY TAYLOR

S-5686

1 Amend Senate File 2330 as follows:  
 2 1. Page 26, by striking lines 12 through 33.  
 3 2. By renumbering the sections.

EUGENE FRAISE

S-5687

1 Amend Senate File 2330 as follows:  
 2 1. Page 6, by striking lines 31 and 32 and  
 3 inserting the following:  
 4 "5. To the treasurer of state to provide  
 5 assistance to the city that is selected to host the  
 6 United States-Japan midwest conference to be used by  
 7 the city for local promotion and coordination of the".

ROBERT E. DVORSKY  
 TONY BISIGNANO

ALLEN BORLAUG  
PAUL D. PATE

S-5688

1 Amend the amendment, S-5682, to Senate File 2328 as  
2 follows:

3 1. Page 1, by striking lines 8 and 9 and  
4 inserting the following: "minor in informing the  
5 minor's parent, and information regarding the option  
6 of adoption, and may also provide information to the  
7 minor regarding seeking a waiver from the court, if  
8 the minor".

MERLIN E. BARTZ

S-5689

1 Amend Senate File 2330 as follows:

2 1. Page 7, line 1, by inserting after the word  
3 "restoring" the following: "of historical buildings  
4 and restoring".

DON GETTINGS

S-5690

1 Amend Senate File 2330 as follows:

2 1. Page 10, by inserting after line 6 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 15.108, subsection 1, paragraph  
5 e, Code Supplement 1993, is amended by striking the  
6 paragraph.  
7 Sec. \_\_\_\_ . Section 15.251, subsection 3, Code  
8 Supplement 1993, is amended by striking the  
9 subsection.  
10 Sec. \_\_\_\_ . Section 15.308, subsection 2, paragraph  
11 a, Code 1993, is amended by striking the paragraph.  
12 Sec. \_\_\_\_ . Sections 99E.31, 99E.32, and 99E.33,  
13 Code 1993, are repealed effective June 30, 1994."

LARRY MURPHY

S-5691

1 Amend Senate File 2330 as follows:

2 1. Page 29, by inserting after line 26 the  
3 following:  
4 "Sec. 301. There is appropriated from the general  
5 fund of the state to the department of education for

6 the fiscal year beginning July 1, 1994, and ending  
7 June 30, 1995, the following amount, or so much  
8 thereof as is necessary, to be used for the purpose  
9 designated:

10 For the installation of fiber optic cable  
11 facilities for the connection of the central  
12 administration building of the Dubuque community  
13 school district with the nearest cable facilities  
14 which will connect the district with the Iowa  
15 communications network:

16 ..... \$ 36,000".

17 2. Page 29, line 34, by striking the word and  
18 figure "and 67" and inserting the following: "67, and  
19 301".

20 3. Page 30, line 3, by striking the word and  
21 figure "and 67" and inserting the following: "67, and  
22 301".

23 4. By renumbering as necessary.

JOE WELSH

S-5692

1 Amend Senate File 2330 as follows:

2 1. Page 20, line 21, by striking the words  
3 "capital projects" and inserting the following:  
4 "major capital improvements or new facilities".

5 2. Page 20, by striking lines 24 and 25 and  
6 inserting the following: "shall provide handicapped  
7 access when applicable."

LYLE E. ZIEMAN  
LARRY MURPHY

S-5693

1 Amend Senate File 2330 as follows:

2 1. Page 4, by striking lines 11 through 28.

3 2. Page 5, by striking lines 11 through 22.

4 3. Page 6, by inserting after line 30 the

5 following:

6 " . . . To the railway finance authority for a  
7 community assistance grant to be used for rail line  
8 acquisition to preserve jobs in communities in which  
9 railroad shops and other local rail facilities have  
10 been closed:

11 ..... \$ 75,000

12 . . . . . To the department of cultural affairs for the  
13 administrative division to conduct a midwest regional  
14 space center feasibility study:

15 .....	\$	50,000".
16 4. Page 7, line 3, by inserting after the word		
17 "Vernon" the following: ", and historic buildings".		
18 5. Page 8, by inserting after line 29 the		
19 following:		
20 "___ . To the department of economic development		
21 for allocation to the agriculture museum in Cambridge,		
22 Iowa:		
23 .....	\$	10,000
24 ___ . To the department of economic development for		
25 the Iowa members' cost share for the 1993 study phase		
26 of the Lewis and Clark rural water system:		
27 .....	\$	20,000
28 ___ . To the department of human services for the		
29 costs associated with the child protection task force		
30 created pursuant to 1994 Iowa Acts, House File 2261:		
31 .....	\$	10,000
32 ___ . To the department of general services for		
33 repairs and improvements to Terrace Hill including,		
34 but not limited to, fire alarms, water sprinklers, and		
35 other fire protection devices:		
36 .....	\$	20,000".
37 6. Page 9, by inserting after line 34 the		
38 following:		
39 "Sec. 100. LIVING ROADWAY TRUST FUND TRANSFER.		
40 Notwithstanding any provisions of sections 314.21 and		
41 455A.19 to the contrary, not more than \$700,000 of the		
42 moneys in the living roadway trust fund shall be		
43 transferred and credited to the general fund of the		
44 state in the fiscal year beginning July 1, 1993."		
45 7. Page 10, line 7, by inserting after the figure		
46 "18," the following: "100,".		
47 8. By striking page 16, line 21 through page 19,		
48 line 20.		
49 9. By striking page 19, line 31 through page 20,		
50 line 7.		

**Page 2**

1 10. Page 30, line 12, by striking the word and	
2 figure "section 26,".	
3 11. Page 33, by inserting after line 21 the	
4 following:	
5 "DIVISION ___	
6 FISCAL YEAR 1993-1994 APPROPRIATIONS	
7 Sec. ___ . DEPARTMENT OF CORRECTIONS. There is	
8 appropriated from the general fund of the state to the	
9 department of corrections for the fiscal year	
10 beginning July 1, 1993, and ending June 30, 1994, the	
11 following amount, or so much thereof as is necessary,	

12 to be used for the purpose designated:

13 For health, life safety, and maintenance needs at  
14 correctional facilities:

15 ..... \$ 150,000

16 Sec. \_\_\_\_ DEPARTMENT OF HUMAN SERVICES. There is  
17 appropriated from the general fund of the state to the  
18 department of human services 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 purpose designated:

22 For health, life safety, and maintenance needs at  
23 department of human services facilities:

24 ..... \$ 100,000

25 Sec. \_\_\_\_ BOARD OF REGENTS. There is appropriated  
26 from the general fund of the state to the state board  
27 of regents for the fiscal year beginning July 1, 1993,  
28 and ending June 30, 1994, the following amounts, or so  
29 much thereof as is necessary, to be used for the  
30 purposes designated:

31 1. For fire and environmental safety at the Iowa  
32 school for the deaf:

33 ..... \$ 75,000

34 2. For compliance with the federal Americans with  
35 Disabilities Act at the Iowa braille and sight saving  
36 school:

37 ..... \$ 20,000

38 Sec. \_\_\_\_ DEPARTMENT OF CORRECTIONS --  
39 TRANSPORTATION COSTS. There is appropriated from the  
40 general fund of the state to the department of  
41 corrections for the fiscal year beginning July 1,  
42 1993, and ending June 30, 1994, in addition to other  
43 appropriations and full-time equivalent positions made  
44 to and authorized for the department, the following  
45 amount, or so much thereof as is necessary, to be used  
46 for the purpose designated:

47 For the establishment of the Iowa medical and  
48 classification center at Oakdale as the transportation  
49 center for the transportation of inmates throughout  
50 the state, including funding for the purchase of

Page 3

1 necessary vehicles or equipment, salaries, support,  
2 maintenance, miscellaneous purposes, and for not more  
3 than the following full-time equivalent positions:

4 ..... \$ 100,000  
5 ..... FTEs 5.00

6 Sec. \_\_\_\_ TECHNICAL ASSISTANCE TO COUNTIES. There  
7 is appropriated from the general fund of the state to  
8 the department of human services for the fiscal year

9 beginning July 1, 1993, and ending June 30, 1994, the  
10 following amount, or so much thereof as is necessary,  
11 to be used for the purpose designated:

12 For salaries, support, maintenance, miscellaneous  
13 purposes, and for not more than the following full-  
14 time equivalent positions to provide technical  
15 assistance to counties and other necessary support to  
16 implement the provisions of sections 331.438, 331.439,  
17 and 331.440 as enacted by 1994 Iowa Acts, House File  
18 2430:

19 ..... \$ 294,541  
20 ..... FTEs 6.00

21 The department may adopt emergency rules under  
22 section 17A.4, subsection 2, and section 17A.5,  
23 subsection 2, paragraph "b", to implement the  
24 provisions of sections 331.438, 331.439, and 331.440  
25 as enacted by House File 2430 no later than January 1,  
26 1995, and the rules shall become effective immediately  
27 upon filing. Any rules adopted in accordance with  
28 this section shall also be published as a notice of  
29 intended action as provided in section 17A.4.

30 Sec. \_\_\_\_ . STATE CHILD CARE ASSISTANCE. There is  
31 appropriated from the general fund of the state to the  
32 department of human services for the fiscal year  
33 beginning July 1, 1993, and ending June 30, 1994, the  
34 following amount, or so much thereof as is necessary,  
35 to be used for state child care assistance:

36 ..... \$ 500,000

37 Sec. \_\_\_\_ . GERIATRIC PATIENTS. There is  
38 appropriated from the general fund of the state to the  
39 department of human services for the fiscal year  
40 beginning July 1, 1993, and ending June 30, 1994, the  
41 following amount, or so much thereof as is necessary,  
42 to be used for the purpose designated:

43 For application by the department for grants to  
44 establish pilot projects for placements of geriatric  
45 patients who have a mental illness:

46 ..... \$ 20,000

47 Any grant received may be used by the department to  
48 fund a coordinator to work with hospitals and nursing  
49 homes concerning placements of geriatric patients who  
50 have a mental illness.

1 Sec. \_\_\_\_ . SOIL CONSERVATION TECHNICIANS. There is  
2 appropriated from the general fund of the state to the  
3 soil conservation division of the department of  
4 agriculture and land stewardship for the fiscal year  
5 beginning July 1, 1993, and ending June 30, 1994, the



6 following amount, or so much thereof as is necessary,  
7 to be used for the purposes designated:

8 For salaries, support, maintenance, and  
9 miscellaneous purposes for soil conservation  
10 technicians and for not more than the following full-  
11 time equivalent positions:

12 .....	\$	123,000
13 .....	FTEs	5.00

14 Sec. \_\_\_\_ . NONREVERSION. Notwithstanding section

15 8.33, moneys appropriated pursuant to this division  
16 which are unencumbered or unobligated on June 30,  
17 1994, shall not revert but shall be available for  
18 expenditure as provided in this division during the  
19 subsequent fiscal year. The authorizations for full-  
20 time equivalent positions in appropriations made in  
21 this division shall continue to the extent the  
22 appropriation remains available in the succeeding  
23 fiscal year.

24 Sec. \_\_\_\_ . EFFECTIVE DATE. This division of this  
25 Act takes effect upon enactment."

LARRY MURPHY

S-5694

1 Amend the amendment, S-5682, to Senate File 2328 as  
2 follows:

3 1. Page 1, by striking line 8, and inserting the  
4 following: "minor in informing the minor's parent,  
5 and information regarding adoption, and may also  
6 provide assistance to the minor".

MERLIN E. BARTZ

HOUSE AMENDMENT TO  
SENATE FILE 2318

S-5695

1 Amend Senate File 2318, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, line 5, by striking the words "the  
4 state" and inserting the following: "state".

5 2. Page 4, by striking lines 6 through 15 and  
6 inserting the following: "from that estimated  
7 revenue. The estimates".

8 3. By striking page 4, line 30 through page 5,  
9 line 4 and inserting the following:

10 "DIVISION \_\_\_\_  
11 GAAP ITEMS

12 Sec. \_\_\_\_ . Section 8.53, unnumbered paragraph 1,  
13 Code 1993, is amended to read as follows:  
14 For the fiscal year beginning July 1, 1992, and the  
15 two succeeding fiscal years, the governor shall  
16 recommend in the governor's budget and the general  
17 assembly shall provide funds to eliminate the state  
18 generally accepted accounting principles (GAAP)  
19 deficit, as reported in the state's comprehensive  
20 annual financial report issued during the prior fiscal  
21 year, and taking into account the revised GAAP  
22 standards that are ~~projected to be in place by~~ for the  
23 fiscal year ending in 1995, either through the  
24 appropriation of specific funds to provide an  
25 adjustment in the GAAP deficit or by setting funds  
26 aside in a special account in an amount equal to the  
27 GAAP deficit.

28 Sec. \_\_\_\_ . Section 8.55, subsection 1, Code 1993,  
29 is amended to read as follows:

30 1. The Iowa economic emergency fund is created.  
31 The fund shall be separate from the general fund of  
32 the state and the balance in the fund shall not be  
33 considered part of the balance of the general fund of  
34 the state. The moneys in the fund shall not revert to  
35 the general fund, notwithstanding section 8.33, unless  
36 and to the extent the fund exceeds the maximum  
37 balance. However, the fund shall be considered a  
38 special account for the purposes of section 8.53.

39 Sec. \_\_\_\_ . Section 8.56, subsection 1, Code 1993,  
40 is amended to read as follows:

41 1. A cash reserve fund is created in the state  
42 treasury. The cash reserve fund shall be separate  
43 from the general fund of the state and shall not be  
44 considered part of the general fund of the state  
45 except in determining the cash position of the state  
46 as provided in subsection 3. The moneys in the cash  
47 reserve fund are not subject to section 8.33 and shall  
48 not be transferred, used, obligated, appropriated, or  
49 otherwise encumbered except as provided in this  
50 section. Notwithstanding section 12C.7, subsection 2,

Page 2

1 interest or earnings on moneys deposited in the cash  
2 reserve fund shall be credited to the Iowa economic  
3 emergency fund. Moneys in the cash reserve fund may  
4 be used for cash flow purposes provided that any  
5 moneys so allocated are returned to the cash reserve  
6 fund by the end of each fiscal year. However, the  
7 fund shall be considered a special account for the  
8 purposes of section 8.53.

9 Sec. \_\_\_\_ . Section 8.57, subsections 2 and 3, Code  
10 1993, are amended to read as follows:

11 2. Moneys appropriated under subsection 1 shall be  
12 first credited to the cash reserve fund. To the  
13 extent that moneys appropriated under subsection 1  
14 would make the moneys in the cash reserve fund exceed  
15 the cash reserve goal percentage of the adjusted  
16 revenue estimate for the fiscal year, the moneys are  
17 appropriated to the department of management to be  
18 spent for the purpose of eliminating Iowa's GAAP  
19 deficit, including the payment of items budgeted in a  
20 subsequent fiscal year which under generally accepted  
21 accounting principles should be budgeted in the  
22 current fiscal year. These moneys shall be deposited  
23 into a GAAP deficit reduction account established  
24 within the department of management. Unspent moneys  
25 in this account shall be available for expenditure for  
26 subsequent fiscal years. The department of management  
27 shall annually file with both houses of the general  
28 assembly at the time of the submission of the  
29 governor's budget, a schedule of the items for which  
30 moneys appropriated under this subsection for the  
31 purpose of eliminating Iowa's GAAP deficit, including  
32 the payment of items budgeted in a subsequent fiscal  
33 year which under generally accepted accounting  
34 principles should be budgeted in the current fiscal  
35 year, shall be spent in the fiscal year commencing  
36 July 1 following the date of the filing of the report.  
37 The schedule shall indicate the fiscal year in which  
38 the spending for an item is to take place and shall  
39 incorporate the items detailed in 1994 Iowa Acts,  
40 Senate File 2318, section 600. The schedule shall  
41 list each item of expenditure and the maximum  
42 estimated dollar amount of moneys to be spent on that  
43 item for the fiscal year. The department of  
44 management may submit during a regular legislative  
45 session an amended schedule for legislative  
46 consideration. If moneys appropriated under this  
47 subsection are not enough to pay for all listed  
48 expenditures, the department of management shall  
49 allocate distribute the payments among the listed  
50 expenditure items. Moneys appropriated to the

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1 department of management under this subsection shall  
2 not be spent on items other than those included in the  
3 filed schedule. After elimination of the GAAP  
4 deficit, including elimination of the making of any  
5 appropriation in an incorrect fiscal year, any moneys

6 in the GAAP deficit reduction account shall be  
7 appropriated to the Iowa economic emergency fund.  
8 3. To the extent that moneys appropriated under  
9 subsection 1 exceed the amounts necessary for the cash  
10 reserve fund to reach its maximum balance and the  
11 amounts necessary to eliminate Iowa's GAAP deficit,  
12 including elimination of the making of any  
13 appropriation in an incorrect fiscal year, the moneys  
14 shall be appropriated to the Iowa economic emergency  
15 fund.

16 Sec. \_\_\_\_ . Section 8.57, Code 1993, is amended by  
17 adding the following new subsection:

18 NEW SUBSECTION. 5. A rebuild Iowa infrastructure  
19 account is created under the authority of the  
20 department of management. Moneys in the account shall  
21 be used as directed by the general assembly for public  
22 infrastructure-related expenditures. The general  
23 assembly may provide that all or part of the moneys  
24 deposited in the GAAP deficit reduction account  
25 created in this section shall be transferred to the  
26 infrastructure account in lieu of appropriation of the  
27 moneys to the Iowa economic emergency fund.

28 Sec. 100. Section 257.16, unnumbered paragraph 2,  
29 Code 1993, is amended to read as follows:

30 All state aids paid under this chapter, unless  
31 otherwise stated, shall be paid in monthly  
32 installments beginning on September 15 of a budget  
33 year and ending on or about June 15 of the budget year  
34 as determined by the department of management, taking  
35 into consideration the relative budget and cash  
36 position of the state resources. ~~However, an amount~~  
37 ~~of state school foundation aid equal to the general~~  
38 ~~allocation of the school district as determined under~~  
39 ~~section 405A.2 and the amount of the tax credit for~~  
40 ~~livestock pursuant to section 442.2, subsection 2, as~~  
41 ~~it appeared in the 1987 Code, shall be paid to the~~  
42 ~~school district on July 15 of the subsequent fiscal~~  
43 ~~year, and the appropriation for this amount shall be~~  
44 ~~made for the fiscal year during which the payment is~~  
45 ~~made. However, the state aid paid to school districts~~  
46 ~~under section 257.13 shall be paid in monthly~~  
47 ~~installments beginning on December 15 and ending on~~  
48 ~~June 15 of a budget year.~~

49 Sec. 200. Section 260D.12, Code 1993, is amended  
50 to read as follows:

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- 1 260D.12 PAYMENT OF APPROPRIATION.
- 2 Payment of appropriations for distribution under

3 this chapter or of appropriations made in lieu of such  
4 appropriations, shall be made by the department of  
5 revenue and finance in four installments due on or  
6 about November 15, February 15, and May 15, and August  
7 15 of a budget year and on or about August 15 of the  
8 next following budget year, and installments shall be  
9 as nearly equal as possible, as determined by the  
10 department of revenue and finance, taking into  
11 consideration the relative budget and cash position of  
12 the state resources.

13 The payment made on or about August 15 of the next  
14 following budget year is an account receivable for the  
15 budget year.

16 Sec. 300. Section 285.2, unnumbered paragraph 5,  
17 Code 1993, is amended to read as follows:

18 Claims shall be accompanied by an affidavit of an  
19 officer of the public school district affirming the  
20 accuracy of the claim. By February 1 and by July on  
21 or about June 15 of each year, the department shall  
22 certify to the department of revenue and finance the  
23 amounts of approved claims to be paid, and the  
24 department of revenue and finance shall draw warrants  
25 payable to school districts which have established  
26 claims. Claims shall be allowed where practical, and  
27 at the option of the public school district of the  
28 pupil's residence, subject to approval by the area  
29 education agency of the pupil's residence, under  
30 section 285.9, subsection 3, the public school  
31 district of the pupil's residence may transport a  
32 pupil to a school located in a contiguous public  
33 school district outside the boundary lines of the  
34 public school district of the pupil's residence. The  
35 public school district of the pupil's residence may  
36 contract with the contiguous public school district or  
37 with a private contractor under section 285.5 to  
38 transport the pupils to the school of attendance  
39 within the boundary lines of the contiguous public  
40 school district. The public school district in which  
41 the pupil resides may contract with the contiguous  
42 public school district or with a private contractor  
43 under section 285.5 to transport the pupil from the  
44 pupil's residence or from designated school bus  
45 collection locations to the school located within the  
46 boundary lines of the contiguous public school  
47 district, subject to the approval of the area  
48 education agency of the pupil's residence. The public  
49 school district of the pupil's residence may utilize  
50 the reimbursement provisions of section 285.1,

Page 5

1 subsection 3.

2 Sec. 400. Section 303.18, unnumbered paragraph 2,  
3 Code Supplement 1993, is amended to read as follows:

4 The historical division shall repay a portion of  
5 the amount of the loan together with annual interest  
6 payments due on the balance of the loan over a ten-  
7 year period commencing with the fiscal year beginning  
8 July 1, 1987. Payments shall be made from gross  
9 receipts and other moneys available to the historical  
10 division. The historical division shall solicit  
11 voluntary contributions on behalf of the historical  
12 division, at the entrance and other locations  
13 throughout the state historical building for purposes  
14 of raising funds for making payments under this  
15 section. Payments of both principal and interest made  
16 by the state historical division under this section  
17 shall be paid quarterly and shall be considered  
18 interest earned on the permanent school fund to the  
19 extent necessary for payment of interest to the first  
20 in the nation in education foundation under section  
21 257B.1A.

22 Sec. \_\_\_\_ . Section 421.31, subsection 5, Code 1993,  
23 is amended to read as follows:

24 5. ACCOUNTS. To keep the central budget and  
25 proprietary control accounts of the general fund of  
26 the state and special funds, as defined in section  
27 8.2, of the state government. Upon elimination of the  
28 state deficit under generally accepted accounting  
29 principles, including the payment of items budgeted in  
30 a subsequent fiscal year which under generally  
31 accepted accounting principles should be budgeted in  
32 the current fiscal year, the recognition of revenues  
33 received and expenditures paid and transfers received  
34 and paid within the time period required pursuant to  
35 section 8.33, shall be in accordance with generally  
36 accepted accounting principles. Budget accounts are  
37 those accounts maintained to control the receipt and  
38 disposition of all funds, appropriations, and  
39 allotments. Proprietary accounts are those accounts  
40 relating to assets, liabilities, income, and expense.  
41 For each fiscal year, the financial position and  
42 results of operations of the state shall be reported  
43 in a comprehensive annual financial report prepared in  
44 accordance with generally accepted accounting  
45 principles, as established by the governmental  
46 accounting standards board.

47 Sec. 600. GAAP DEFICIT REDUCTION ACCOUNT.

48 The department of management shall utilize the

49 moneys deposited during the fiscal year beginning July  
50 1, 1994, and succeeding fiscal years, in the GAAP

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1 deficit reduction account created in section 8.57 for  
2 payment of the following list of items.  
3 Notwithstanding the Code section specified in the list  
4 or any provision to the contrary, payment of an item  
5 included in the list shall be in the same fiscal year  
6 the item is due or the expense of the item is  
7 incurred. Payment for the items shall be made in the  
8 following descending priority order, where feasible:  
9 1. Education of children placed in foster care.  
10 2. Women, infants, and children program.  
11 3. Education of children placed by the district  
12 court.  
13 4. Human services decategorization projects.  
14 5. Permanent school fund loan.  
15 6. Franchise tax.  
16 7. Expenditures incurred by school districts for  
17 vocational education aid to secondary schools.  
18 8. Nonpublic school transportation paid under  
19 section 285.2.  
20 9. Notwithstanding chapter 260D for state  
21 financial aid, including general financial aid to  
22 merged areas in lieu of personal property tax  
23 replacement payments under section 427A.13, to merged  
24 areas to be used for expenditures incurred by the  
25 community colleges.  
26 10. School aid property credits paid under section  
27 257.16.  
28 11. Accrued salaries.  
29 12. Other items included in the schedule filed by  
30 the department of management in accordance with  
31 section 8.57.  
32 Sec. \_\_\_\_ . CONTINGENT EFFECTIVE DATE. Sections  
33 100, 200, 300, and 400 of this division shall take  
34 effect upon the publication date of the state  
35 comprehensive annual financial report prepared in  
36 accordance with generally accepted accounting  
37 principles which indicates that the payment of the  
38 obligation described in the section is made in  
39 accordance with generally accepted accounting  
40 principles. A report shall be made by the department  
41 of management to the Code editor on or before the  
42 publication date of the report.”  
43 4. Title page, line 1, by inserting after the  
44 word “processes” the following: “and providing  
45 effective dates.”

S-5696

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 13, by inserting after line 23 the
- 3 following:
- 4 "5. For the gamblers assistance program, in
- 5 section 26:
- 6 ..... \$ 20,000".

WILLIAM W. DIELEMAN

S-5697

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 32, by inserting after line 25 the
- 3 following:
- 4 "Sec. \_\_\_\_ . 1994 Iowa Acts, House File 2411,
- 5 section 7, subsection 4, is amended by striking the
- 6 subsection."
- 7 2. By renumbering as necessary.

JOHN P. KIBBIE

S-5698

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 1, by striking line 11 through page 3,
- 3 line 28.
- 4 2. Page 4, by striking lines 6 through 8.

WILLIAM D. PALMER

S-5699

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 22, lines 34 and 35, by striking the
- 3 words "~~school-based youth services education streets~~
- 4 ~~to success~~" and inserting the following: "school-
- 5 based youth services education".
- 6 2. Page 23, lines 25 and 26, by striking the
- 7 words ", which shall be known as the "streets to
- 8 success program",".
- 9 3. Page 24, line 3, by striking the words
- 10 "~~school-based youth services streets to success~~" and
- 11 inserting the following: "school-based youth
- 12 services".
- 13 4. By renumbering as necessary.

JOHN P. KIBBIE  
JIM LIND



S-5700

1 Amend Senate File 2330, as follows:  
 2 1. Page 8, by inserting after line 29 the follow-  
 3 ing:  
 4 "To the college student aid commission for grants  
 5 to students who would meet the requirements for  
 6 receipt of a vocational-technical tuition grant, but  
 7 who are enrolled in a licensed school of cosmetology  
 8 arts and sciences under chapter 157, or a licensed  
 9 barber school under chapter 158:  
 10 ..... \$ 25,000  
 11 The amount of the grant made by the college student  
 12 aid commission pursuant to this subsection shall be  
 13 not less than \$300 or the amount of the student's  
 14 established financial need."

JOE WELSH  
LARRY MURPHY

S-5701

1 Amend Senate File 2330 as follows:  
 2 1. Page 9, by inserting after line 1 the  
 3 following:  
 4 "Sec. \_\_\_\_ . There is appropriated from the primary  
 5 road fund to the state department of transportation  
 6 for the fiscal year beginning July 1, 1994, and ending  
 7 June 30, 1995, the following amount, or so much  
 8 thereof as is necessary, to be used for the purchase  
 9 of Lots 1 through 12, Block 3, College Park Addition  
 10 to Ames, Story County, Iowa, and the renovation of the  
 11 buildings located on those lots:  
 12 ..... \$ 1,500,000  
 13 2. By renumbering as necessary.

LARRY MURPHY

S-5702

1 Amend Senate File 2330 as follows:  
 2 1. By striking page 5, line 29 through page 6,  
 3 line 5 and inserting the following:  
 4 "1. To the department of corrections to fund as  
 5 many additional full-time equivalent positions as  
 6 possible for the employment of correctional officers  
 7 in the correctional institutions specified in section  
 8 904.102:  
 9 ..... \$ 206,000  
 10 The additional FTEs provided pursuant to this

- 11 subsection are in addition to any FTEs funded pursuant
- 12 to 1994 Iowa Acts, House File 2350. The department of
- 13 corrections shall use its discretion in distributing
- 14 the additional correctional officers throughout the
- 15 correctional facilities.”
- 16 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5703

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 22, by striking lines 22 through 24 and
- 3 inserting the following: “vehicle radios,
- 4 communication towers and associated equipment, and
- 5 other radios and equipment permanently located at the
- 6 public safety answering point. Costs do not include
- 7 expenditures for any other”.

MICHAEL E. GRONSTAL

S-5704

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 20, by striking lines 19 through 25.

LYLE E. ZIEMAN  
LARRY MURPHY

S-5705

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 31, by inserting after line 8 the
- 3 following:
- 4 “A pupil shall not be suspended or expelled
- 5 pursuant to this section if the suspension or
- 6 expulsion would violate the federal Individuals with
- 7 Disabilities Education Act.”

LARRY MURPHY

S-5706

- 1 Amend Senate File 2330 as follows:
- 2 1. By striking page 6, line 35 through page 7,
- 3 line 15.
- 4 2. Page 20, by striking lines 8 through 18.
- 5 3. Page 29, by striking lines 11 through 20.

BRAD BANKS

S-5707

- 1 Amend Senate File 2330 as follows:  
 2 1. Page 9, by inserting after line 1 the  
 3 following:  
 4 "Sec. \_\_\_\_ . There is appropriated from the primary  
 5 road fund to the state department of transportation  
 6 for the fiscal year beginning July 1, 1994, and ending  
 7 June 30, 1995, the following amount, or so much  
 8 thereof as is necessary, to be used for replacement or  
 9 modification of field facilities in Correctionville,  
 10 Jefferson, southeast Des Moines, and Anamosa:  
 11 ..... \$ 4,140,000".  
 12 2. By renumbering as necessary.

ALBERT SORENSEN  
 RICHARD F. DRAKE

S-5708

- 1 Amend Senate File 2330 as follows:  
 2 1. Page 14, line 32, by inserting after the word  
 3 "individual" the following: "family farmer, an  
 4 individual".  
 5 2. Page 14, line 34, by striking the words "the  
 6 person" and and inserting the following: "a person  
 7 who".

BRAD BANKS

S-5709

- 1 Amend Senate File 2330 as follows:  
 2 1. Page 20, by striking lines 22 through 24 and  
 3 inserting the following: "455A.10, beginning July 1,  
 4 1994 the department of natural resources shall give  
 5 preference to providing handicapped".

JIM RIORDAN  
 LYLE ZIEMAN

S-5710

- 1 Amend the amendment, S-5693, to Senate File 2330,  
 2 as follows:  
 3 1. Page 1, by striking lines 12 through 15.  
 4 2. Page 1, by striking lines 20 through 23.

BRAD BANKS

S-5711

1 Amend the House amendment, S-5695, to Senate File  
2 2318, as amended, passed, and reprinted by the Senate,  
3 as follows:

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

6 "\_\_\_\_. By striking page 2, line 11 through page 3,  
7 line 32."

8 2. Page 1, by striking line 11 and inserting the  
9 following:

10 "MANAGEMENT OF FUNDS

11 Sec. \_\_\_\_ . Section 8.39, subsection 2, Code 1993,  
12 is amended to read as follows:

13 2. If the appropriation of a department,  
14 institution, or agency is insufficient to properly  
15 meet the legitimate expenses of the department,  
16 institution, or agency, the director, with the  
17 approval of the governor, may make an  
18 interdepartmental transfer from any other department,  
19 institution, or agency of the state having an  
20 appropriation in excess of its needs, of sufficient  
21 funds to meet that deficiency. An interdepartmental  
22 transfer to an appropriation which is not an  
23 entitlement appropriation is not authorized when the  
24 general assembly is in regular session and, in  
25 addition, the sum of interdepartmental transfers in a  
26 fiscal year to an appropriation which is not an  
27 entitlement appropriation shall not exceed fifty  
28 percent of the amount of the appropriation as enacted  
29 by the general assembly. For the purposes of this  
30 subsection, an entitlement appropriation is a line  
31 item appropriation to the department of human services  
32 for foster care, state supplementary assistance, or  
33 medical assistance, or for the family investment  
34 program."

LARRY MURPHY

S-5712

1 Amend Senate File 2330 as follows:

2 1. Page 26, by inserting after line 33 the  
3 following:

4 "Sec. \_\_\_\_ . Section 422.73, Code 1993, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 8. Notwithstanding subsection 2,  
7 a claim for credit or refund of individual income tax  
8 paid for any tax year beginning on or after January 1,  
9 1985, and before January 1, 1989, is considered timely

10 if filed with the department on or before April 30,  
11 1995, if the taxpayer's claim is the result of the  
12 unconstitutional taxation of federal pension benefits  
13 based upon the decision in Davis v. Michigan  
14 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500  
15 (1989).

16 A taxpayer entitled to a credit or refund of tax  
17 paid under this subsection shall receive the credit or  
18 refund within four years. The amount of credit or  
19 refund shall be equally spread over those four years.  
20 Any claims for refund shall be payable from the  
21 special refund account established in section 422.105.  
22 The department shall state on the actual tax form for  
23 the next four tax years a notice that federal retirees  
24 may be entitled to a credit or refund under the  
25 provisions of this subsection.

26 Sec. \_\_\_\_ . NEW SECTION. 422.105 SPECIAL REFUND  
27 ACCOUNT.

28 The department shall establish a special refund  
29 account for the purpose of paying the refund claims of  
30 federal retirees pursuant to section 422.73,  
31 subsection 8. Beginning with the fiscal year  
32 beginning July 1, 1994, there is appropriated annually  
33 from the general fund of the state an amount  
34 sufficient to pay the refund claims of these federal  
35 retirees."

36 2. Title page, line 3, by inserting after the  
37 word "matters" the following: ", including allowing  
38 credit or refund for certain federal retirement  
39 benefits taxed and providing an appropriation,".

ALBERT SORENSEN

S-5713

1 Amend Senate File 2330 as follows:

2 1. Page 8, by striking lines 10 and 11 and  
3 inserting the following: "salaries, support,  
4 maintenance, and miscellaneous purposes for soil  
5 conservation technicians and for not more than the  
6 following full-time equivalent positions, which shall  
7 be in addition to any other moneys".

8 2. Page 8, by inserting after line 14 the  
9 following:

10 ..... FTEs 5.00".

EMIL J. HUSAK  
BRAD BANKS

S-5714

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 14, line 34, by inserting after the word
- 3 "c," the following: "the person is a partnership,".
- 4 2. Page 14, line 35, by inserting before the word
- 5 "corporation" the following: "farm".

BRAD BANKS

S-5715

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 5, by inserting after line 10 the
- 3 following:
- 4 "DEPARTMENT OF TRANSPORTATION
- 5 Sec. \_\_\_\_ . There is appropriated from the road use
- 6 tax fund to the Iowa department of transportation for
- 7 the fiscal year beginning July 1, 1994, and ending
- 8 June 30, 1995, the following amount, or so much
- 9 thereof as is necessary, to be used for the purpose
- 10 designated:
- 11 For improvements at the permanent driver's license
- 12 stations:
- 13 ..... \$ 150,000".

JEAN LLOYD-JONES  
 ROBERT E. DVORSKY  
 RICHARD DRAKE

S-5716

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 16, by inserting after line 20 the
- 3 following:
- 4 "Sec. \_\_\_\_ . There is appropriated from the general
- 5 fund of the state to the department of cultural
- 6 affairs for the fiscal year beginning July 1, 1994,
- 7 and ending June 30, 1995, the following amount, or so
- 8 much thereof as is necessary, to be used for the
- 9 purpose designated:
- 10 To complete a follow-up in depth feasibility study
- 11 of the preliminary report done by the national trust
- 12 for historic preservation's flood recovery program
- 13 which looked into the reactivating of the historic
- 14 railroad lines between valley junction in West Des
- 15 Moines, court avenue, and the state capitol area of
- 16 Des Moines:
- 17 ..... \$ 25,000

18 The department of transportation shall cooperate  
19 with the department of cultural affairs in the study."

JEAN LLOYD-JONES  
TONY BISIGNANO

S-5717

- 1 Amend House File 2430, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 31 through 35 and
- 4 inserting the following: "accordance with section
- 5 331.439. In addition to any appropriations made by
- 6 the general assembly pursuant to a funding plan
- 7 recommended by the state-county management committee,
- 8 the amount of the state payment for a fiscal year
- 9 shall be calculated as fifty percent of the amount by
- 10 which the county's expenditures".
- 11 2. Page 2, line 16, by inserting after the word
- 12 "establishing" the following: "requirements for
- 13 county".
- 14 3. Page 2, lines 25 and 26, by striking the words
- 15 "one member" and inserting the following: "one member
- 16 each representing the mental retardation-developmental
- 17 disabilities and the mental illness service
- 18 populations".
- 19 4. Page 2, line 26, by striking the word "both"
- 20 and inserting the following: "these".
- 21 5. Page 3, line 13, by striking the words
- 22 "inflationary growth" and inserting the following:
- 23 "the increased cost".
- 24 6. Page 3, line 15, by striking the word "growth"
- 25 and inserting the following: "costs".
- 26 7. Page 3, line 16, by inserting after the word
- 27 "recommendations" the following: "to the appropriate
- 28 policymaking body".
- 29 8. Page 3, line 18, by striking the word
- 30 "Consider" and inserting the following: "Develop".
- 31 9. Page 3, line 24, by striking the word "plans"
- 32 and inserting the following: "management plans which
- 33 shall include provision for a consumer appeals
- 34 process".
- 35 10. Page 3, by striking lines 25 through 29.
- 36 11. Page 3, line 32, by striking the word
- 37 "clinical" and inserting the following:
- 38 "professional".
- 39 12. Page 4, by striking lines 5 through 7.
- 40 13. Page 4, line 28, by striking the figure
- 41 "1996" and inserting the following: "1995".
- 42 14. Page 4, line 29, by striking the words

- 43 "director of human services" and inserting the  
44 following: "state-county management committee created  
45 in section 331.438".  
46 15. Page 4, line 35, by striking the word  
47 "implemented" and inserting the following: "plans to  
48 implement".  
49 16. Page 5, line 2, by inserting after the figure  
50 "331.440" the following: "on or before July 1, 1996".

**Page 2**

- 1 17. Page 5, by striking lines 6 through 9 and  
2 inserting the following: "plan shall comply with  
3 requirements recommended by the state-county  
4 management committee".  
5 18. Page 5, line 11, by inserting after the word  
6 "county's" the following: "plans to implement a".  
7 19. Page 5, line 11, by striking the word  
8 "clinical" and inserting the following:  
9 "professional".  
10 20. Page 5, line 18, by striking the word "state-  
11 approved".  
12 21. Page 6, by striking line 1 and inserting the  
13 following: "prior to the management committee's  
14 approval."  
15 22. Page 6, line 2, by striking the word  
16 "director's" and inserting the following: "management  
17 committee's".  
18 23. Page 6, line 27, by striking the word  
19 "clinical" and inserting the following:  
20 "professional".  
21 24. Page 6, line 30, by striking the word  
22 "clinical" and inserting the following:  
23 "professional".  
24 25. Page 6, line 34, by striking the word  
25 "clinical" and inserting the following:  
26 "professional".  
27 26. Page 7, line 5, by striking the word  
28 "consider" and inserting the following: "adopt  
29 administrative rules based on".  
30 27. Page 7, line 7, by striking the words  
31 "adopting rules outlining".  
32 28. Page 7, line 9, by striking the word  
33 "clinical" and inserting the following:  
34 "professional".  
35 29. Page 12, by striking lines 1 through 3 and  
36 inserting the following: "Act, are repealed effective  
37 April 1, 1995. If the repeals provided in this  
38 subsection".  
39 30. Page 12, line 7, by striking the word "May"



- 40 and inserting the following: "April".  
41 31. Page 12, line 8, by striking the word "May"  
42 and inserting the following: "April".  
43 32. Page 12, by striking lines 14 through 16 and  
44 inserting the following: "444.27, as enacted by this  
45 Act, are repealed effective April 1, 1996. If the  
46 repeals provided in".  
47 33. Page 12, line 20, by striking the word "May"  
48 and inserting the following: "April".  
49 34. Page 12, line 21, by striking the word "May"  
50 and inserting the following: "April".

Page 3

- 1 35. By renumbering as necessary.

AL STURGEON

S-5718

- 1 Amend Senate File 2330 as follows:  
2 1. Page 29, by inserting after line 26 the  
3 following:  
4 "Sec. 301. There is appropriated from the general  
5 fund of the state to the department of education for  
6 the fiscal year beginning July 1, 1994, and ending  
7 June 30, 1995, an amount sufficient to be used for the  
8 installation of fiber optic cable facilities for the  
9 connection of the Fort Madison senior high school with  
10 the nearest cable facilities which will connect the  
11 school with the Iowa communications network."  
12 2. Page 29, line 34, by striking the word and  
13 figure "and 67" and inserting the following: "67, and  
14 301".  
15 3. Page 30, line 3, by striking the word and  
16 figure "and 67" and inserting the following: "67, and  
17 301".  
18 4. By renumbering as necessary.

EUGENE FRAISE

S-5719

- 1 Amend Senate File 2330 as follows:  
2 1. Page 22, by inserting after line 28 the  
3 following:  
4 "Sec. \_\_\_\_ . **NEW SECTION. 146A.1 NOTIFICATION OF**  
5 **PARENT PRIOR TO PERFORMANCE OF ABORTION ON A MINOR -**  
6 **REQUIREMENTS -- EXCEPTIONS -- CRIMINAL PENALTY.**

- 7 1. A person shall not perform an abortion on a  
8 pregnant minor until at least forty-eight hours' prior  
9 notification is provided to a parent of the minor.
- 10 2. The person who will perform the abortion shall  
11 provide notification in person or by mailing the  
12 notification by restricted certified mail to the  
13 parent of the minor at the usual place of abode of the  
14 parent. For the purposes of delivery by restricted  
15 certified mail, the time of delivery is deemed to  
16 occur at twelve o'clock noon on the next day on which  
17 regular mail delivery takes place, subsequent to the  
18 mailing.
- 19 3. For the purposes of this section, unless the  
20 context otherwise requires:
- 21 a. "Abortion" means an abortion as defined in  
22 chapter 146.
- 23 b. "Court" means the juvenile court.
- 24 c. "Medical emergency" means a condition that,  
25 based on a physician's clinical judgment, so  
26 complicates the medical condition of a pregnant minor  
27 as to necessitate the immediate abortion of the  
28 minor's pregnancy to avert the minor's death, or for  
29 which a delay will create risk of substantial and  
30 irreversible impairment of a major bodily function.
- 31 d. "Minor" means minor as defined in chapter 599.
- 32 e. "Parent" means one parent of the pregnant minor  
33 or the pregnant minor's guardian or custodian.
- 34 4. Notification shall not be required under this  
35 section if any of the following conditions apply:
- 36 a. The attending physician certifies that a  
37 medical emergency existed. The attending physician  
38 shall certify in writing the basis for the medical  
39 judgment that a medical emergency existed and shall  
40 make written certification available to a parent of  
41 the minor prior to the abortion, if possible. If it  
42 is not possible to provide a parent of the minor with  
43 written certification prior to the abortion, the  
44 physician shall provide the written certification to a  
45 parent of the minor within twelve hours following the  
46 performance of the abortion unless paragraph "b", "c",  
47 or "d" is applicable.
- 48 b. The abortion is authorized in writing by a  
49 parent entitled to notification.
- 50 c. The pregnant minor declares that the pregnant

Page 2

1 minor is a victim of child abuse pursuant to section  
2 232.68, the person responsible for the care of the  
3 child is a parent of the child, and the abuse has been

4 reported pursuant to the procedures prescribed in  
5 chapter 232, division III, part 2, or a parent of the  
6 child is named in a report of founded child abuse.  
7 The department of human services shall maintain  
8 confidentiality under chapter 232 regarding the  
9 minor's pregnancy and abortion, if an abortion is  
10 obtained.

11 d. The pregnant minor elects not to allow  
12 notification of the pregnant minor's parent and a  
13 court authorizes waiver of the notification  
14 requirement following completion of the proceedings  
15 prescribed under subsection 5.

16 5. If a pregnant minor objects to the notification  
17 of a parent prior to the performance of an abortion on  
18 the pregnant minor, the pregnant minor may petition  
19 the court to authorize waiver of the notification  
20 requirement pursuant to this section in accordance  
21 with the following procedures and a filing fee of  
22 twenty-five dollars shall be paid by the person who  
23 will perform the abortion:

24 a. The court shall ensure that the minor is  
25 provided with assistance in preparing and filing the  
26 petition for waiver of notification and shall ensure  
27 that the minor's identity remains confidential.

28 b. The minor may participate in the court  
29 proceedings on the minor's own behalf and the court  
30 may appoint a guardian ad litem for the minor. The  
31 court shall advise the minor of the minor's right to  
32 court-appointed legal counsel, and shall, upon the  
33 minor's request, provide the minor with court-  
34 appointed legal counsel, at no cost to the minor.

35 c. The court proceedings shall be conducted in a  
36 manner which protects the anonymity of the minor and  
37 all court documents pertaining to the proceedings  
38 shall remain confidential. Only the minor, the  
39 minor's guardian ad litem, the minor's legal counsel,  
40 and persons whose presence is specifically requested  
41 by the minor, by the minor's guardian ad litem, or by  
42 the minor's legal counsel may attend the hearing on  
43 the petition.

44 d. The court proceedings under this section shall  
45 be given precedence over other pending matters to  
46 ensure that the court reaches a decision  
47 expeditiously.

48 e. Upon petition and following an appropriate  
49 hearing, the court shall waive the notification  
50 requirements if the court determines either of the

## Page 3

1 following:

2 (1) That the minor is mature and capable of  
3 providing informed consent for the performance of an  
4 abortion.

5 (2) That the minor is not mature, or does not  
6 claim to be mature, but that notification is not in  
7 the best interest of the minor.

8 f. The court shall issue specific factual findings  
9 and legal conclusions, in writing, to support the  
10 decision.

11 g. Upon conclusion of the hearing, the court shall  
12 immediately issue a written order which shall be  
13 provided immediately to the minor, the minor's  
14 guardian ad litem, the minor's legal counsel, or any  
15 other person designated by the minor to receive the  
16 order.

17 h. An expedited, anonymous, confidential appeal  
18 shall be available to a minor for whom the court  
19 denies a petition for waiver of notification. An  
20 order granting the minor's application for waiver of  
21 notification is not subject to appeal. Access to the  
22 appellate courts for the purpose of an appeal under  
23 this section shall be provided to a minor twenty-four  
24 hours a day, seven days a week.

25 i. The supreme court shall prescribe rules to  
26 ensure that the proceedings under this section are  
27 performed in an expeditious, anonymous, and  
28 confidential manner.

29 j. A minor who chooses to utilize the waiver of  
30 notification procedures under this subsection shall  
31 not be required to pay a fee at any level of the  
32 proceedings. The filing fee shall be paid by the  
33 person who will perform the abortion.

34 k. A person performing an abortion on a minor  
35 under this chapter may inform the parent of the minor  
36 of any necessary treatment resulting from  
37 complications of the abortion procedure if, in the  
38 judgment of the person, failure to inform the parent  
39 would seriously jeopardize the health of the minor.

40 6. A person who performs an abortion in violation  
41 of this section is guilty of a serious misdemeanor.

42 7. Venue for proceedings under this section is in  
43 any court in the state.

44 Sec. — . **NEW SECTION. 232.5 ABORTION PERFORMED**  
45 **ON A MINOR -- PROCEEDINGS.**

46 The court shall have exclusive jurisdiction over  
47 the authorization of an abortion on a minor pursuant

48 to section 146A.1."

49 2. By renumbering as necessary.

DON E. GETTINGS  
WILLIAM W. DIELEMAN  
JOHN P. KIBBIE  
EMIL J. HUSAK

S-5720

1 Amend the House amendment, S-5675, to Senate File  
2 2223, as passed by the Senate as follows:  
3 1. Page 1, line 8, by inserting after the word  
4 "transportation" the following: "and offices of the  
5 job service division of the department of employment  
6 services".

WILMER RENSINK

S-5721

1 Amend Senate File 2327 as follows:  
2 1. Page 1, by inserting after line 21 the  
3 following:  
4 "The department shall notify or make a reasonable  
5 attempt to notify by October 1, 1994, all individuals  
6 who are entitled to a credit or refund under this  
7 subsection."

JIM KERSTEN

S-5722

1 Amend Senate File 2260 as follows:  
2 1. Page 4, by inserting after line 1 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 99E.18, subsection 2, Code  
5 1993, as amended by 1994 Iowa Acts, House File 2179,  
6 section 6, is amended to read as follows:  
7 2. A ticket or share shall not be sold to a person  
8 who has not reached the age of ~~twenty-one~~ eighteen.  
9 This does not prohibit the lawful purchase of a ticket  
10 or share for the purpose of making a gift to a person  
11 who has not reached the age of ~~twenty-one~~ eighteen. A  
12 licensee or a licensee's employee who knowingly sells  
13 or offers to sell a lottery ticket or share to a  
14 person who has not reached the age of ~~twenty-one~~  
15 eighteen is guilty of a simple misdemeanor. In  
16 addition the license of a licensee shall be suspended.  
17 A prize won by a person who has not reached the age

18 of ~~twenty-one~~ eighteen but who purchases a winning  
 19 ticket or share in violation of this subsection shall  
 20 be forfeited."

21 2. Title page, line 2, by inserting after the  
 22 word "games," the following: "amending the minimum  
 23 age for certain gambling games,".

24 3. By renumbering as necessary.

JOE WELSH

S-5723

1 Amend the House amendment, S-5654, to Senate File  
 2 2314, as amended, passed, and reprinted by the Senate,  
 3 as follows:

4 1. By striking page 1, line 3 through page 10,  
 5 line 35, and inserting the following:

6 " \_\_\_\_ . Page 2, line 11, by striking the figure  
 7 "3,700,175" and inserting the following: "3,715,675".

8 \_\_\_\_ . Page 2, line 12, by striking the figure  
 9 "121.00" and inserting the following: "122.50".

10 \_\_\_\_ . Page 2, by inserting after line 12 the  
 11 following:

12 "Of the moneys appropriated and the FTEs allocated  
 13 pursuant to this lettered paragraph, an additional  
 14 \$15,500 and 1.5 additional FTEs shall be allocated for  
 15 purposes of supporting meat and poultry inspections as  
 16 provided in chapter 189A."

17 \_\_\_\_ . Page 2, by inserting after line 30 the  
 18 following:

19 "Of the amount appropriated under this paragraph  
 20 "a", \$160,000 shall be allocated from the  
 21 appropriation to Iowa state university for purposes of  
 22 training commercial pesticide applicators."

23 \_\_\_\_ . Page 4, by striking lines 18 through 22.

24 \_\_\_\_ . Page 4, by striking lines 29 through 33.

25 \_\_\_\_ . Page 5, line 18, by striking the figure

26 "1995" and inserting the following: "1996".

27 \_\_\_\_ . Page 5, line 33, by striking the figure  
 28 "198,750" and inserting the following: "188,750".

29 \_\_\_\_ . By striking page 7, line 34 through page 8,  
 30 line 5.

31 \_\_\_\_ . Page 13, by inserting after line 7 the  
 32 following:

33 "Sec. \_\_\_\_ . TRANSFER -- AIR QUALITY. For the  
 34 fiscal year beginning July 1, 1994, and ending June  
 35 30, 1995, the department of natural resources may  
 36 transfer up to \$281,000 from the hazardous substance  
 37 remedial fund to support purposes related to carrying  
 38 out the duties of the commission under section

39 455B.133, or the director under section 455B.134, or  
40 for carrying out the provisions of chapter 455B,  
41 division II."

42 \_\_\_\_ . Page 13, by inserting after line 8 the  
43 following:

44 "Sec. \_\_\_\_ . DEPARTMENTAL STUDY - COMMERCIAL  
45 WEIGHING AND MEASURING DEVICES. The department of  
46 agriculture and land stewardship shall study its  
47 licensing structure for the inspection of commercial  
48 weighing and measuring devices, including fees  
49 required to be paid by licensees pursuant to section  
50 214.3. The department shall examine the relationship

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1 between fees and the costs incurred in administration,  
2 regulation, and enforcement of provisions relating to  
3 the licensing of the devices. The department shall  
4 submit a report, including findings and  
5 recommendations, to the governor and the general  
6 assembly by January 9, 1995."

7 \_\_\_\_ . Page 13, by inserting after line 20 the  
8 following:

9 "Sec. \_\_\_\_ . WIND EROSION CONTROL FUND. The  
10 department of agriculture and land stewardship shall  
11 use all unencumbered or unobligated moneys  
12 appropriated to the wind erosion control fund, and any  
13 moneys which have been credited to the division of  
14 soil conservation of the department of agriculture and  
15 land stewardship for purposes of planting and  
16 maintaining wind erosion control barriers, as  
17 originally provided in 1978 Iowa Acts, chapter 1108,  
18 section 7, and subsequently amended, in order to carry  
19 out the original purposes. The department shall  
20 submit a report to the secretary of the senate and  
21 chief clerk of the house not later than January 2,  
22 1995. The report shall explain actual and planned  
23 expenditures of the moneys."

24 \_\_\_\_ . Page 13, by striking lines 22 through 35 and  
25 inserting the following: "revenue and finance in  
26 cooperation with each appropriate agency shall track  
27 receipts to the general fund which under law were  
28 previously collected to be used for specific purposes,  
29 or to be credited to, or be deposited to a particular  
30 account or fund, as provided in section 8.60.

31 The department of revenue and finance and each  
32 appropriate agency shall prepare".

33 \_\_\_\_ . Page 14, by inserting after line 4 the fol-  
34 lowing:

35 "Sec. \_\_\_\_ . STUDY REQUESTED. The legislative

36 council is requested to establish a study committee to  
37 examine animal agriculture in this state, and its  
38 impact upon the environment and nonagricultural uses  
39 of land."

40 \_\_\_\_ . Page 16, by inserting after line 16 the  
41 following:

42 "Sec. \_\_\_\_ . LEASE-PURCHASE -- BUDGET SUBMISSION.

43 This section applies to each state agency receiving an  
44 appropriation in this Act. The departmental estimate  
45 required under section 8.23 for the fiscal period  
46 beginning July 1, 1995, which includes the state  
47 agency, shall provide an itemized list indicating the  
48 nature and amount of each lease-purchase contract  
49 payment included in the estimate for proposed  
50 contracts which have not been reported by the state

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1 agency to the legislative fiscal committee of the  
2 legislative council pursuant to section 8.46 prior to  
3 the submission of the estimate. The governor shall  
4 include in the governor's budget for the fiscal year  
5 beginning July 1, 1995, a listing indicating the  
6 nature and amount of each lease-purchase contract  
7 which was itemized in a departmental estimate in ac-  
8 cordance with this section and is included in the  
9 governor's budget. A state agency receiving an  
10 appropriation in this Act shall not enter into a  
11 lease-purchase contract during the fiscal year  
12 beginning July 1, 1995, unless the contract was  
13 itemized in a departmental estimate and included in  
14 the governor's budget in accordance with this  
15 section."

16 \_\_\_\_ . By striking page 16, line 17 through page  
17 17, line 13, and inserting the following:

18 "Sec. 100. SOIL CONSERVATION ASSISTANCE. There is  
19 appropriated from the unobligated and unencumbered  
20 moneys deposited or required to be deposited in the  
21 water protection practices account of the water  
22 protection fund established in section 161C.4 to the  
23 division of soil conservation within the department of  
24 agriculture and land stewardship for the fiscal period  
25 beginning July 1, 1993, and ending June 30, 1995, the  
26 following amount, or so much thereof as is necessary,  
27 to be used for the purpose designated:

28 For the purpose of providing interest-free loans to  
29 persons who receive assistance from the United States  
30 department of agriculture under the emergency  
31 conservation program:

32 ..... \$ 500,000



33 The loans shall be made in order to provide any  
34 matching moneys required to be contributed by a person  
35 receiving assistance under the federal program. The  
36 division shall seek to cooperate with the soil  
37 conservation service in implementing this section.  
38 The moneys must be repaid to the water protection  
39 practices account within five years from the date that  
40 the moneys are loaned. Moneys which are unobligated  
41 or unencumbered on June 30, 1995, shall be credited  
42 back to the account. In administering these moneys,  
43 the department may contract, sue, and be sued, and  
44 adopt rules necessary to carry out the provisions of  
45 this section. However, the division shall not in any  
46 manner directly or indirectly pledge the credit of  
47 this state."

48 \_\_\_\_ . Page 18, by striking lines 13 through 33.

49 \_\_\_\_ . Page 20, by inserting after line 21 the  
50 following:

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1 " \_\_\_\_ . The division shall maintain records  
2 regarding each award of financial incentives under  
3 this section, including the name of the person; the  
4 amount of the award; the location of the livestock  
5 manure management system established with financial  
6 incentive moneys; and whether the person is a family  
7 farm corporation, family farm limited partnership,  
8 family trust, or a family farm limited liability  
9 company."

10 \_\_\_\_ . Page 21, by striking line 9 and inserting  
11 the following:

12 "A person, including a corporation, limited  
13 liability company, or partnership established on or  
14 after the effective date of this Act, other than  
15 either a".

16 \_\_\_\_ . Page 21, line 10, by striking the figure  
17 "496C," and inserting the following: "496C".

18 \_\_\_\_ . Page 21, line 14, by inserting after the  
19 word "chapter." the following: "However, this section  
20 shall not prohibit a person from owning an interest in  
21 real property or a building where a clinic is located,  
22 if veterinary medical services or a practice is  
23 conducted by the clinic by a professional corporation  
24 or a veterinarian licensed under this chapter."

25 \_\_\_\_ . Page 22, by inserting after line 27 the  
26 following:

27 "Sec. \_\_\_\_ . Section 200.22, subsection 1, paragraph  
28 a, as enacted by 1994 Iowa Acts, Senate File 94,  
29 section 1, is amended to read as follows:

30 a. "Local governmental entity" means any political  
 31 subdivision, or any state authority which is not the  
 32 general assembly or under the direction of a principal  
 33 central department as enumerated in section 7E.5,  
 34 including a city as defined in section 362.2, a county  
 35 as provided in chapter ~~369~~ 331, or any special purpose  
 36 district.

37 Sec. \_\_\_\_ . Section 206.34, subsection 1, paragraph  
 38 a, as enacted by 1994 Iowa Acts, Senate File 94,  
 39 section 2, is amended to read as follows:

40 a. "Local governmental entity" means any political  
 41 subdivision, or any state authority which is not the  
 42 general assembly or under the direction of a principal  
 43 central department as enumerated in section 7E.5,  
 44 including a city as defined in section 362.2, a county  
 45 as provided in chapter ~~369~~ 331, or any special purpose  
 46 district.

47 Sec. \_\_\_\_ . NEW SECTION. 214.4 TAGGING OF  
 48 EQUIPMENT.

49 1. If the department does not receive payment of  
 50 the license fee required pursuant to section 214.3

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1 within one month from the due date, the department  
 2 shall send a notice to the owner or operator of the  
 3 device. The notice shall be delivered by certified  
 4 mail. The notice shall state all of the following:

5 a. The owner or operator is delinquent in the  
 6 payment of the required fee.

7 b. The owner or operator has fifteen days after  
 8 receipt of the notice to pay the license fee required  
 9 pursuant to section 214.3.

10 c. If the department does not receive payment of  
 11 the license fee as required, the department may  
 12 summarily tag and remove from service the commercial  
 13 weighing and measuring device.

14 2. If the license fee is not received by the  
 15 department within fifteen days after receipt of the  
 16 notice by the owner or operator of the commercial  
 17 weighing and measuring device, the department may tag  
 18 and remove from service the device for which the  
 19 license fee has not been paid."

20 \_\_\_\_ . Page 23, by inserting after line 7 the  
 21 following:

22 "Sec. \_\_\_\_ . Section 321.453, Code 1993, as amended  
 23 by 1994 Iowa Acts, Senate File 2080, section 3, is  
 24 amended by striking the section and inserting in lieu  
 25 thereof the following:

26 321.453 EXCEPTIONS.

27 The provisions of this chapter governing size,  
28 weight, and load, and the permit requirements of  
29 chapter 321E do not apply to fire apparatus, to road  
30 maintenance equipment owned by or under lease to any  
31 state or local authority, to implements of husbandry  
32 temporarily moved upon a highway, to implements moved  
33 from farm site to farm site or between the retail  
34 seller and a farm purchaser within a one hundred mile  
35 radius from the retail seller's place of business, to  
36 indivisible implements of husbandry temporarily moved  
37 between the place of manufacture and a retail seller  
38 or a farm purchaser, to implements received and moved  
39 by a retail seller of implements of husbandry in  
40 exchange for an implement purchased, or to implements  
41 of husbandry moved for repairs, except on any part of  
42 the interstate highway system. A vehicle, carrying an  
43 implement of husbandry, which is exempted from the  
44 permit requirements under this section shall be  
45 equipped with an amber flashing light under section  
46 321.423, shall be equipped with warning flags on that  
47 portion of the vehicle which protrudes into oncoming  
48 traffic, and shall only operate from thirty minutes  
49 prior to sunrise to thirty minutes following sunset."  
50 \_\_\_\_ . Page 23, by inserting after line 7 the

Page 6

1 following:  
2 "Sec. \_\_\_\_ . Section 455A.18, Code Supplement 1993,  
3 is amended by adding the following new subsection:  
4 NEW SUBSECTION. 4. Notwithstanding section 12C.7,  
5 interest or earnings on investments or time deposits  
6 of the moneys in the Iowa resources enhancement and  
7 protection fund or any of its accounts shall be  
8 credited to the Iowa resources enhancement and  
9 protection fund."  
10 \_\_\_\_ . Page 23, by striking lines 8 through 16.  
11 \_\_\_\_ . Page 24, line 11, by inserting after the  
12 word "account." the following: "Fees paid pursuant to  
13 this section shall not be subject to the sales or  
14 services tax."  
15 \_\_\_\_ . Page 26, by striking line 31 and inserting  
16 the following: "required to carry out the provisions  
17 of this division relating to the administration,  
18 regulation, and enforcement of the federal Safe  
19 Drinking Water Act and the program to assist supply  
20 systems, to the extent the".  
21 \_\_\_\_ . Page 27, line 2, by striking the figure "23"  
22 and inserting the following: "22, 100".

23 \_\_\_\_ . Title page, line 3, by inserting after the  
24 word "fees" the following: "and effective dates"."

EMIL J. HUSAK  
BRAD BANKS  
BILL FINK  
BERL E. PRIEBE  
JACK W. HESTER

S-5724

1 Amend House File 2430, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 1, by inserting after line 17 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 331.424, subsection 1,  
6 paragraph j, Code 1993, is amended to read as follows:  
7 j. Employee benefits under chapters 96, 97B, and  
8 97C, and 509A which are associated with salaries for  
9 general county services.  
10 Sec. \_\_\_\_ . Section 331.424, subsection 2, paragraph  
11 a, Code 1993, is amended to read as follows:  
12 a. Employee benefits under chapters 96, 97B, and  
13 97C, and 509A which are associated with salaries for  
14 rural county services."  
15 2. By renumbering as necessary.

WILLIAM D. PALMER

S-5725

1 Amend Senate File 2183 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 260E.3, unnumbered paragraph  
5 1, and subsection 1, Code 1993, are amended to read as  
6 follows:  
7 1. A community college may enter into an agreement  
8 to establish a project. If an agreement is entered  
9 into, the community college and the employer shall  
10 notify the department of revenue and finance as soon  
11 as possible. An agreement ~~may~~ shall provide; ~~but is~~  
12 ~~not limited to:~~  
13 ~~1. Program~~ for program costs, including deferred  
14 costs, which may be paid from one or a combination of  
15 the following sources:  
16 a. Incremental property taxes to be received or  
17 derived from an employer's business property where new  
18 jobs are created as a result of the project.  
19 b. New jobs credit from withholding to be received

20 or derived from new employment resulting from the  
21 project.

22 c. Tuition, student fees, or special charges fixed  
23 by the board of directors to defray program costs in  
24 whole or in part.

25 d. Guarantee of payments to be received under  
26 paragraph "a," "b," or "c".

27 Sec. 2. Section 260E.3, subsection 4, Code 1993,  
28 is amended to read as follows:

29 4. A An agreement shall include a provision which  
30 fixes the minimum amount of incremental property  
31 taxes, new jobs credit from withholding, or tuition  
32 and fee payments which shall be paid for program  
33 costs.

34 Sec. 3. Section 260F.3, unnumbered paragraph 1,  
35 and subsection 1, Code 1993, are amended to read as  
36 follows:

37 1. A community college may enter into an agreement  
38 to establish a project. If an agreement is entered  
39 into, the community college and the business shall  
40 notify the department of revenue and finance as soon  
41 as possible. An agreement ~~may~~ shall provide; ~~but is~~  
42 ~~not limited to:~~

43 1. Program for program costs, including deferred  
44 costs, for a project creating new jobs by providing  
45 education and training of workers for a new or  
46 expanding small business which may be paid from one or  
47 a combination of the following sources:

48 a. Incremental property taxes to be received or  
49 derived from the business' property where new jobs are  
50 created as a result of the project.

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1 b. New jobs credit from withholding to be received  
2 or derived from new employment resulting from the  
3 project.

4 c. Tuition, student fees, or special charges fixed  
5 by the board of directors to defray program costs in  
6 whole or in part.

7 d. Guarantee of payments to be received under  
8 paragraph "a," "b," or "c".

9 Sec. 4. Section 260F.3, subsections 5 and 7, Code  
10 1993, are amended to read as follows:

11 5. ~~A provision, where~~ If applicable, an agreement  
12 shall include a provision which fixes the minimum  
13 amount of incremental property taxes, new jobs credit  
14 from withholding, or tuition and fee payments which  
15 shall be paid for program costs.

16 7. Provisions An agreement shall contain

17 provisions relating to the type of financial  
18 assistance being provided which may be in the form of  
19 grants, loans, forgivable loans, or a combination of  
20 grants and loans according to guidelines adopted by  
21 the department of economic development. However, the  
22 amount of financial assistance provided for a project  
23 under this chapter shall not exceed fifty thousand  
24 dollars. Financial assistance for a new jobs project  
25 shall be limited to loans. Financial assistance for a  
26 retraining project shall not include a grant or  
27 forgivable loan unless the result of the retooling  
28 creates, at the business production site subject to  
29 the retooling, a net increase in the number of  
30 employment positions, a net increase in the quality of  
31 the employment positions held by participating  
32 workers, or a net increase in wages paid to  
33 participating workers. The financial assistance  
34 provided to a participating business must be based on  
35 the actual cost of training or retraining  
36 participating workers under the project.

37 Sec. 5. Section 331.441, subsection 2, paragraph  
38 b, Code Supplement 1993, is amended by adding the  
39 following new subparagraph:

40 **NEW SUBPARAGRAPH.** (14) The aiding of the  
41 planning, undertaking, and carrying out of urban  
42 renewal projects under the authority of chapter 403  
43 and for the purposes set out in section 403.12.  
44 However, bonds issued for this purpose are subject to  
45 the right of petition for an election as provided in  
46 section 331.442, subsection 5, without limitation on  
47 the amount of the bond issue or the population of the  
48 county, and the board shall include notice of the  
49 right of petition in the notice of proposed action  
50 required under section 331.443, subsection 2.

Page 3

1 Sec. 6. Section 403.5, subsections 2, 3, 4, 5, and  
2 7, Code 1993, are amended to read as follows:  
3 2. The municipality may itself prepare or cause to  
4 be prepared an urban renewal plan; or any person or  
5 agency, public or private, may submit such a plan to a  
6 municipality. Prior to its approval of an urban  
7 renewal ~~project plan~~, the local governing body shall  
8 submit such plan to the planning commission of the  
9 municipality, if any, for review and recommendations  
10 as to its conformity with the general plan for the  
11 development of the municipality as a whole. The  
12 planning commission shall submit its written  
13 recommendations with respect to the proposed urban

14 renewal plan to the local governing body within thirty  
15 days after receipt of the plan for review. Upon  
16 receipt of the recommendations of the planning  
17 commission or, if no recommendations are received  
18 within said the thirty days, then, without such  
19 recommendations, the local governing body may proceed  
20 with the hearing on the proposed urban renewal project  
21 prescribed by subsection 3 hereof.

22 Prior to its approval of an urban renewal plan  
23 which provides for a division of revenue pursuant to  
24 section 403.19, the municipality shall mail the  
25 proposed plan by regular mail to the affected taxing  
26 entities. The municipality shall include with the  
27 proposed plan notification of a consultation to be  
28 held between the municipality and affected taxing  
29 entities prior to the public hearing on the urban  
30 renewal plan. Each affected taxing entity may appoint  
31 a representative to attend the consultation. The  
32 consultation may include a discussion of the estimated  
33 growth in valuation of taxable property included in  
34 the proposed urban renewal area, the fiscal impact of  
35 the division of revenue on the affected taxing  
36 entities, the estimated impact on the provision of  
37 services by each of the affected taxing entities in  
38 the proposed urban renewal area, and the duration of  
39 any bond issuance included in the plan. The  
40 designated representative of the affected taxing  
41 entity may make written recommendations for  
42 modification to the proposed division of revenue no  
43 later than seven days following the date of the  
44 consultation. The representative of the municipality  
45 shall, no later than seven days prior to the public  
46 hearing on the urban renewal plan, submit a written  
47 response to the affected taxing entity addressing the  
48 recommendations for modification to the proposed  
49 division of revenue.

50 3. The local governing body shall hold a public

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1 hearing on an urban renewal project after public  
2 notice thereof by publication in a newspaper having a  
3 general circulation in the area of operation of the  
4 municipality. The notice shall describe the time,  
5 date, place and purpose of the hearing, shall  
6 generally identify the urban renewal area covered by  
7 the plan, and shall outline the general scope of the  
8 urban renewal project under consideration. A copy of  
9 the notice shall be sent by ordinary mail to each  
10 affected taxing entity.

11 4. Following such hearing, the local governing  
12 body may approve an urban renewal project plan if it  
13 finds that:  
14 a. A feasible method exists for the location of  
15 families who will be displaced from the urban renewal  
16 area into decent, safe and sanitary dwelling  
17 accommodations within their means and without undue  
18 hardship to such families;  
19 b. The urban renewal plan conforms to the general  
20 plan of the municipality as a whole; provided, that if  
21 the urban renewal area consists of an area of open  
22 land to be acquired by the municipality, such area  
23 shall not be so acquired except:

24 (1) If it is to be developed for residential uses,  
25 the local governing body shall determine that a  
26 shortage of housing of sound standards and design with  
27 decency, safety and sanitation exists in the  
28 municipality; that the need for housing accommodations  
29 has been or will be increased as a result of the  
30 clearance of slums in other areas, including other  
31 portions of the urban renewal area; that the  
32 conditions of blight in the area and the shortage of  
33 decent, safe and sanitary housing cause or contribute  
34 to an increase in and spread of disease and crime, and  
35 constitute a menace to the public health, safety,  
36 morals, or welfare; and that the acquisition of the  
37 area for residential uses is an integral part of and  
38 essential to the program of the municipality.

39 (2) If it is to be developed for nonresidential  
40 uses, the local governing body shall determine that  
41 such nonresidential uses are necessary and appropriate  
42 to facilitate the proper growth and development of the  
43 community in accordance with sound planning standards  
44 and local community objectives. The acquisition may  
45 require the exercise of governmental action, as  
46 provided in this chapter, because of defective or  
47 unusual conditions of title, diversity of ownership,  
48 tax delinquency, improper subdivisions, outmoded  
49 street patterns, deterioration of site, economic  
50 disuse, unsuitable topography or faulty lot layouts,

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1 or because of the need for the correlation of the area  
2 with other areas of a municipality by streets and  
3 modern traffic requirements, or any combination of  
4 such factors or other conditions which retard  
5 development of the area.

6 5. An urban renewal plan may be modified at any  
7 time: Provided, that if modified after the lease or



8 sale by the municipality of real property in the urban  
9 renewal project area, such modification may be  
10 conditioned upon such approval of the owner, lessee or  
11 successor in interest as the municipality may deem  
12 advisable, and in any event such modification shall be  
13 subject to such rights at law or in equity as a lessee  
14 or purchaser, or a lessee's or purchaser's successor  
15 or successors in interest, may be entitled to assert.  
16 The municipality shall comply with the notification  
17 and consultation process provided in this section  
18 prior to the approval of any amendment or modification  
19 to an adopted urban renewal plan if such amendment or  
20 modification provides for refunding bonds or  
21 refinancing resulting in an increase in debt service  
22 or provides for the issuance of bonds or other  
23 indebtedness, to be funded primarily in the manner  
24 provided in section 403.19.

25 7. Notwithstanding any other provisions of this  
26 chapter, where the local governing body certifies that  
27 an area is in need of redevelopment or rehabilitation  
28 as a result of a flood, fire, hurricane, earthquake,  
29 storm, or other catastrophe respecting which the  
30 governor of the state has certified the need for  
31 disaster assistance under Public Law 875, Eighty-first  
32 Congress, 64 Stat. L. 1109; 42 U.S.C. §§ 1855-1855g or  
33 other federal law, the local governing body may  
34 approve an urban renewal plan and an urban renewal  
35 project with respect to such area without regard to  
36 the provisions of subsection 4 of this section and  
37 without regard to provisions of this section requiring  
38 notification and consultation, a general plan for the  
39 municipality, and a public hearing on the urban  
40 renewal plan or project.

41 Sec. 7. Section 403.12, subsection 5, Code 1993,  
42 is amended to read as follows:

43 5. For the purposes of this section, or for the  
44 purpose of aiding in the planning, undertaking, or  
45 carrying out of an urban renewal project of a  
46 municipality, ~~the~~ a municipality may, in addition to  
47 any authority to issue bonds pursuant to section  
48 403.9, issue and sell its general obligation bonds.  
49 Any bonds issued by a municipality pursuant to this  
50 section must be issued, in the case of a city, by

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1 resolution of the council in the manner and within the  
2 limitations prescribed by chapter 384, division III,  
3 or in the case of a county, by resolution of the board  
4 of supervisors in the manner and within the

5 limitations prescribed by chapter 331, division IV,  
6 part 3. Bonds issued pursuant to the provisions of  
7 this subsection must be sold in the manner prescribed  
8 by chapter 75. The additional power granted in this  
9 subsection for the financing of public improvements  
10 undertakings and activities by municipalities within  
11 an urban renewal project area shall not be construed  
12 as a limitation of the existing powers of cities  
13 municipalities.

14 Sec. 8. Section 403.17, subsections 2, 3, 8, 12,  
15 20, and 22, Code 1993, are amended to read as follows:

16 2. "Area of operation" of a city means the area  
17 within the corporate limits of the municipality city  
18 and, with the consent of the county, the area within  
19 two miles of such limits, except that it does not  
20 include any area which lies within the territorial  
21 boundaries of another incorporated city, unless a  
22 resolution has been adopted by the governing body of  
23 the city declaring a need to be included in the area.  
24 The "area of operation" of a county means an area  
25 outside the corporate limits of a city. However, in  
26 that area outside a city's boundary but within two  
27 miles of the city's boundary, a joint agreement  
28 between the city and the county is required allowing  
29 the county to proceed with the activities authorized  
30 under this chapter. In addition, a county may proceed  
31 with activities authorized under this chapter in an  
32 area inside the boundaries of a city, provided a joint  
33 agreement is entered into with respect to such  
34 activities between a city and a county.

35 3. "Blighted area" means an area of a municipality  
36 within which the local governing body of the  
37 municipality determines that the presence of a  
38 substantial number of slum, deteriorated, or  
39 deteriorating structures; defective or inadequate  
40 street layout; faulty lot layout in relation to size,  
41 adequacy, accessibility, or usefulness; insanitary or  
42 unsafe conditions; deterioration of site or other  
43 improvements; diversity of ownership, tax or special  
44 assessment delinquency exceeding the fair value of the  
45 land; defective or unusual conditions of title; or the  
46 existence of conditions which endanger life or  
47 property by fire and other causes; or any combination  
48 of these factors; substantially impairs or arrests the  
49 sound growth of a municipality, retards the provision  
50 of housing accommodations, or constitutes an economic

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1 or social liability and is a menace to the public  
2 health, safety, or welfare in its present condition  
3 and use. A disaster area referred to in section  
4 403.5, subsection 7, constitutes a "blighted area".  
5 "Blighted area" does not include real property  
6 assessed as agricultural property for purposes of  
7 property taxation.

8 8. "Economic development area" means an area of a  
9 municipality designated by the local governing body as  
10 appropriate for commercial and industrial enterprises  
11 or housing and residential development for low and  
12 moderate income families, including single or  
13 multifamily housing. If an urban renewal plan for an  
14 urban renewal area is based upon a finding that the  
15 area is an economic development area and that no part  
16 contains slum or blighted conditions, then the  
17 division of revenue provided in section 403.19 and  
18 stated in the plan shall be limited to twenty years  
19 from the calendar year following the calendar year in  
20 which the city first certifies to the county auditor  
21 the amount of any loans, advances, indebtedness, or  
22 bonds which qualify for payment from the division of  
23 revenue provided in section 403.19. Such designated  
24 area designated before July 1, 1994, shall not include  
25 land which is part of a century farm.

26 12. "Low or moderate income families" means low or  
27 moderate income families as defined in section 16.1  
28 those families, including single person households,  
29 earning no more than eighty percent of the higher of  
30 the median family income of the county or the  
31 statewide nonmetropolitan area as determined by the  
32 latest United States department of housing and urban  
33 development, section 8 income guidelines.

34 20. "Slum area" shall mean an area in which there  
35 is a predominance of buildings or improvements,  
36 whether residential or nonresidential, which: By  
37 reason of dilapidation, deterioration, age or  
38 obsolescence; by reason of inadequate provision for  
39 ventilation, light, air, sanitation, or open spaces;  
40 by reason of high density of population and  
41 overcrowding; by reason of the existence of conditions  
42 which endanger life or property by fire and other  
43 causes; or which by any combination of such factors,  
44 is conducive to ill health, transmission of disease,  
45 infant mortality, juvenile delinquency or crime, and  
46 which is detrimental to the public health, safety,  
47 morals or welfare. "Slum area" does not include real  
48 property assessed as agricultural property for

49 purposes of property taxation.

50 22. "Urban renewal plan" means a plan for the

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1 development, redevelopment, improvement, or  
2 rehabilitation of a designated urban renewal area, as  
3 it exists from time to time; for an urban renewal  
4 project. The plan shall meet the following  
5 requirements:

6 a. Conform to the general plan for the  
7 municipality as a whole except as provided in section  
8 403.5, subsection 7.

9 b. Be sufficiently complete to indicate the land  
10 acquisition, demolition and removal of structures;  
11 real property located in the urban renewal area to be  
12 acquired for the proposed development, redevelopment,  
13 development, improvements, and improvement, or  
14 rehabilitation proposed to be carried out in the urban  
15 renewal area, and to indicate any zoning and planning  
16 district changes, if any; existing and future land  
17 uses, maximum densities, building requirements; and  
18 the plan's relationship to definite local objectives  
19 respecting appropriate development, redevelopment,  
20 improvement, or rehabilitation related to the future  
21 land uses plan, and need for improved traffic, public  
22 transportation, public utilities, recreational and  
23 community facilities, and other public improvements  
24 within the urban renewal area.

25 c. If the plan includes a provision for the  
26 division of taxes as provided in section 403.19, the  
27 plan shall also include a list of the current general  
28 obligation debt of the municipality, the current  
29 constitutional debt limit of the municipality, and the  
30 proposed amount of indebtedness to be incurred,  
31 including loans, advances, indebtedness, or bonds  
32 which qualify for payment from the special fund  
33 referred to in section 403.19, subsection 2.

34 Sec. 9. Section 403.17, Code 1993, is amended by  
35 adding the following new subsection:

36 **NEW SUBSECTION. 1A. "Affected taxing entity"**  
37 means a city, community college, county, or school  
38 district which levied or certified for levy a property  
39 tax on any portion of the taxable property located  
40 within the urban renewal area in the fiscal year  
41 beginning prior to the calendar year in which a  
42 proposed urban renewal plan is submitted to the local  
43 governing body for approval.

44 Sec. 10. Section 403.19, unnumbered paragraph 1,  
45 subsections 1, 2, and 3, Code 1993, are amended to

46 read as follows:

47 A municipality may provide by ordinance that taxes  
48 levied on taxable property in an urban renewal project  
49 area each year by or for the benefit of the state,  
50 city, county, school district, or other taxing

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1 district after the effective date of such ordinance,  
2 shall be divided as follows:  
3 1. a. That Unless otherwise provided in this  
4 section, that portion of the taxes which would be  
5 produced by the rate at which the tax is levied each  
6 year by or for each of the taxing districts upon the  
7 total sum of the assessed value of the taxable  
8 property in the urban renewal project area, as shown  
9 on the assessment roll as of January 1 of the calendar  
10 year preceding the effective date of the ordinance  
11 first calendar year in which the municipality  
12 certifies to the county auditor the amount of loans,  
13 advances, indebtedness, or bonds payable from the  
14 division of property tax revenue, or on the assessment  
15 roll last equalized prior to the date of initial  
16 adoption of the urban renewal plan in the case of  
17 projects commenced if the plan was adopted prior to  
18 July 1, 1972, shall be allocated to and when collected  
19 be paid into the fund for the respective taxing  
20 district as taxes by or for said the taxing district  
21 into which all other property taxes are paid.  
22 However, the municipality may choose to divide that  
23 portion of the taxes which would be produced by  
24 levying the municipality's portion of the total tax  
25 rate levied by or for the municipality upon the total  
26 sum of the assessed value of the taxable property in  
27 the urban renewal area, as shown on the assessment  
28 roll as of January 1 of the calendar year preceding  
29 the effective date of the ordinance and if the  
30 municipality so chooses, an affected taxing entity may  
31 allow a municipality to divide that portion of the  
32 taxes which would be produced by levying the affected  
33 taxing district's portion of the total tax rate levied  
34 by or for the affected taxing entity upon the total  
35 sum of the assessed value of the taxable property in  
36 the urban renewal area, as shown on the assessment  
37 roll as of January 1 of the calendar year preceding  
38 the effective date of the ordinance. This choice to  
39 divide a portion of the taxes shall not be construed  
40 to change the effective date of the division of  
41 property tax revenue with respect to an urban renewal  
42 plan in existence on July 1, 1994.

43 b. For the purpose of allocating taxes levied by  
44 or for any taxing district which did not include the  
45 territory in an urban renewal project area on the  
46 effective date of the ordinance or initial adoption of  
47 the plan, but to which the territory has been annexed  
48 or otherwise included after the effective date, the  
49 assessment roll applicable to property in the annexed  
50 territory as of January 1 of the calendar year

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1 preceding the effective date of the ordinance, or  
2 initial adoption of the plan which amends the plan to  
3 include the annexed area, shall be used in determining  
4 the assessed valuation of the taxable property in the  
5 project on the effective date annexed area.  
6 c. For the purposes of dividing taxes under  
7 sections 260E.4 and 260F.4, the applicable assessment  
8 roll for purposes of paragraph "a" shall be the  
9 assessment roll as of January 1 of the calendar year  
10 preceding the first written agreement providing that  
11 all or a portion of program costs are to be paid for  
12 by incremental property taxes. The community college  
13 shall file a copy of the agreement with the  
14 appropriate assessor. The assessor may, within  
15 fourteen days of such filing, physically inspect the  
16 applicable taxable business property. If upon such  
17 inspection the assessor determines that there has been  
18 a change in the value of the property from the value  
19 as shown on the assessment roll as of January 1 of the  
20 calendar year preceding the filing of the agreement  
21 and such change in value is due to new construction,  
22 additions or improvements to existing structures, or  
23 remodeling of existing structures for which a building  
24 permit was required, the assessor shall promptly  
25 determine the value of the property as of the  
26 inspection in the manner provided in chapter 441 and  
27 that value shall be included for purposes of the jobs  
28 training project in the assessed value of the  
29 employer's taxable business property as shown on the  
30 assessment roll as of January 1 of the calendar year  
31 preceding the filing of the agreement. The assessor,  
32 within thirty days of such filing, shall notify the  
33 community college and the employer or business of that  
34 valuation which shall be included in the assessed  
35 valuation for purposes of this subsection and section  
36 260E.4 or 260F.4. The value determined by the  
37 assessor shall reflect the change in value due solely  
38 to new construction, additions or improvements to  
39 existing structures, or remodeling of existing

40 structures for which a building permit was required.  
 41 2. That portion of the taxes each year in excess  
 42 of such amount shall be allocated to and when  
 43 collected be paid into a special fund of the  
 44 municipality to pay the principal of and interest on  
 45 loans, moneys advanced to, or indebtedness, whether  
 46 funded, refunded, assumed, or otherwise, including  
 47 bonds issued under the authority of section 403.9,  
 48 subsection 1, incurred by the municipality to finance  
 49 or refinance, in whole or in part, ~~the redevelopment~~  
 50 an urban renewal project within the area, except that

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1 taxes for the payment of bonds and interest of each  
 2 taxing district must be collected against all taxable  
 3 property within the taxing district without limitation  
 4 by the provisions of this subsection. Unless and  
 5 until the total assessed valuation of the taxable  
 6 property in an urban renewal project area exceeds the  
 7 total assessed value of the taxable property in such  
 8 project area as shown by the last equalized assessment  
 9 roll referred to in subsection 1 of this section, all  
 10 of the taxes levied and collected upon the taxable  
 11 property in the urban renewal project area shall be  
 12 paid into the funds for the respective taxing  
 13 districts as taxes by or for ~~said the~~ taxing districts  
 14 in the same manner as all other property taxes. When  
 15 such loans, advances, indebtedness, and bonds, if any,  
 16 and interest thereon, have been paid, all moneys  
 17 thereafter received from taxes upon the taxable  
 18 property in such urban renewal project area shall be  
 19 paid into the funds for the respective taxing  
 20 districts in the same manner as taxes on all other  
 21 property.

22 3. The portion of taxes mentioned in subsection 2  
 23 ~~of this section~~ and the special fund into which they  
 24 shall be paid, may be irrevocably pledged by a  
 25 municipality for the payment of the principal and  
 26 interest on loans, advances, bonds issued under the  
 27 authority of section 403.9, subsection 1, or  
 28 indebtedness incurred by a municipality to finance or  
 29 refinance, in whole or in part, the urban renewal  
 30 project within the area.

31 Sec. 11. Section 403.19, subsection 5, Code 1993,  
 32 is amended to read as follows:

33 5. A city municipality shall certify to the county  
 34 auditor on or before December 31 the amount of loans,  
 35 advances, indebtedness, or bonds which qualify for  
 36 payment from the special fund referred to in

37 subsection 2, and the filing of the certificate shall  
 38 make it a duty of the auditor to provide for the  
 39 division of taxes in each subsequent year until the  
 40 amount of the loans, advances, indebtedness, or ~~bond~~  
 41 bonds is paid to the special fund. In any year, the  
 42 county auditor shall, upon receipt of a certified  
 43 request from a city municipality filed prior to  
 44 January 1, increase the amount to be allocated under  
 45 subsection 1 in order to reduce the amount to be  
 46 allocated in the following fiscal year to the special  
 47 fund, to the extent that the city municipality does  
 48 not request allocation to the special fund of the full  
 49 portion of taxes which could be collected. Upon  
 50 receipt of a certificate from a municipality, the

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1 auditor shall mail a copy of the certificate to each  
 2 affected taxing district.

3 Sec. 12. Section 403.19, subsection 7, Code 1993,  
 4 is amended to read as follows:

5 7. For the purposes of this section, a county  
 6 shall include taxes levied on industrial property  
 7 within an urban renewal area only. However, a county  
 8 shall include taxes levied on all taxable property  
 9 within an urban renewal area if all or part of the  
 10 area is inside the boundaries of a city or within two  
 11 miles of a city's boundary and a joint agreement is  
 12 entered into pursuant to section 403.17, subsection 2.

13 Sec. 13. NEW SECTION. 403.21 COMMUNICATION AND  
 14 COOPERATION.

15 1. In order to promote communication and  
 16 cooperation among cities, counties, and community  
 17 colleges with respect to the allocation and division  
 18 of taxes, no jobs training projects as defined in  
 19 chapter 260E or 260F shall be undertaken within the  
 20 area of operation of a municipality after July 1,  
 21 1995, unless the municipality and the community  
 22 college have entered into an agreement or have jointly  
 23 adopted a plan relating to a community college's new  
 24 jobs training program which shall provide for a  
 25 procedure for advance notification to each affected  
 26 municipality, for exchange of information, for mutual  
 27 consultation, and for procedural guidelines for all  
 28 such new jobs training projects, including related  
 29 project financing to be undertaken within the area of  
 30 operation of the municipality. The joint agreement or  
 31 the plan shall state its precise duration and shall be  
 32 binding on the community college and the municipality  
 33 with respect to all new jobs training projects,



34 including related project financing undertaken during  
35 its existence. The joint agreement or plan shall be  
36 effective upon adoption and shall be placed on file in  
37 the office of the secretary of the board of directors  
38 of the community college and such other location as  
39 may be stated in the joint agreement or plan. The  
40 joint agreement or plan shall also be sent to each  
41 school district which levied or certified for levy a  
42 property tax on any portion of the taxable property  
43 located in the area of operation of the municipality  
44 in the fiscal year beginning prior to the calendar  
45 year in which the plan is adopted or the agreement is  
46 reached. If no such agreement is reached or plan  
47 adopted, the community college shall not use  
48 incremental property tax revenues to fund jobs  
49 training projects within the area of operation of the  
50 municipality. Agreements entered into between a

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1 community college and a city or county pursuant to  
2 chapter 28E shall not apply.

3 2. The community college shall send a copy of the  
4 final agreement prepared pursuant to section 260E.3 to  
5 the department of economic development. For each year  
6 in which incremental property taxes are used to pay  
7 job training certificates issued for a project  
8 creating new jobs, the community college shall provide  
9 to the department of economic development a report of  
10 the incremental property taxes and new jobs credits  
11 from withholding generated for that year, a specific  
12 description of the training conducted, the number of  
13 employees provided program services under the project,  
14 the median wage of employees in the new jobs in the  
15 project, and the administrative costs directly  
16 attributable to the project.

17 3. The community college shall send a copy of the  
18 final agreement prepared pursuant to section 260F.3 to  
19 the department of economic development. For each year  
20 in which incremental property taxes are used to retire  
21 debt service on a jobs training advance issued for a  
22 project creating new jobs, the community college shall  
23 provide to the department of economic development a  
24 report of the incremental property taxes and new jobs  
25 credits from withholding generated for that year, a  
26 specific description of the training conducted, the  
27 number of employees provided program services under  
28 the project, and the median wage of employees in the  
29 new jobs in the project, and the administrative costs  
30 directly attributable to the project.

31 Sec. 14. EFFECTIVE DATE. Sections 5, 7, and 12 of  
 32 this Act, amending Code sections 331.441, 403.12, and  
 33 403.19, subsection 7, being deemed of immediate  
 34 importance, take effect upon enactment.

35 Sec. 15. APPLICABILITY DATES. Sections 5, 7, and  
 36 12 of this Act are applicable to projects established  
 37 on or after the effective date of those sections.

38 Section 6 of this Act, amending Code section 403.5,  
 39 applies to urban renewal plans approved on or after  
 40 August 31, 1994. Section 14 of this Act, enacting new  
 41 section 403.21, applies to new jobs training project  
 42 agreements entered into on or after July 1, 1995. The  
 43 remaining sections of this Act apply to urban renewal  
 44 plans approved, or new jobs training project  
 45 agreements entered into, on or after January 1, 1995,  
 46 except that the provision relating to century farms in  
 47 section 403.17, subsection 8, as amended in this Act,  
 48 applies to urban renewal plans for an economic  
 49 development area approved on or after July 1, 1994."

WILLIAM W. DIELEMAN

S-5726

1 Amend the amendment, S-5723, to the House  
 2 amendment, S-5654, to Senate File 2314 as amended,  
 3 passed, and reprinted by the Senate as follows:  
 4 1. Page 1, by striking lines 17 through 22.

JIM RIORDAN

S-5727

1 Amend the amendment, S-5723, to House amendment, S-  
 2 5654, to Senate File 2314, as amended, passed, and  
 3 reprinted by the Senate, as follows:

4 1. Page 3, by inserting after line 47 the fol-  
 5 lowing:

6 "\_\_\_\_. Page 17, by inserting after line 20 the  
 7 following:

8 "Sec. \_\_\_\_ . UNDERGROUND STORAGE TANKS INSTALLERS  
 9 AND INSPECTORS. There is appropriated from the  
 10 underground storage tank fund account to the state  
 11 fire marshal's office for the fiscal year beginning  
 12 July 1, 1994, and ending June 30, 1995, thirty-five  
 13 thousand dollars, for the addition of one full-time  
 14 equivalent position, for implementation of the  
 15 underground storage tank installers and inspectors  
 16 licensing program under section 101.28.""

17 2. Page 3, by inserting before line 49 the

18 following:

19 "\_\_\_ . Page 18, by inserting before line 34 the  
20 following:

21 "Sec. \_\_\_ . Section 101.28, Code 1993, is amended  
22 by striking the section and inserting in lieu thereof  
23 the following:

24 101.28 UNDERGROUND STORAGE TANKS -- LICENSING --  
25 INSPECTORS.

26 1. All underground storage tanks shall be  
27 installed, lined, tested, and removed by a person  
28 licensed under this section. All inspectors  
29 conducting certification inspections under chapter  
30 455G, shall also be licensed under this section.

31 2. The following persons may be licensed as  
32 underground storage tank installation inspectors or  
33 removers:

34 a. A licensed engineer, except that if underground  
35 storage tank installation is within the scope of  
36 practice of a particular class of licensed engineer,  
37 additional training shall not be required for that  
38 class.

39 b. A fire marshal, or other person unaffiliated  
40 with the tank owner, operator, or installer.

41 3. The state fire marshal shall do all of the  
42 following:

43 a. Adopt rules for licensing underground storage  
44 tank installation inspectors, installers, liners,  
45 testers, and removers.

46 b. Adopt approved curriculum for training persons  
47 as a precondition to their licensing as underground  
48 storage tank installation inspectors.

49 c. Adopt curricula for training persons to install  
50 underground storage tanks so that the resulting

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1 installation may be certified under section 455G.11,  
2 subsection 6.

3 d. Adopt curricula for training persons to line,  
4 test, and remove underground storage tanks, including  
5 training regarding fire safety and environmental  
6 protection guidelines for persons removing tanks.

7 4. The state fire marshal may provide a list of  
8 licensees to any interested person.

9 5. The state fire marshal, the state fire  
10 marshal's designee, or a local fire marshal, shall  
11 charge a fee for a certification inspection in an  
12 amount sufficient to recover the costs of authorized  
13 training and inspection.

14 6. The fees collected by the state fire marshal

15 for licensing and certification inspection under this  
 16 section shall be retained by the state fire marshal to  
 17 defray the costs of administration of this section.””

18 3. Page 6, by inserting after line 20 the fol-  
 19 lowing:

20 “\_\_\_ . Page 26, by inserting after line 32 the  
 21 following:

22 “Sec. \_\_\_ . REPEAL. Section 455G.17, Code 1993, is  
 23 repealed.””

24 4. By renumbering as necessary.

JIM KERSTEN

S-5728

1 Amend House File 2204, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 13, line 18, by inserting after the word  
 4 “subsection” the following: “, and except that for  
 5 urban renewal areas designated on or after July 1,  
 6 1994, the foundation property tax levy under section  
 7 257.3 of a school district must be collected against  
 8 all taxable property within the school district  
 9 without limitation by the provisions of this  
 10 subsection”.

MIKE CONNOLLY  
 AL STURGEON  
 WILLIAM D. PALMER  
 JIM LIND

S-5729

1 Amend House File 455, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 2, line 3, by inserting after the word  
 4 “ballot” the following: “Yard signs may, however, be  
 5 placed on property adjoining a city or county roadway  
 6 in any county which on the effective date of this Act  
 7 does not prohibit the placement of yard signs sooner  
 8 than forty-five days preceding a primary or general  
 9 election.”

MERLIN E. BARTZ

S-5730

1 Amend House File 455, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 2, line 3, by inserting after the word

4 "ballot," the following: "However, if a county does  
5 not prohibit the placement of yard signs on property  
6 adjoining a city or county roadway sooner than forty-  
7 five days preceding a primary or general election on  
8 the effective date of this Act, the forty-five-day  
9 requirement shall not apply in that county."

MERLIN E. BARTZ

S-5731

1 Amend Senate File 2183 as follows:  
2 1. Title, by striking lines 1 through 3 and  
3 inserting the following: "An Act relating to the  
4 issuance of bonds by a county to fund an urban renewal  
5 project, the incremental taxes allowed to be levied by  
6 a county in an urban renewal area, and providing an  
7 effective date."

WILLIAM W. DIELEMAN

S-5732

1 Amend House File 2204, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 13, by inserting after line 6 the  
4 following:  
5 "d. A county or a school district may choose not  
6 to have its taxes divided as provided in this section  
7 and if it so chooses its taxes shall not be available  
8 for use of the municipality that designated the area  
9 an urban renewal area."

AL STURGEON

HOUSE AMENDMENT TO  
SENATE FILE 2215

S-5733

1 Amend Senate File 2215, as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 1, by inserting after line 35 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 422.9, subsection 3, paragraph  
6 c, Code 1993, is amended to read as follows:  
7 c. If the election under section ~~172(b)(3)(G)~~  
8 ~~172(b)(3)~~ of the Internal Revenue Code is made, the  
9 Iowa net operating loss shall be carried forward  
10 fifteen taxable years."

11 2. Page 3, by inserting after line 4 the  
 12 following:  
 13 "Sec. \_\_\_\_ . Section 422.35, subsection 11,  
 14 paragraphs c and e, Code 1993, are amended to read as  
 15 follows:  
 16 c. If the election under section ~~172(b)(3)(C)~~  
 17 172(b)(3) of the Internal Revenue Code is made, the  
 18 Iowa net operating loss shall be carried forward  
 19 fifteen taxable years.  
 20 e. The limitations on net operating loss carryback  
 21 and carryforward under sections ~~172(b)(1)(M)~~  
 22 172(b)(1)(E) and ~~172(m)~~ 172(h) of the Internal Revenue  
 23 Code shall apply."

S-5734

1 Amend the amendment, S-5665, to Senate Resolution  
 2 113 as follows:  
 3 1. Page 1, by inserting after line 12 the  
 4 following:  
 5 "'BE IT FURTHER RESOLVED, That the secretary of the  
 6 Senate send a copy of this Resolution to Mr. Robert  
 7 Pederson, President of Iowa Beef Processors located at  
 8 Dakota City, Nebraska and one of Senator Sturgeon's  
 9 most grateful constituents during his years of  
 10 service."

AL STURGEON

HOUSE AMENDMENT TO  
 SENATE FILE 2329

S-5735

1 Amend Senate File 2329, as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, line 13, by striking the word "bonds"  
 4 and inserting the following: "certificates of  
 5 participation".  
 6 2. Page 1, line 14, by striking the words and  
 7 figure "June of 1995" and inserting the following:  
 8 "July 1, 1995".  
 9 3. By renumbering, relettering, or redesignating  
 10 and correcting internal references as necessary.

S-5736

1 Amend House File 2374, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by inserting before line 1 the

4 following:

5 "Section 101. Section 422.7, Code Supplement 1993,

6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 29. Subtract, to the extent not

8 otherwise deducted in computing adjusted gross income,

9 the amounts paid by the taxpayer for the purchase of

10 health insurance for the taxpayer or taxpayer's spouse

11 or dependent.

12 Sec. \_\_\_\_ . NEW SECTION. 505.22 SELF-FUNDED

13 EMPLOYER-SPONSORED HEALTH BENEFIT PLAN PARTICIPATION

14 IN IOWA INDIVIDUAL HEALTH BENEFIT REINSURANCE

15 ASSOCIATION.

16 1. A self-funded employer-sponsored health benefit

17 plan qualified under the federal Employee Retirement

18 Income Security Act of 1974 may voluntarily elect to

19 participate in the Iowa individual health benefit

20 reinsurance association established in section 513C.10

21 in accordance with the plan of operation and subject

22 to such terms and conditions adopted by the board of

23 the association to provide portability and continuity

24 to its covered employees and their covered spouses and

25 dependents subject to the same terms and conditions as

26 a participating insurer.

27 2. If the federal Employee Retirement Income

28 Security Act of 1974 is amended such that the state

29 may require the participation of a self-funded

30 employer, the individual reinsurance requirements

31 shall apply equally to such employers.

32 3. When and if the federal government imposes

33 conditions of portability and continuity on self-

34 funded employers qualified under the federal Employee

35 Retirement Income Security Act of 1974 that the

36 commissioner deems are substantially similar to those

37 required of Iowa insurers, coverage under such

38 qualified plan shall be deemed qualified prior

39 coverage for purposes of chapters 513B and 513C."

40 2. Page 1, by inserting after line 13 the

41 following:

42 "Sec. \_\_\_\_ . Section 507B.4, subsection 1, Code

43 Supplement 1993, is amended by adding the following

44 new paragraph:

45 NEW PARAGRAPH. k. Misrepresents the access to

46 health care practitioners under a managed care health

47 plan. The commissioner shall adopt rules providing

48 for monitoring of such plans."

49 3. Page 2, by inserting after line 24 the

50 following:

## Page 2

1 "Sec. \_\_\_\_ . Section 513B.2, subsection 12,  
2 paragraph a, subparagraph (3), Code Supplement 1993,  
3 is amended to read as follows:

4 (3) The individual requests enrollment within  
5 ~~thirty~~ sixty days after termination of the qualifying  
6 previous coverage.

7 Sec. \_\_\_\_ . Section 513B.2, subsection 12, paragraph  
8 c, Code Supplement 1993, is amended to read as  
9 follows:

10 c. A court has ordered that coverage be provided  
11 for a spouse or minor or dependent child under a  
12 covered employee's health benefit plan and the request  
13 for enrollment is made within ~~thirty~~ sixty days after  
14 issuance of the court order.

15 Sec. \_\_\_\_ . Section 513B.37, subsection 1, paragraph  
16 a, Code Supplement 1993, is amended to read as  
17 follows:

18 a. What benefits or direct pay requirements must  
19 be minimally included in a basic or standard benefit  
20 coverage policy or subscription contract.

21 Sec. \_\_\_\_ . Section 513B.38, Code Supplement 1993,  
22 is amended by adding the following new subsection:

23 NEW SUBSECTION. 4. Upon the determination of the  
24 commissioner pursuant to section 513B.37, subsection  
25 1, paragraph "a", to include expanded preventative  
26 care services and mental health and substance abuse  
27 treatment coverage, the commissioner shall do all of  
28 the following:

29 a. Adopt by rule, with all due diligence,  
30 requirements for the provision of expanded coverage  
31 for benefits for expanded preventative care services.

32 b. Adopt by rule, with all due diligence,  
33 requirements for the provision of coverage for  
34 benefits for mental health and substance abuse  
35 services.

36 Sec. \_\_\_\_ . NEW SECTION. 513B.44 INDIVIDUAL HEALTH  
37 PLAN PREMIUM CREDIT.

38 1. The division shall adopt rules to implement and  
39 administer the premium credit authorized by this  
40 section, which rules shall include the minimum  
41 standard application form for premium credit  
42 eligibility. Forms shall be printed by participating  
43 insurance companies or health insurance purchasing  
44 cooperatives and provided to individuals wishing to  
45 apply for premium credit eligibility.

46 2. The amount of the premium credit is equal to  
47 twenty-five dollars per month, per participating  
48 eligible individual or fifty dollars per month per



49 eligible family purchasing a health plan from an  
50 insurer, health maintenance organization, or organized

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1 delivery system authorized to do business in this  
2 state, whether purchased directly or through a health  
3 insurance purchasing cooperative.

4 3. An individual or family is eligible for  
5 participation in the subsidized insurance premium  
6 credit health insurance plan if the family income is  
7 less than or equal to two hundred percent of the  
8 federal poverty level as published annually in the  
9 federal register by the United States department of  
10 health and human services. An application for  
11 eligibility is valid for up to one year.

12 Notwithstanding the income requirement of this  
13 subsection, the division by rule may increase the  
14 income limitation for the purpose of increasing the  
15 number of eligible individuals and families to assure  
16 that the premium credit is fully utilized to the  
17 extent authorized in this section.

18 4. The earned premium credit is limited to the  
19 first full-year equivalent participating eligible  
20 applications submitted under this section preapproved  
21 by the division in any single fiscal year, which  
22 request in the aggregate four million five hundred  
23 thousand dollars in earned premium credit.

24 5. The carrier shall credit to the participating  
25 individual's or family's premium liability, an amount  
26 equal to the premium credit earned pursuant to  
27 subsection 2. If purchased through a health insurance  
28 purchasing cooperative, the cooperative shall reduce  
29 the member assessment to the individual or family by  
30 an equal amount.

31 6. The premium credit provided by this section is  
32 only available in connection with either of the  
33 following:

34 a. A basic benefit plan approved by the  
35 commissioner.

36 b. A major medical policy approved by the  
37 commissioner providing coverage to an eligible  
38 individual or family, either on a group or individual  
39 basis. An individual or family may acquire group  
40 coverage for which they are financially responsible  
41 through an employer's participation in a health  
42 insurance purchasing cooperative.

43 7. The policy shall also satisfy any conditions  
44 imposed by rules adopted pursuant to subsection 1  
45 which the commissioner determines are necessary or

46 convenient to implement and administer the premium  
47 credit.  
48 8. a. A person submitting an intentionally  
49 fraudulent premium credit application forfeits the  
50 credit and shall pay to the division a liquidated

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1 damages penalty of one hundred fifty percent of the  
2 credit forfeited.  
3 b. A person submitting a premium credit  
4 application which that person should have known was  
5 false forfeits the credit and shall pay to the  
6 division a liquidated damages penalty of ten percent  
7 of the credit forfeited.  
8 9. The insurance carrier shall receive a premium  
9 tax credit equal to, at minimum, the premium credit  
10 earned by the carrier's insureds pursuant to  
11 subsection 2.  
12 10. The division shall submit an annual report to  
13 the general assembly concerning the number of eligible  
14 applicants for the individual health plan premium  
15 credit established in this section, the number of  
16 applications approved and the aggregate amount of  
17 premium credits issued to eligible applicants, and the  
18 number and amount of liquidated damage penalties  
19 assessed and collected.  
20 Sec. — . NEW SECTION. 513C.1 SHORT TITLE.  
21 This chapter shall be known and may be cited as the  
22 "Individual Health Insurance Market Reform Act".  
23 Sec. — . NEW SECTION. 513C.2 PURPOSE.  
24 The purpose and intent of this chapter is to  
25 promote the availability of health insurance coverage  
26 to individuals regardless of their health status or  
27 claims experience, to prevent abusive rating  
28 practices, to require disclosure of rating practices  
29 to purchasers, to establish rules regarding the  
30 renewal of coverage, to establish limitations on the  
31 use of preexisting condition exclusions, to assure  
32 fair access to health plans, and to improve the  
33 overall fairness and efficiency of the individual  
34 health insurance market.  
35 Sec. — . NEW SECTION. 513C.3 DEFINITIONS.  
36 As used in this chapter, unless the context  
37 otherwise requires:  
38 1. "Actuarial certification" means a written  
39 statement by a member of the American academy of  
40 actuaries or other individual acceptable to the  
41 commissioner that an individual carrier is in  
42 compliance with the provision of section 513C.5 which

43 is based upon the actuary's or individual's  
44 examination, including a review of the appropriate  
45 records and the actuarial assumptions and methods used  
46 by the carrier in establishing premium rates for  
47 applicable individual health benefit plans.  
48 2. "Affiliate" or "affiliated" means any entity or  
49 person who directly or indirectly through one or more  
50 intermediaries, controls or is controlled by, or is

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1 under common control with, a specified entity or  
2 person.  
3 3. "Basic or standard health benefit plan" means  
4 the core group of health benefits developed pursuant  
5 to section 513C.8.  
6 4. "Block of business" means all the individuals  
7 insured under the same individual health benefit plan.  
8 5. "Carrier" means any entity that provides  
9 individual health benefit plans in this state. For  
10 purposes of this chapter, carrier includes an  
11 insurance company, a group hospital or medical service  
12 corporation, a fraternal benefit society, a health  
13 maintenance organization, and any other entity  
14 providing an individual plan of health insurance or  
15 health benefits subject to state insurance regulation.  
16 6. "Commissioner" means the commissioner of  
17 insurance.  
18 7. "Director" means the director of public health  
19 appointed pursuant to section 135.2.  
20 8. "Eligible individual" means an individual who  
21 is a resident of this state and who either has  
22 qualifying existing coverage or has had qualifying  
23 existing coverage within the immediately preceding  
24 thirty days, or an individual who has had a qualifying  
25 event occur within the immediately preceding thirty  
26 days.  
27 9. "Established service area" means a geographic  
28 area, as approved by the commissioner and based upon  
29 the carrier's certificate of authority to transact  
30 business in this state, within which the carrier is  
31 authorized to provide coverage or a geographic area,  
32 as approved by the director and based upon the  
33 organized delivery system's license to transact  
34 business in this state, within which the organized  
35 delivery system is authorized to provide coverage.  
36 10. "Filed rate" means, for a rating period  
37 related to each block of business, the rate charged to  
38 all individuals with similar rating characteristics  
39 for individual health benefit plans.

40 11. "Individual health benefit plan" means any  
41 hospital or medical expense incurred policy or  
42 certificate, hospital or medical service plan, or  
43 health maintenance organization subscriber contract  
44 sold to an individual, or any discretionary group  
45 trust or association policy providing hospital or  
46 medical expense incurred coverage to individuals.  
47 Individual health benefit plan does not include a  
48 self-insured group health plan, a self-insured  
49 multiple employer group health plan, a group  
50 conversion plan, an insured group health plan,

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1 accident-only, specified disease, short-term hospital  
2 or medical, hospital confinement indemnity, credit,  
3 dental, vision, medicare supplement, long-term care,  
4 or disability income insurance coverage, coverage  
5 issued as a supplement to liability insurance,  
6 workers' compensation or similar insurance, or  
7 automobile medical payment insurance.

8 12. "Organized delivery system" means an organized  
9 delivery system licensed by the director.

10 13. "Premium" means all moneys paid by an  
11 individual and eligible dependents as a condition of  
12 receiving coverage from a carrier or an organized  
13 delivery system, including any fees or other  
14 contributions associated with an individual health  
15 benefit plan.

16 14. "Qualifying event" means any of the following:

17 a. Loss of eligibility for medical assistance  
18 provided pursuant to chapter 249A or medicare coverage  
19 provided pursuant to Title XVIII of the federal Social  
20 Security Act.

21 b. Loss or change of dependent status under  
22 qualifying previous coverage.

23 c. The attainment by an individual of the age of  
24 majority.

25 15. "Qualifying existing coverage" or "qualifying  
26 previous coverage" means benefits or coverage provided  
27 under any of the following:

28 a. Any group health insurance that provides  
29 benefits similar to or exceeding benefits provided  
30 under the standard health benefit plan, provided that  
31 such policy has been in effect for a period of at  
32 least one year.

33 b. An individual health insurance benefit plan,  
34 including coverage provided under a health maintenance  
35 organization contract, a hospital or medical service  
36 plan contract, or a fraternal benefit society

37 contract, that provides benefits similar to or  
38 exceeding the benefits provided under the standard  
39 health benefit plan, provided that such policy has  
40 been in effect for a period of at least one year.

41 c. An organized delivery system that provides  
42 benefits similar to or exceeding the benefits provided  
43 under the standard health benefit plan, provided that  
44 the benefits provided by the organized delivery system  
45 have been in effect for a period of at least one year.

46 16. "Rating characteristics" means demographic or  
47 other objective characteristics of individuals which  
48 are considered by the carrier in the determination of  
49 premium rates for the individuals and which are  
50 approved by the commissioner.

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1 17. "Rating period" means the period for which  
2 premium rates established by a carrier are in effect.

3 18. "Restricted network provision" means a  
4 provision of an individual health benefit plan that  
5 conditions the payment of benefits, in whole or in  
6 part, on the use of health care providers that have  
7 entered into a contractual arrangement with the  
8 carrier or the organized delivery system to provide  
9 health care services to covered individuals.

10 Sec. \_\_\_\_ . NEW SECTION. 513C.4 APPLICABILITY AND  
11 SCOPE.

12 This chapter applies to an individual health  
13 benefit plan delivered or issued for delivery to  
14 residents of this state on or after July 1, 1994.

15 1. Except as provided in subsection 2, for  
16 purposes of this chapter, carriers that are affiliated  
17 companies or that are eligible to file a consolidated  
18 tax return shall be treated as one carrier and any  
19 restrictions or limitations imposed by this chapter  
20 shall apply as if all individual health benefit plans  
21 delivered or issued for delivery to residents of this  
22 state by such affiliated carriers were issued by one  
23 carrier.

24 2. An affiliated carrier that is a health  
25 maintenance organization having a certificate of  
26 authority under section 513C.5 shall be considered to  
27 be a separate carrier for the purposes of this  
28 chapter.

29 Sec. \_\_\_\_ . NEW SECTION. 513C.5 RESTRICTIONS  
30 RELATING TO PREMIUM RATES.

31 1. Premium rates for any block of individual  
32 health benefit plan business issued on or after July  
33 1, 1994, by a carrier subject to this chapter are

34 subject to the composite effect of all of the  
35 following:

36 a. After making actuarial adjustments based upon  
37 benefit design and rating characteristics, the filed  
38 rate for any block of business shall not exceed the  
39 filed rate for any other block of business by more  
40 than twenty percent.

41 b. The filed rate for any block of business shall  
42 not exceed the filed rate for any other block of  
43 business by more than thirty percent due to factors  
44 relating to rating characteristics.

45 c. The filed rate for any block of business shall  
46 not exceed the filed rate for any other block of  
47 business by more than thirty percent due to any other  
48 factors approved by the commissioner.

49 d. Rating characteristics other than age,  
50 geographic area, and family composition shall not be

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1 used by a carrier without the prior approval of the  
2 commissioner.

3 e. Premium rates for individual health benefit  
4 plans shall comply with the requirements of this  
5 section notwithstanding any assessments paid or  
6 payable by the carrier pursuant to any reinsurance  
7 program or risk adjustment mechanism.

8 f. An adjustment, not to exceed fifteen percent  
9 annually due to the claim experience or health status  
10 of a block of business.

11 g. For purposes of this subsection, an individual  
12 health benefit plan that contains a restricted network  
13 provision shall not be considered similar coverage to  
14 an individual health benefit plan that does not  
15 contain such a provision, provided that the  
16 differential in payments made to network providers  
17 results in substantial differences in claim costs.

18 2. Notwithstanding subsection 1, the commissioner,  
19 with the concurrence of the board of the Iowa  
20 individual health benefit reinsurance association  
21 established in section 513C.10, may by order reduce or  
22 eliminate the allowed rating bands provided under  
23 subsection 1, paragraphs "a", "b", "c", and "f", or  
24 otherwise limit or eliminate the use of experience  
25 rating. The commissioner shall also develop a  
26 recommendation for the elimination of age as a rating  
27 characteristic, and shall submit such recommendation  
28 by January 9, 1995.

29 3. A carrier shall not transfer an individual  
30 involuntarily into or out of a block of business.

31 4. The commissioner may suspend for a specified  
32 period the application of subsection 1, paragraph "a",  
33 as to the premium rates applicable to one or more  
34 blocks of business of a carrier for one or more rating  
35 periods upon a filing by the carrier requesting the  
36 suspension and a finding by the commissioner that the  
37 suspension is reasonable in light of the financial  
38 condition of the carrier.

39 5. A carrier shall make a reasonable disclosure at  
40 the time of the offering for sale of any individual  
41 health benefit plan of all of the following:

42 a. The extent to which premium rates for a  
43 specified individual are established or adjusted based  
44 upon rating characteristics.

45 b. The carrier's right to change premium rates,  
46 and the factors, other than claim experience, that  
47 affect changes in premium rates.

48 c. The provisions relating to the renewal of  
49 policies and contracts.

50 d. Any provisions relating to any preexisting

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1 condition.

2 e. All plans offered by the carrier, the prices of  
3 such plans, and the availability of such plans to the  
4 individual.

5 6. A carrier shall maintain at its principal place  
6 of business a complete and detailed description of its  
7 rating practices, including information and  
8 documentation that demonstrate that its rating methods  
9 and practices are based upon commonly accepted  
10 actuarial assumptions and are in accordance with sound  
11 actuarial principles.

12 7. A carrier shall file with the commissioner  
13 annually on or before March 15, an actuarial  
14 certification certifying that the carrier is in  
15 compliance with this chapter and that the rating  
16 methods of the carrier are actuarially sound. The  
17 certification shall be in a form and manner and shall  
18 contain information as specified by the commissioner.  
19 A copy of the certification shall be retained by the  
20 carrier at its principal place of business. Rate  
21 adjustments made in order to comply with this section  
22 are exempt from loss ratio requirements.

23 8. A carrier shall make the information and  
24 documentation maintained pursuant to subsection 5  
25 available to the commissioner upon request. The  
26 information and documentation shall be considered  
27 proprietary and trade secret information and shall not

28 be subject to disclosure by the commissioner to  
29 persons outside of the division except as agreed to by  
30 the carrier or as ordered by a court of competent  
31 jurisdiction.

32 Sec. \_\_\_\_ . NEW SECTION. 513C.6 RENEWAL OF  
33 COVERAGE.

34 1. An individual health benefit plan is renewable  
35 at the option of the individual, except in any of the  
36 following cases:

37 a. Nonpayment of the required premiums.

38 b. Fraud or misrepresentation.

39 c. The insured individual becomes eligible for  
40 medicare coverage under Title XVIII of the federal  
41 Social Security Act.

42 d. The carrier elects not to renew all of its  
43 individual health benefit plans in the state. In such  
44 case, the carrier shall provide notice of the decision  
45 not to renew coverage to all affected individuals and  
46 to the commissioner in each state in which an affected  
47 insured individual is known to reside at least ninety  
48 days prior to the nonrenewal of the health benefit  
49 plan by the carrier. Notice to the commissioner under  
50 this paragraph shall be provided at least three

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1 working days prior to the notice to the affected  
2 individuals.

3 e. The commissioner finds that the continuation of  
4 the coverage would not be in the best interests of the  
5 policyholders or certificate holders, or would impair  
6 the carrier's ability to meet its contractual  
7 obligations.

8 2. A carrier that elects not to renew all of its  
9 individual health benefit plans in this state shall be  
10 prohibited from writing new individual health benefit  
11 plans in this state for a period of five years from  
12 the date of the notice to the commissioner.

13 3. With respect to a carrier doing business in an  
14 established geographic service area of the state, this  
15 section applies only to the carrier's operations in  
16 the service area.

17 Sec. \_\_\_\_ . NEW SECTION. 513C.7 AVAILABILITY OF  
18 COVERAGE.

19 1. A carrier or an organized delivery system  
20 issuing an individual health benefit plan in this  
21 state shall issue a basic or standard health benefit  
22 plan to an eligible individual who applies for a plan  
23 and agrees to make the required premium payments and  
24 to satisfy other reasonable provisions of the basic or



25 standard health benefit plan. A carrier or an  
26 organized delivery system is not required to issue a  
27 basic or standard health benefit plan to an individual  
28 who meets any of the following criteria:  
29 a. The individual is covered or is eligible for  
30 coverage under a health benefit plan provided by the  
31 individual's employer.  
32 b. An eligible individual who does not apply for a  
33 basic or standard health benefit plan within thirty  
34 days of a qualifying event or within thirty days upon  
35 becoming ineligible for qualifying existing coverage.  
36 c. The individual is covered or is eligible for  
37 any continued group coverage under section 4980b of  
38 the Internal Revenue Code, sections 601 through 608 of  
39 the federal Employee Retirement Income Security Act of  
40 1974, sections 2201 through 2208 of the federal Public  
41 Health Service Act, or any state-required continued  
42 group coverage. For purposes of this subsection, an  
43 individual who would have been eligible for such  
44 continuation of coverage, but is not eligible solely  
45 because the individual or other responsible party  
46 failed to make the required coverage election during  
47 the applicable time period, is deemed to be eligible  
48 for such group coverage until the date on which the  
49 individual's continuing group coverage would have  
50 expired had an election been made.

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1 2. A carrier or an organized delivery system shall  
2 issue the basic or standard health benefit plan to an  
3 individual currently covered by an underwritten  
4 benefit plan issued by that carrier or an organized  
5 delivery system at the option of the individual. This  
6 option must be exercised within thirty days of  
7 notification of a premium rate increase applicable to  
8 the underwritten benefit plan.  
9 3. a. A carrier shall file with the commissioner,  
10 in a form and manner prescribed by the commissioner,  
11 the basic or standard health benefit plan to be used  
12 by the carrier. A basic or standard health benefit  
13 plan filed pursuant to this paragraph may be used by a  
14 carrier beginning thirty days after it is filed unless  
15 the commissioner disapproves of its use.  
16 The commissioner may at any time, after providing  
17 notice and an opportunity for a hearing to the  
18 carrier, disapprove the continued use by a carrier of  
19 a basic or standard health benefit plan on the grounds  
20 that the plan does not meet the requirements of this  
21 chapter.

22 b. An organized delivery system shall file with  
23 the director, in a form and manner prescribed by the  
24 director, the basic or standard health benefit plan to  
25 be used by the organized delivery system. A basic or  
26 standard health benefit plan filed pursuant to this  
27 paragraph may be used by the organized delivery system  
28 beginning thirty days after it is filed unless the  
29 director disapproves of its use.

30 The director may at any time, after providing  
31 notice and an opportunity for a hearing to the  
32 organized delivery system, disapprove the continued  
33 use by an organized delivery system of a basic or  
34 standard health benefit plan on the grounds that the  
35 plan does not meet the requirements of this chapter.

36 4. a. The individual basic or standard health  
37 benefit plan shall not deny, exclude, or limit  
38 benefits for a covered individual for losses incurred  
39 more than twelve months following the effective date  
40 of the individual's coverage due to a preexisting  
41 condition. A preexisting condition shall not be  
42 defined more restrictively than any of the following:

43 (1) A condition that would cause an ordinarily  
44 prudent person to seek medical advice, diagnosis,  
45 care, or treatment during the twelve months  
46 immediately preceding the effective date of coverage.

47 (2) A condition for which medical advice,  
48 diagnosis, care, or treatment was recommended or  
49 received during the twelve months immediately  
50 preceding the effective date of coverage.

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1 (3) A pregnancy existing on the effective date of  
2 coverage.

3 b. A carrier or an organized delivery system shall  
4 waive any time period applicable to a preexisting  
5 condition exclusion or limitation period with respect  
6 to particular services in an individual health benefit  
7 plan for the period of time an individual was  
8 previously covered by qualifying previous coverage  
9 that provided benefits with respect to such services,  
10 provided that the qualifying previous coverage was  
11 continuous to a date not more than thirty days prior  
12 to the effective date of the new coverage.

13 5. A carrier or an organized delivery system is  
14 not required to offer coverage or accept applications  
15 pursuant to subsection 1 from any individual not  
16 residing in the carrier's or the organized delivery  
17 system's established geographic access area.

18 6. A carrier or an organized delivery system shall

19 not modify a basic or standard health benefit plan  
 20 with respect to an individual or dependent through  
 21 riders, endorsements, or other means to restrict or  
 22 exclude coverage for certain diseases or medical  
 23 conditions otherwise covered by the health benefit  
 24 plan.

25 Sec. \_\_\_\_ . NEW SECTION. 513C.8 HEALTH BENEFIT  
 26 PLAN STANDARDS.

27 The commissioner shall adopt by rule the form and  
 28 level of coverage of the basic health benefit plan and  
 29 the standard health benefit plan for the individual  
 30 market which shall be substantially similar to those  
 31 as provided for under chapter 513B with respect to  
 32 small group coverage.

33 Sec. \_\_\_\_ . NEW SECTION. 513C.9 STANDARDS TO  
 34 ASSURE FAIR MARKETING.

35 1. A carrier or an organized delivery system  
 36 issuing individual health benefit plans in this state  
 37 shall make available the basic or standard health  
 38 benefit plan to residents of this state. If a carrier  
 39 or an organized delivery system denies other  
 40 individual health benefit plan coverage to an eligible  
 41 individual on the basis of the health status or claims  
 42 experience of the eligible individual, or the  
 43 individual's dependents, the carrier or the organized  
 44 delivery system shall offer the individual the  
 45 opportunity to purchase a basic or standard health  
 46 benefit plan.

47 2. A carrier, or an organized delivery system, or  
 48 an agent shall not do either of the following:

49 a. Encourage or direct individuals to refrain from  
 50 filing an application for coverage with the carrier or

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1 the organized delivery system because of the health  
 2 status, claims experience, industry, occupation, or  
 3 geographic location of the individuals.

4 b. Encourage or direct individuals to seek  
 5 coverage from another carrier or another organized  
 6 delivery system because of the health status, claims  
 7 experience, industry, occupation, or geographic  
 8 location of the individuals.

9 3. Subsection 2, paragraph "a", shall not apply  
 10 with respect to information provided by a carrier or  
 11 an organized delivery system or an agent to an  
 12 individual regarding the established geographic  
 13 service area of the carrier or the organized delivery  
 14 system, or the restricted network provision of the  
 15 carrier or the organized delivery system.

16 4. A carrier or an organized delivery system shall  
17 not, directly or indirectly, enter into any contract,  
18 agreement, or arrangement with an agent that provides  
19 for, or results in, the compensation paid to an agent  
20 for a sale of a basic or standard health benefit plan  
21 to vary because of the health status or permitted  
22 rating characteristics of the individual or the  
23 individual's dependents.

24 5. Subsection 4 does not apply with respect to the  
25 compensation paid to an agent on the basis of  
26 percentage of premium, provided that the percentage  
27 shall not vary because of the health status or other  
28 permitted rating characteristics of the individual or  
29 the individual's dependents.

30 6. Denial by a carrier or an organized delivery  
31 system of an application for coverage from an  
32 individual shall be in writing and shall state the  
33 reason or reasons for the denial.

34 7. A violation of this section by a carrier or an  
35 agent is an unfair trade practice under chapter 507B.

36 8. If a carrier or an organized delivery system  
37 enters into a contract, agreement, or other  
38 arrangement with a third-party administrator to  
39 provide administrative, marketing, or other services  
40 related to the offering of individual health benefit  
41 plans in this state, the third-party administrator is  
42 subject to this section as if it were a carrier or an  
43 organized delivery system.

44 Sec. — . NEW SECTION. 513C.10 IOWA INDIVIDUAL  
45 HEALTH BENEFIT REINSURANCE ASSOCIATION.

46 1. A nonprofit corporation is established to be  
47 known as the Iowa individual health benefit  
48 reinsurance association. All persons that provide  
49 health benefit plans in this state including insurers  
50 providing accident and sickness insurance under

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1 chapter 509, 514, or 514A; fraternal benefit societies  
2 providing hospital, medical, or nursing benefits under  
3 chapter 512B; health maintenance organizations,  
4 organized delivery systems, and all other entities  
5 providing health insurance or health benefits subject  
6 to state insurance regulation shall be members of this  
7 association. The association shall be incorporated  
8 under chapter 504A, shall operate under a plan of  
9 operation established and approved pursuant to chapter  
10 504A, and shall exercise its powers through a board of  
11 directors established under this section.

12 2. The initial board of directors of the

13 association shall consist of seven members appointed  
14 by the commissioner as follows:

15 a. Four members shall be representatives of the  
16 four largest carriers of individual health insurance  
17 in the state, excluding medicare supplement coverage  
18 premiums, as of the calendar year ending December 31,  
19 1993.

20 b. Three members shall be representatives of the  
21 three largest writers of health insurance in the state  
22 which are not otherwise represented.

23 After an initial term, board members shall be  
24 nominated and elected by the members of the  
25 association.

26 Members of the board may be reimbursed from the  
27 funds of the association for expenses incurred by them  
28 as members, but shall not otherwise be compensated by  
29 the association for their services.

30 3. The association shall submit to the  
31 commissioner a plan of operation for the association  
32 and any amendments to the association's articles of  
33 incorporation necessary and appropriate to assure the  
34 fair, reasonable, and equitable administration of the  
35 association. The plan shall provide for the sharing  
36 of losses related to basic and standard plans, if any,  
37 on an equitable and proportional basis among the  
38 members of the association. If the association fails  
39 to submit a suitable plan of operation within one  
40 hundred eighty days after the appointment of the board  
41 of directors, the commissioner shall adopt rules  
42 necessary to implement this section. The rules shall  
43 continue in force until modified by the commissioner  
44 or superseded by a plan submitted by the association  
45 and approved by the commissioner. In addition to  
46 other requirements, the plan of operation shall  
47 provide for all of the following:

48 a. The handling and accounting of assets and funds  
49 of the association.

50 b. The amount of and method for reimbursing the

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1 expenses of board members.

2 c. Regular times and places for meetings of the  
3 board of directors.

4 d. Records to be kept relating to all financial  
5 transactions, and annual fiscal reporting to the  
6 commissioner.

7 e. Procedures for selecting the board of  
8 directors.

9 f. Additional provisions necessary or proper for

10 the execution of the powers and duties of the  
11 association.

12 4. The plan of operation may provide that the  
13 powers and duties of the association may be delegated  
14 to a person who will perform functions similar to  
15 those of the association. A delegation under this  
16 section takes effect only upon the approval of the  
17 board of directors.

18 5. The association has the general powers and  
19 authority enumerated by this section and executed in  
20 accordance with the plan of operation approved by the  
21 commissioner under subsection 3. In addition, the  
22 association may do any of the following:

23 a. Enter into contracts as necessary or proper to  
24 administer this chapter.

25 b. Sue or be sued, including taking any legal  
26 action necessary or proper for recovery of any  
27 assessments for, on behalf of, or against members of  
28 the association or other participating persons.

29 c. Appoint from among members appropriate legal,  
30 actuarial, and other committees as necessary to  
31 provide technical assistance in the operation of the  
32 association, including the hiring of independent  
33 consultants as necessary.

34 d. Perform any other functions within the  
35 authority of the association.

36 6. Rates for basic and standard coverages as  
37 provided in this chapter shall be determined by each  
38 carrier or organized delivery system as the average of  
39 the lowest rate available for issuance by that carrier  
40 or organized delivery system adjusted for rate  
41 characteristics and benefits and the maximum rate  
42 allowable by law after adjustments for rate  
43 characteristics and benefits.

44 7. Following the close of each calendar year, the  
45 association, in conjunction with the commissioner,  
46 shall require each carrier or organized delivery  
47 system to report the amount of earned premiums and the  
48 associated paid losses for all basic and standard  
49 plans issued by the carrier or organized delivery  
50 system. The reporting of these amounts must be

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1 certified by an officer of the carrier or the  
2 organized delivery system.

3 8. The board shall determine the amount of loss,  
4 if any, from all basic and standard plans issued in  
5 the state by all carriers and organized delivery  
6 systems by aggregating the data reported in subsection

7 7. A loss shall be equal to ninety percent of earned  
8 premiums minus total paid claims.

9 9. The loss plus necessary operating expenses for  
10 the association, plus any additional expenses as  
11 provided by law, shall be assessed by the association  
12 to all members in proportion to their respective  
13 shares of total health insurance premiums or payments  
14 for subscriber contracts received in Iowa during the  
15 second preceding calendar year, or with paid losses in  
16 the year, coinciding with or ending during the  
17 calendar year, or on any other equitable basis as  
18 provided in the plan of operation. In sharing losses,  
19 the association may abate or defer any part of the  
20 assessment of a member, if, in the opinion of the  
21 board, payment of the assessment would endanger the  
22 ability of the member to fulfill its contractual  
23 obligations. The association may also provide for an  
24 initial or interim assessment against members of the  
25 association if necessary to assure the financial  
26 viability of the association to meet the operating  
27 expenses of the association until the next calendar  
28 year is completed.

29 10. The collected assessments shall be disbursed  
30 to a carrier or an organized delivery system in  
31 proportion to the loss that carrier or organized  
32 delivery system represented of the aggregate loss as  
33 determined in subsection 8.

34 11. A carrier or an organized delivery system may  
35 petition the association board to seek remedy from  
36 writing a significantly disproportionate share of  
37 basic and standard policies in relation to total  
38 premiums written in the state for health benefit  
39 plans. Upon a finding that a carrier or an organized  
40 delivery system has written a disproportionate share,  
41 the board may agree to compensate the carrier or the  
42 organized delivery system either by paying to the  
43 carrier or the organized delivery system an additional  
44 fee not to exceed two percent of earned premiums from  
45 basic and standard policies for that carrier or  
46 organized delivery system or by petitioning the  
47 commissioner or director, as appropriate, for remedy.

48 12. a. The commissioner, upon a finding that the  
49 acceptance of the offer of basic and standard coverage  
50 by individuals pursuant to this chapter would place

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1 the individual health insurance carrier in a  
2 financially impaired condition, shall not require the  
3 carrier to offer coverage or accept applications for

4 any period of time the financial impairment is deemed  
5 to exist.

6 b. The director, upon a finding that the  
7 acceptance of the offer of basic and standard coverage  
8 by individuals pursuant to this chapter would place  
9 the organized delivery system in a financially  
10 impaired condition, shall not require the organized  
11 delivery system to offer coverage or accept  
12 applications for any period of time the financial  
13 impairment is deemed to exist.

14 Sec. \_\_\_\_ . NEW SECTION. 513C.11 INSURANCE  
15 DIVISION REPORTS.

16 1. The insurance division shall annually provide a  
17 written report to the general assembly beginning  
18 January 1, 1995, which evaluates the effect of this  
19 chapter on providing universal coverage for all  
20 Iowans. This report may be completed in conjunction  
21 with the report required by section 505.21 relating to  
22 the establishment of a requirement that an employer  
23 provide access to health care to the employer's  
24 employees, if enacted by the Seventy-fifth General  
25 Assembly, second regular session.

26 2. The insurance division shall submit an annual  
27 report to the general assembly on or before January 15  
28 of each year concerning the aggregate number of  
29 insureds who have coverage through an individual  
30 health benefit plan issued under this chapter and the  
31 net increase or decrease in the number of insureds  
32 from the previous year."

33 4. Page 26, by inserting after line 12 the  
34 following:

35 "Sec. \_\_\_\_ . INSURANCE DIVISION STUDIES. The  
36 insurance division shall review, study, and make  
37 recommendations to the general assembly concerning the  
38 Iowa comprehensive health insurance association  
39 established under chapter 514E, with the intent to  
40 merge the Iowa comprehensive health insurance program  
41 with an individual health reinsurance program. The  
42 division shall submit a written report to the general  
43 assembly no later than January 9, 1995, including the  
44 division's findings and recommendations.

45 It is the intent of the general assembly that any  
46 merger of the Iowa comprehensive health insurance  
47 program with an individual health reinsurance program  
48 shall only occur if those whom the Iowa comprehensive  
49 health insurance association presently serves or would  
50 serve in the future are able to obtain health coverage



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1 equal to or better than such coverage in terms of  
2 cost, coverage, and plan restrictions than presently  
3 available through the Iowa comprehensive health  
4 insurance association.

5 Sec. \_\_\_\_ . INTERIM STUDY REQUEST. The legislative  
6 council is requested to establish an interim study  
7 committee to review the potential for adoption of a  
8 variety of plans which may be formed to enable an  
9 individual or family to participate in financial  
10 instruments which provide for accumulation of deposits  
11 for the potential payment of health care expenditures.  
12 In particular, the committee should review the  
13 potential offered by family health accounts and their  
14 applicability in the provision of health security for  
15 individuals and families. Issues to be reviewed shall  
16 include limitations on deposits, extent of usage for  
17 health care expenditures, tax consequences, extent to  
18 which deposits can be used, the role of financial  
19 institutions, withdrawal parameters, and penalties. A  
20 report with recommendations shall be presented to the  
21 general assembly no later than January 3, 1995.

22 Sec. \_\_\_\_ . STUDY PROPOSAL. The insurance division,  
23 on or before September 1, 1994, shall provide a  
24 written proposal to the legislative council of the  
25 general assembly, and the chairperson, vice  
26 chairperson, and ranking member of the Senate and  
27 House committees on human resources detailing a plan  
28 for the study of all available financing mechanisms  
29 and cost containment mechanisms which might assist in  
30 the attainment of universal coverage for all Iowa  
31 citizens.

32 Sec. \_\_\_\_ . APPLICABILITY. Notwithstanding the  
33 provisions of sections 513C.4 and 513C.5, chapter  
34 513C, as enacted in this Act, is not applicable to an  
35 individual health benefit plan delivered or issued for  
36 delivery in this state or to a block of individual  
37 health benefit plan business until such time as rules  
38 implementing the chapter have been adopted by the  
39 insurance division pursuant to chapter 17A.

40 Sec. \_\_\_\_ . EFFECTIVE DATE. Section 101 of this  
41 Act, which amends section 422.7 by adding a new  
42 subsection 29, is effective January 1, 1995, for tax  
43 years beginning on or after that date."

44 5. Title page, line 4, by inserting after the  
45 word "contracts," the following: "establishing  
46 certain cost containment mechanisms related to, and  
47 providing assistance for, the cost of health care,  
48 establishing certain tax deductions and premium

49 credits, establishing individual health insurance  
50 provisions, providing applicability and effective date

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- 1 provisions.”  
2 6. By renumbering as necessary.

TOM VILSACK  
ELAINE SZYMONIAK  
MICHAEL E. GRONSTAL  
MARY KRAMER  
JIM LIND  
MAGGIE TINSMAN

**S-5737**

- 1 Amend House File 2374, as passed by the House, as  
2 follows:  
3 1. Page 4, by inserting after line 35 the  
4 following:  
5 “\_\_\_ . An insurer shall not deny coverage of a  
6 child under the health plan of the child's parent for  
7 performance of a medical procedure defined under  
8 chapter 146 if the parent has been notified prior to  
9 the performance of the procedure. For the purposes of  
10 this subsection, “notification” means that the person  
11 who will perform the medical procedure provides  
12 notification in person or by delivering the  
13 notification by restricted certified mail to the  
14 parent of the child at the usual place of abode of the  
15 parent at least forty-eight hours prior to the  
16 performance of the procedure. For the purposes of de-  
17 livery by restricted certified mail, the time of  
18 delivery is deemed to occur at noon of the next day on  
19 which regular mail delivery takes place, subsequent to  
20 the day of mailing.”  
21 2. By renumbering as necessary.

MERLIN E. BARTZ

**S-5738**

- 1 Amend the amendment, S-5737, to House File 2374, as  
2 passed by the House, as follows:  
3 1. Page 1, by striking lines 5 through 20, and  
4 inserting the following:  
5 “2. a. An insurer shall not deny coverage of a  
6 minor under the health plan of the minor's parent for  
7 performance of a medical procedure defined under

8 chapter 146 if the parent has been notified prior to  
9 the performance of the procedure. For the purposes of  
10 this subsection, "notification" means that the person  
11 who will perform the medical procedure provides  
12 notification in person or by delivering the  
13 notification by restricted certified mail to the  
14 parent of the minor at the usual place of abode of the  
15 parent at least forty-eight hours prior to the  
16 performance of the procedure. For the purposes of de-  
17 livery by restricted certified mail, the time of  
18 delivery is deemed to occur at noon of the next day on  
19 which regular mail delivery takes place, subsequent to  
20 the day of mailing.

21 b. (1) Notwithstanding paragraph "a", the  
22 notification procedures required under this subsection  
23 shall also apply to the performance of a medical  
24 procedure defined under chapter 146 on a minor whether  
25 or not the minor is covered under any health plan  
26 unless any of the following conditions apply:

27 (a) The attending physician certifies that a  
28 medical emergency existed. The attending physician  
29 shall certify in writing the basis for the medical  
30 judgment that a medical emergency existed and shall  
31 make written certification available to a parent of  
32 the minor prior to the abortion, if possible. If it  
33 is not possible to provide a parent of the minor with  
34 written certification prior to the abortion, the  
35 physician shall provide the written certification to a  
36 parent of the minor within twelve hours following the  
37 performance of the abortion unless subparagraph  
38 subdivision (b), (c), or (d) is applicable.

39 (b) The abortion is authorized in writing by a  
40 parent entitled to notification.

41 (c) The pregnant minor declares that the pregnant  
42 minor is a victim of child abuse pursuant to section  
43 232.68, the person responsible for the care of the  
44 child is a parent of the child, and the abuse has been  
45 reported pursuant to the procedures prescribed in  
46 chapter 232, division III, part 2, or a parent of the  
47 child is named in a report of founded child abuse.  
48 The department of human services shall maintain  
49 confidentiality under chapter 232 regarding the  
50 minor's pregnancy and abortion, if an abortion is

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1 obtained.

2 (d) The pregnant minor elects not to allow  
3 notification of the pregnant minor's parent and a  
4 court authorizes waiver of the notification

5 requirement following completion of the proceedings  
6 prescribed under subparagraph (2).

7 (2) If a pregnant minor objects to the  
8 notification of a parent prior to the performance of  
9 an abortion on the pregnant minor, the pregnant minor  
10 may petition the court to authorize waiver of the  
11 notification requirement pursuant to this subsection  
12 in accordance with the following procedures:

13 (a) The court shall ensure that the minor is  
14 provided with assistance in preparing and filing the  
15 petition for waiver of notification and shall ensure  
16 that the minor's identity remains confidential.

17 (b) The minor may participate in the court  
18 proceedings on the minor's own behalf and the court  
19 may appoint a guardian ad litem for the minor. The  
20 court shall advise the minor of the minor's right to  
21 court-appointed legal counsel, and shall, upon the  
22 minor's request, provide the minor with court-  
23 appointed legal counsel, at no cost to the minor.

24 (c) The court proceedings shall be conducted in a  
25 manner which protects the anonymity of the minor and  
26 all court documents pertaining to the proceedings  
27 shall remain confidential. Only the minor, the  
28 minor's guardian ad litem, the minor's legal counsel,  
29 and persons whose presence is specifically requested  
30 by the minor, by the minor's guardian ad litem, or by  
31 the minor's legal counsel may attend the hearing on  
32 the petition.

33 (d) The court proceedings under this subsection  
34 shall be given precedence over other pending matters  
35 to ensure that the court reaches a decision  
36 expeditiously.

37 (e) Upon petition and following an appropriate  
38 hearing, the court shall waive the notification  
39 requirements if the court determines either of the  
40 following:

41 (i) That the minor is mature and capable of  
42 providing informed consent for the performance of an  
43 abortion.

44 (ii) That the minor is not mature, or does not  
45 claim to be mature, but that notification is not in  
46 the best interest of the minor.

47 (f) The court shall issue specific factual  
48 findings and legal conclusions, in writing, to support  
49 the decision.

50 (g) Upon conclusion of the hearing, the court

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1 shall immediately issue a written order which shall be  
2 provided immediately to the minor, the minor's  
3 guardian ad litem, the minor's legal counsel, or any  
4 other person designated by the minor to receive the  
5 order.

6 (h) An expedited, anonymous, confidential appeal  
7 shall be available to a minor for whom the court  
8 denies a petition for waiver of notification. An  
9 order granting the minor's application for waiver of  
10 notification is not subject to appeal. Access to the  
11 appellate courts for the purpose of an appeal under  
12 this subsection shall be provided to a minor twenty-  
13 four hours a day, seven days a week.

14 (i) The supreme court shall prescribe rules to  
15 ensure that the proceedings under this subsection are  
16 performed in an expeditious, anonymous, and  
17 confidential manner.

18 (j) A minor who chooses to utilize the waiver of  
19 notification procedures under this subsection shall  
20 not be required to pay a fee at any level of the  
21 proceedings.

22 (k) A person performing an abortion on a minor may  
23 inform the parent of the minor of any necessary  
24 treatment resulting from complications of the abortion  
25 procedure if, in the judgment of the person, failure  
26 to inform the parent would seriously jeopardize the  
27 health of the minor.

28 (3) A person who performs an abortion in violation  
29 of this subsection is guilty of a serious misdemeanor.

30 (4) A person who harasses or interferes with a  
31 minor seeking an abortion is guilty of a serious  
32 misdemeanor.

33 (5) Venue for proceedings under this subsection is  
34 in any court in the state.

35 (6) For the purposes of this subsection, unless  
36 the context otherwise requires:

37 (a) "Court" means the juvenile court which shall  
38 have exclusive jurisdiction over a medical procedure  
39 defined under chapter 146 when performed on a minor.

40 (b) "Medical emergency" means a condition that,  
41 based on a physician's clinical judgment, so  
42 complicates the medical condition of a pregnant minor  
43 as to necessitate the immediate abortion of the  
44 minor's pregnancy to avert the minor's death, or for  
45 which a delay will create risk of substantial and  
46 irreversible impairment of a major bodily function.

47 (c) "Minor" means minor as defined in chapter 599.

48 (d) "Parent" means one parent of the pregnant

49 minor or the pregnant minor's guardian or custodian.  
 50 c. This subsection shall not be construed to

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- 1 require a health plan, insurer, or employer to provide
- 2 benefits or insurance for a medical procedure as
- 3 defined pursuant to chapter 146."
- 4 2. By renumbering as necessary.

MERLIN E. BARTZ

S-5739

- 1 Amend Senate Resolution No. 113 as follows:
- 2 1. By striking page 1, line 4 through page 2,
- 3 line 9, and inserting the following:
- 4 "WHEREAS, Senator Al Sturgeon is retiring from
- 5 legislative office to "break on through to the other
- 6 side" and practice law in his hometown, Sioux City,
- 7 Iowa, the home office of The Late Show with David
- 8 Letterman; and
- 9 WHEREAS, Senator Al Sturgeon was once a minor and
- 10 on certain days still requires a strong guiding hand
- 11 to make even basic decisions; and
- 12 WHEREAS, the choice of embarking on a second
- 13 career, especially at an advanced age, is a very
- 14 dubious proposition, at best, which could adversely
- 15 affect the lives of the family, friends, and creditors
- 16 of a person; and
- 17 WHEREAS, notification of parents for certain
- 18 procedures seems to be the amendment of choice for
- 19 attachment to almost every other piece of legislation
- 20 to come before the Senate this session; NOW THEREFORE,
- 21 BE IT RESOLVED BY THE SENATE, That prior to his
- 22 retirement from legislative office, a parent of the
- 23 good Senator from Woodbury shall be notified of his
- 24 retirement; and
- 25 BE IT FURTHER RESOLVED, That for the purposes of
- 26 this Resolution, unless the context otherwise
- 27 requires:
- 28 1. "Court of competent (???) jurisdiction" means a
- 29 two-member bipartisan forum comprised of former
- 30 Senator Don Doyle and Senator Jack Rife.
- 31 2. "Minor" means a person who displays a
- 32 propensity to make a decision which will adversely
- 33 affect the makeup of the General Assembly; who, by his
- 34 decision, will put the survival of his family in peril
- 35 if support of his family is contingent upon the income
- 36 which he will derive from the "practice" of law alone;

37 or, who, by his decision, will place the continuation  
 38 of a certain well-known establishment in the Des  
 39 Moines area in jeopardy.

40 3. "Parent" means Harold A. or Opal (one parent of  
 41 the Senator) or Butch (the bartender at the certain  
 42 well-known establishment -- if you can't trust your  
 43 child's future to a bartender, to whom can you trust  
 44 it? FYI, Butch, upon inquiry, reports that he does  
 45 know the Senator well, and would be happy to act as  
 46 surrogate recipient of notification); and

47 BE IT FURTHER RESOLVED, That notification of a  
 48 parent of Senator Sturgeon shall not be required prior  
 49 to his retirement if any of the following applies:

50 1. That Senator Sturgeon promises to abstain from

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1 assuming the title "Lizard King" and performing his  
 2 rendition of "Light My Fire" while accompanying  
 3 himself on the drums.

4 2. That Senator Sturgeon promises to join Mr.  
 5 Robert Peterson, Mr. Les Horrell, and former Senator  
 6 Milo Colton for weekly primal male bonding rituals or,  
 7 in the alternative, to play bridge each Wednesday with  
 8 the above named individuals at the Dakota Dunes  
 9 Country Club.

10 3. That Senator Sturgeon promises to only answer  
 11 to "Rush," "Jesse," "Orin," or "Newt" following his  
 12 retirement from the General Assembly; and

13 BE IT FURTHER RESOLVED, That if Senator Sturgeon is  
 14 not exempt from notification, he may seek a bypass  
 15 from this requirement from the court of competent  
 16 (???) jurisdiction and that upon approval of the  
 17 court, Senator Sturgeon may retire from legislative  
 18 service with best wishes for a successful and  
 19 enjoyable future."

JIM LIND

S-5740

1 Amend House File 2430, 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 144.5, subsection 3, Code  
 6 1993, is amended to read as follows:

7 3. Direct, supervise, and control the activities  
 8 of clerks of the district court and county recorders  
 9 related to the operation of the vital statistics

10 system and provide registrars with necessary postage.

11 Sec. 2. Section 144.9, unnumbered paragraph 1,  
12 Code 1993, is amended to read as follows:

13 The clerk of the district court county recorder is  
14 the county registrar and with respect to the county  
15 shall:

16 Sec. 3. NEW SECTION. 144.11 PUBLIC ACCESS TO  
17 RECORDS.

18 The county registrar shall allow public access to  
19 public records under their custody during normal  
20 business hours for county offices in the county.

21 Sec. 4. Section 144.36, subsections 1, 2, and 4,  
22 Code 1993, are amended to read as follows:

23 1. A certificate recording each marriage performed  
24 in this state shall be filed with the state registrar.  
25 The clerk of the district court county registrar shall  
26 prepare the certificate on the form furnished by the  
27 state registrar upon the basis of information obtained  
28 from the parties to be married, who shall attest to  
29 the information by their signatures. The clerk of the  
30 district court county registrar in each county shall  
31 keep a record book for marriages. The form of  
32 marriage record books shall be uniform throughout the  
33 state. A properly indexed permanent record of  
34 marriage certificates upon microfilm, electronic  
35 computer, or data processing equipment may be kept in  
36 lieu of marriage record books.

37 2. Every person who performs a marriage shall  
38 certify the fact of marriage and return the  
39 certificate to the clerk of the district court county  
40 registrar within fifteen days after the ceremony. The  
41 certificate shall be signed by the witnesses to the  
42 ceremony and the person performing the ceremony.

43 4. The clerk of the district court county  
44 registrar shall record and forward to the state  
45 registrar on or before the tenth day of each calendar  
46 month the original certificates of marriages filed  
47 with the clerk county registrar during the preceding  
48 calendar month.

49 Sec. 5. Section 144.39, Code 1993, is amended to  
50 read as follows:

Page 2

1 144.39 CHANGE OF NAME.

2 Upon receipt of a certified copy of a court order  
3 from a court of competent jurisdiction or certificate  
4 of the clerk of court county registrar pursuant to  
5 chapter 674 changing the name of a person born in this  
6 state and upon request of the person or the person's



7 parent, guardian, or legal representative, the state  
8 registrar shall amend the certificate of birth to  
9 reflect the new name. A fee established by the  
10 department by rule based on average administrative  
11 cost shall be collected for each amended certificate  
12 of birth to reflect a new name. Fees collected under  
13 this section shall be deposited in the general fund of  
14 the state.

15 Sec. 6. Section 144.45, unnumbered paragraph 1,  
16 Code 1993, is amended to read as follows:

17 The state registrar and the ~~clerk of the district~~  
18 ~~court county registrar~~ shall, upon written request  
19 from any applicant entitled to ~~such a~~ record, issue a  
20 certified copy of any certificate or record in the  
21 registrar's or ~~clerk's~~ custody or of a part thereof of  
22 a certificate or record. Each copy issued shall show  
23 the date of registration; and copies issued from  
24 records marked "delayed", "amended", or "court order"  
25 shall be similarly marked and show the effective date.

26 Sec. 7. Section 144.46, Code 1993, is amended to  
27 read as follows:

28 144.46 FEE FOR COPY OF RECORD.

29 The department by rule shall establish fees based  
30 on the average administrative cost which shall be  
31 collected by the state registrar or the ~~clerk of the~~  
32 ~~district court county registrar~~ for each certified  
33 copy or short form certification of certificates or  
34 records, or for a search of the files or records when  
35 no copy is made, or when no record is found on file.  
36 Fees collected by the state registrar under this  
37 section shall be deposited in the general fund of the  
38 state. ~~Fees collected by the clerk of the district~~  
39 ~~court shall be deposited in the court revenue~~  
40 ~~distribution account established under section~~  
41 ~~602.8108. A fee shall not be collected from a~~  
42 ~~political subdivision or agency of this state."~~

43 2. Page 7, by inserting after line 12 the  
44 following:

45 "Sec. 101. Section 331.602, Code 1993, is amended  
46 by adding the following new subsection:

47 NEW SUBSECTION. 45. Accept applications for  
48 passports.

49 Sec. 102. Section 331.605, Code 1993, is amended  
50 by adding the following new subsection:

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1 NEW SUBSECTION. 6. A county fee of four dollars  
2 for the following certificates, records, or services  
3 relating to vital statistics:

4 a. A certified copy of a birth record, death  
5 record, or marriage certificate.

6 b. A birth registration.

7 c. A marriage license.

8 d. An application for a name change.

9 Sec. 103. NEW SECTION. 331.611 VITAL STATISTICS.

10 1. The recorder shall be the county registrar and  
11 carry out duties as provided in chapter 144.

12 2. The duties include, but are not limited to, the  
13 following:

14 a. Register and maintain certifications of birth  
15 as provided in sections 144.13 through 144.18, 144.45,  
16 and 144.46.

17 b. Register and maintain certifications of death  
18 as provided in sections 144.26 through 144.35, 144.45,  
19 and 144.46.

20 c. Issue and maintain marriage certificates as  
21 provided in section 144.36, 144.45, and 144.46, and  
22 chapter 595.

23 d. Accept application for a change of name as  
24 provided in section 144.39."

25 3. Page 11, by inserting after line 30 the  
26 following:

27 "Sec. 104. Section 595.3, unnumbered paragraph 1,  
28 Code 1993, is amended to read as follows:

29 Previous to the solemnization of any marriage, a  
30 license for that purpose must be obtained from the  
31 ~~clerk of the district court~~ county recorder. ~~Such The~~  
32 license must not be granted in any case:

33 Sec. 105. Section 595.4, Code 1993, is amended to  
34 read as follows:

35 595.4 AGE AND QUALIFICATION -- VERIFIED  
36 APPLICATION --WAITING PERIOD -- EXCEPTION.

37 Previous to the issuance of any license to marry,  
38 the parties desiring ~~such the~~ license shall sign and  
39 file a verified application with the ~~clerk of the~~  
40 county recorder which application either may be  
41 mailed to the parties at their request or may be  
42 signed by them at the office of the ~~clerk of the~~  
43 district court county recorder in the county in which  
44 the license is to be issued. ~~Such The~~ application  
45 shall set forth at least one affidavit of some  
46 competent and disinterested person stating ~~such the~~  
47 facts as to age and qualification of the parties as  
48 the ~~clerk county recorder~~ may deem necessary to  
49 determine the competency of the parties to contract a  
50 marriage. Upon the filing of the application for a

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1 license to marry, the ~~clerk of the district court~~  
2 county recorder shall file the application in a record  
3 kept for that purpose.  
4 After expiration of three days from the date of  
5 filing the application by the parties, the ~~clerk~~  
6 county recorder shall issue the license if the ~~clerk~~  
7 county recorder is satisfied as to the competency of  
8 the parties to contract a marriage. If the license  
9 has not been issued within six months from the date of  
10 the application, the application is void.  
11 A license to marry may be issued prior to the  
12 expiration of three days from the date of filing the  
13 application for the license in cases of emergency or  
14 extraordinary circumstances. An order authorizing the  
15 issuance of a license may be granted by a judge of the  
16 district court under conditions of emergency or  
17 extraordinary circumstances upon application of the  
18 parties filed with the ~~clerk of court~~ county recorder.  
19 No such order may be granted unless the parties have  
20 filed an application for a marriage license in a  
21 county within the judicial district. An application  
22 for such an order shall be made on forms furnished by  
23 the ~~clerk~~ county recorder at the same time the  
24 application for the license to marry is made. If  
25 after examining the application for the marriage  
26 license the ~~clerk~~ county recorder is satisfied as to  
27 the competency of the parties to contract a marriage,  
28 the ~~clerk~~ county recorder shall refer the parties to a  
29 judge of the district court for action on the  
30 application for an order authorizing the issuance of a  
31 marriage license prior to expiration of three days  
32 from the date of filing the application for the  
33 license. The judge shall, if satisfied as to the  
34 existence of an emergency or extraordinary  
35 circumstances, grant an order authorizing the issuance  
36 of a license to marry prior to the expiration of three  
37 days from the date of filing the application for the  
38 license to marry. The ~~clerk~~ county recorder shall  
39 issue a license to marry upon presentation by the  
40 parties of the order authorizing a license to be  
41 issued. A fee of five dollars shall be paid to the  
42 ~~clerk~~ county recorder at the time the application for  
43 the order is made, which fee is in addition to the fee  
44 prescribed by law for the issuance of a marriage  
45 license.  
46 Sec. 106. Section 595.5, Code 1993, is amended to  
47 read as follows:  
48 595.5 SURNAME ADOPTED.

49 A party may request on the application for a  
50 marriage license a name change to that of the other

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1 party or to some other surname mutually agreed upon by  
2 the parties. The names used on the marriage license  
3 shall become the legal names of the parties to the  
4 marriage. The marriage license shall contain a  
5 statement that when a name change is requested and  
6 affixed to the marriage license, the new name is the  
7 legal name of the requesting party. If a party  
8 requests a name change, other than a change of surname  
9 to that of the other spouse or to a combination of the  
10 surnames of both spouses, the party shall request  
11 approval of the court pursuant to chapter 674 and  
12 shall submit to the court the information required by  
13 section 674.2. Upon approval of the court and  
14 solemnization of the marriage, the ~~clerk of the~~  
15 ~~district court~~ county recorder shall send a certified  
16 copy of the return of marriage to the recorder's  
17 office in every county in this state where real  
18 property is owned by either of the parties. The judge  
19 may approve the name change. The new names and the  
20 immediate former names shall appear on the return of  
21 marriage, and the return of marriage shall be recorded  
22 in the miscellaneous records in the recorder's office.  
23 An individual shall have only one legal name at any  
24 one time.

25 Sec. 107. Section 595.6, Code 1993, is amended to  
26 read as follows:

27 595.6 FILING AND RECORD REQUIRED.

28 The affidavit or certificate, in each case, shall  
29 be filed by the ~~clerk~~ county recorder and constitute a  
30 part of the records of the ~~clerk's~~ recorder's office.  
31 A memorandum of the affidavit or certificate shall  
32 also be entered in the license book.

33 Sec. 108. Section 595.7, Code 1993, is amended to  
34 read as follows:

35 595.7 DELIVERY OF BLANK WITH LICENSE.

36 When a license is issued the ~~clerk~~ county recorder  
37 shall deliver to the applicant a blank return for the  
38 marriage, and give ~~such~~ instructions relative ~~thereto~~  
39 to the blank return as will insure a complete and  
40 accurate return.

41 Sec. 109. Section 595.11, Code 1993, is amended to  
42 read as follows:

43 595.11 NONSTATUTORY SOLEMNIZATION -- FORFEITURE.

44 Marriages solemnized, with the consent of parties,  
45 in any manner other than that prescribed in this

46 chapter, are valid; but the parties, and all persons  
47 aiding or abetting them, shall pay to the treasurer of  
48 state for deposit in the general fund of the state the  
49 sum of fifty dollars each; but this shall not apply to  
50 the person conducting the marriage ceremony, if within

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1 fifteen days ~~thereafter~~ after the ceremony is  
2 conducted, the person makes the required return to the  
3 clerk of the district court county recorder.

4 Sec. 110. Section 595.13, subsection 2, Code 1993,  
5 is amended to read as follows:

6 2. Make return of ~~such~~ the marriage within fifteen  
7 days to the ~~clerk of the district court~~ county  
8 recorder, who issued the marriage license upon the  
9 blank provided for that purpose.

10 Sec. 111. Section 595.15, Code 1993, is amended to  
11 read as follows:

12 595.15 INADEQUATE RETURN.

13 If the return of a marriage is not complete in  
14 every particular as required by the forms specified in  
15 section 144.12, the ~~clerk~~ county recorder shall  
16 require the person making the same to supply the  
17 omitted information.

18 Sec. 112. Section 595.16, Code 1993, is amended to  
19 read as follows:

20 595.16 SPOUSE RESPONSIBLE FOR RETURN.

21 When a marriage is consummated without the services  
22 of a cleric or magistrate, the required return ~~thereof~~  
23 of the marriage may be made to the ~~clerk~~ county  
24 recorder by either spouse.

25 Sec. 113. Section 602.8102, subsection 83, Code  
26 Supplement 1993, is amended by striking the  
27 subsection.

28 Sec. 114. TRANSFER OF RECORDS. All records in the  
29 custody of the clerk of the district court which  
30 relate to vital statistics duties being transferred to  
31 the county recorder, shall be transferred to the  
32 county recorder on the effective date of this Act.

33 Sec. \_\_\_\_ . EFFECTIVE DATE. Sections 1 through 7,  
34 and 101 through 114 of this Act takes effect July 1,  
35 1995."

36 4. Title page, line 4, by inserting after the  
37 word "services," the following: "transferring certain  
38 duties relating to vital statistics and marriage to  
39 the county recorder,".

40 5. By renumbering as necessary.

S-5741

- 1 Amend House File 2374, as passed by the House as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 13.
- 4 2. By renumbering as necessary.

BRAD BANKS

S-5742

- 1 Amend Senate File 2328 as follows:
- 2 1. Page 2, line 4, by inserting after the letter
- 3 "b", the following: "bb",.
- 4 2. Page 2, by inserting after line 6 the
- 5 following:
- 6 "bb. The minor elects not to allow notification of
- 7 the minor's parent and the pregnant minor provides
- 8 documentation of notification of a grandparent, an
- 9 aunt, or an uncle."
- 10 3. By relettering as necessary.

ELAINE SZYMONIAK

S-5743

- 1 Amend Senate File 2328 as follows:
- 2 1. Page 4, by inserting after line 14 the fol-
- 3 lowing:
- 4 "6A. A person who harasses or interferes with a
- 5 pregnant minor seeking an abortion is guilty of an
- 6 aggravated misdemeanor."
- 7 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5744

- 1 Amend Senate File 2328 as follows:
- 2 1. Page 3, line 12, by inserting after the word
- 3 "expeditiously." the following: "The court
- 4 proceedings shall commence within twelve hours of the
- 5 filing of a petition under this section."

ELAINE SZYMONIAK

S-5745

- 1 Amend Senate File 2328 as follows:
- 2 1. Page 4, by inserting after line 12 the

3 following:

4 "5A. a. The judicial department shall develop and  
5 distribute to each school district a standardized  
6 information form which shall include all of the  
7 following:

8 (1) The existence and requirements of this  
9 section.

10 (2) The address and telephone number of the  
11 juvenile court for the county in which the school is  
12 located and a description of the process necessary to  
13 access information from the juvenile court for  
14 assistance.

15 (3) An explanation of the exemptions from the  
16 requirement of notification allowed under this  
17 section.

18 b. Each school district shall ensure that each  
19 pupil in the sixth through twelfth grades enrolled in  
20 the school district is provided with the information  
21 form at the beginning of each school year.

22 c. The judicial department shall provide for  
23 reimbursement of each school for costs associated with  
24 the provision of information or counseling services  
25 regarding the information provided under this  
26 subsection."

27 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5746

1 Amend Senate File 2328 as follows:

2 1. Page 4, by inserting after line 12 the  
3 following:

4 "5A. a. The judicial department shall develop and  
5 distribute to all school districts a standardized  
6 information form which shall include all of the  
7 following:

8 (1) The existence and requirements of this  
9 section.

10 (2) The address and telephone number of the  
11 juvenile court for the county in which the school is  
12 located and a description of the process necessary to  
13 access information from the juvenile court for  
14 assistance.

15 (3) An explanation of the exemptions from the  
16 requirement of notification allowed under this  
17 section.

18 b. Each school district shall disseminate the  
19 information to each student in the sixth through  
20 twelfth grades enrolled in the school district at the

21 beginning of each school year.  
22 c. The department of education shall provide for  
23 reimbursement of each school for costs associated with  
24 the provision of information or counseling services  
25 regarding the information provided under this  
26 subsection."  
27 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5747

1 Amend Senate File 2328 as follows:  
2 1. Page 2, line 4, by striking the words "or "d""  
3 and inserting the following: "'d", "e", or "f."  
4 2. Page 2, by inserting after line 15, the  
5 following:  
6 "d. The pregnant minor elects not to allow  
7 notification of the pregnant minor's parent and the  
8 pregnant minor provides documentation of counseling  
9 regarding the performance of an abortion from a member  
10 of the clergy. For the purposes of this paragraph,  
11 "member of the clergy" means a person ordained or  
12 designated as a leader of a religious faith.  
13 e. The pregnant minor elects not to allow  
14 notification of the pregnant minor's parent and the  
15 pregnant minor provides documentation of counseling  
16 regarding the performance of an abortion from a  
17 counselor. For the purposes of this paragraph,  
18 "counselor" means a psychologist licensed pursuant to  
19 chapter 154B, a psychiatrist licensed pursuant to  
20 chapter 148, a social worker licensed pursuant to  
21 chapter 154C, a marital and family therapist licensed  
22 pursuant to chapter 154D, a person who practices as a  
23 registered nurse or as a licensed practical nurse  
24 pursuant to chapter 152, a physician assistant  
25 licensed pursuant to chapter 148C, or a licensed  
26 advanced registered nurse practitioner certified as a  
27 nurse-midwife."  
28 3. Page 2, line 16, by striking the letter "d."  
29 and inserting the following: "f."

ELAINE SZYMONIAK

S-5748

1 Amend Senate File 2328 as follows:  
2 1. Page 1, line 4, by striking the word "person"  
3 and inserting the following: "physician".  
4 2. Page 1, line 7, by striking the word "person"



5 and inserting the following: "physician".

6 3. Page 1, line 31, by striking the word  
7 "existed" and inserting the following: "exists".

8 4. Page 1, line 33, by striking the word  
9 "existed" and inserting the following: "exists".

10 5. Page 2, line 15, by striking the words ", if  
11 an abortion is obtained".

12 6. Page 2, lines 31 and 32, by striking the words  
13 "on the minor's own behalf".

14 7. Page 3, line 1, by inserting after the word  
15 "minor." the following: "The costs of any appointed  
16 guardian ad litem and legal counsel shall be  
17 reimbursed through the expenditure of moneys in the  
18 parental notification services fund established in  
19 section 146A.2."

20 8. Page 3, line 25, by inserting after the word  
21 "minor," the following: "the minor's physician,".

22 9. Page 4, line 5, by inserting after the word  
23 "proceedings." the following: "The costs shall be  
24 paid through the expenditure of moneys in the parental  
25 notification services fund established in section  
26 146A.2."

27 10. Page 4, line 6, by striking the word "person"  
28 and inserting the following: "physician".

29 11. Page 4, line 8, by striking the word "person"  
30 and inserting the following: "physician".

31 12. Page 4, line 11, by striking the word  
32 "person" and inserting the following: "physician".

33 13. Page 4, line 12, by inserting after the word  
34 "minor." the following: "The physician shall provide  
35 any necessary medical care to the minor at no cost to  
36 the minor and the costs of care shall be reimbursed  
37 through the expenditure of moneys in the parental  
38 notification services fund established in section  
39 146A.2."

40 14. Page 4, line 13, by striking the word  
41 "person" and inserting the following: "physician".

42 15. Page 4, by inserting after line 16, the  
43 following:

44 "Sec.     . NEW SECTION. 146A.2 FUND CREATED --  
45 APPROPRIATION.

46 The parental notification services fund is created.

47 There is appropriated annually from the general fund  
48 of the state to the parental notification services  
49 fund an amount sufficient to implement this chapter."

50 16. Page 4, by inserting after line 21, the

## Page 2

1 following:

2 "Sec. \_\_\_\_ . Section 232.147, Code Supplement 1993,

3 is amended by adding the following new subsection:

4 NEW SUBSECTION. 9. Juvenile court records which  
5 pertain to a petition for a waiver of notification  
6 requirements under section 146A.1 are confidential and  
7 they shall not be inspected and their contents shall  
8 not be disclosed."

9 17. Title page, line 2, by inserting after the  
10 word "minor," the following: "establishing a special  
11 fund for payment of related costs,".

12 18. By renumbering as necessary.

ELAINE SZYMONIAK

S-5749

1 Amend Senate File 2328 as follows:

2 1. By striking page 2, line 31, through page 3,  
3 line 1, and inserting the following:

4 "b. The court shall advise the pregnant minor of  
5 the pregnant minor's right to a court-appointed  
6 advocate or to court-appointed legal counsel, and  
7 shall provide the pregnant minor with a court-  
8 appointed advocate or with court-appointed legal  
9 counsel at no cost to the pregnant minor. If the  
10 minor requires a court-appointed advocate or court-  
11 appointed legal counsel, the right to a court-  
12 appointed advocate or counsel shall not be waived by  
13 the minor."

ELAINE SZYMONIAK

S-5750

1 Amend Senate File 2328 as follows:

2 1. Page 2, line 4, by inserting after the letter  
3 "b," the following: "bb,".

4 2. Page 2, by inserting after line 6 the  
5 following:

6 "bb. The minor elects to notify a responsible  
7 adult which includes a grandparent, an aunt, an uncle,  
8 or a sibling of the minor who is over eighteen years  
9 of age. If the minor elects to comply with this  
10 paragraph, verification may be provided by either of  
11 the following means:

12 (1) A responsible adult, as designated in this  
13 paragraph, accompanies the minor during the

14 performance of the abortion.  
15 (2) A responsible adult, as designated in this  
16 paragraph, signs and dates a letter indicating the  
17 responsible adult's notification of the abortion."  
18 3. By renumbering and correcting internal  
19 references as necessary.

ELAINE SZYMONIAK

S-5751

1 Amend the amendment, S-5736, to House File 2374, as  
2 passed, by the House, as follows:  
3 1. Page 17, by inserting after line 32 the  
4 following:  
5 "\_\_\_\_. Page 7, by inserting after line 33 the  
6 following:  
7 "Sec. \_\_\_\_ **NEW SECTION. 514C.11 PROVIDER ACCESS**  
8 **UNDER MANAGED CARE HEALTH PLAN OR INDEMNITY PLAN WITH**  
9 **LIMITED PROVIDER NETWORK.**  
10 A managed care health plan or indemnity plan with a  
11 limited provider network shall provide patients direct  
12 access to each type of provider authorized under title  
13 IV, subtitle 3, to utilize differential diagnosis and  
14 physical examinations to determine human ailments, and  
15 shall not condition that access upon a referral by a  
16 provider licensed under another chapter, except as  
17 provided under title IV, subtitle 3. Referral to a  
18 specialist may be conditioned upon referral by a  
19 primary care provider licensed under the same chapter.  
20 Any copayment, deductible, or premium rate shall not  
21 discriminate upon the basis of the license held by a  
22 provider but may differentiate or exclude providers  
23 upon a rational basis. Access to a specialist may be  
24 subject to a different copayment or deductible than  
25 access to a primary care provider. Access to a  
26 nonparticipating provider may be restricted, or may be  
27 subject to different copayments, deductibles, or  
28 premium rates, or may be excluded, provided that a  
29 plan shall not exclude a provider upon the basis of  
30 the license held by the provider or the license held  
31 by members of the staff or hospital.  
32 For purposes of this section, a rational basis for  
33 differentiating or excluding a provider shall relate  
34 to outcome assessments of the provider as indicators  
35 of the cost of the service to be provided or the  
36 effectiveness of the service to be provided. For  
37 purposes of this section, "managed care health plan or  
38 indemnity plan with a limited provider network" means  
39 a health maintenance organization, accountable health

40 plan, preferred provider organization, exclusive  
41 provider organization, point of service plan,  
42 restricted access network, or similar health plan.  
43 This section shall not apply if an employer offers  
44 employees a choice of health plans, either directly or  
45 indirectly through a health insurance purchasing  
46 cooperative, provided that the offered choices include  
47 at least one indemnity plan with unrestricted choice  
48 of provider, or at least one managed care health plan  
49 or indemnity plan with a limited provider network  
50 which provides access as defined in this section.”

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1 2. Renumber as necessary.

JOE J. WELSH  
JIM KERSTEN  
JOHN W. JENSEN  
PATTY JUDGE  
EMIL J. HUSAK  
JIM RIORDAN

S-5752

1 Amend the amendment, S-5737, to House File 2374, as  
2 passed by the House, as follows:  
3 1. Page 1, by striking lines 3 through 21 and  
4 inserting the following:  
5 “—. Page 4, by inserting after line 27 the  
6 following:  
7 “1. a. An insurer shall not deny coverage of a  
8 minor under the health plan of the minor’s parent for  
9 performance of a medical procedure defined under  
10 chapter 146 if the parent has been notified prior to  
11 the performance of the procedure. For the purposes of  
12 this subsection, “notification” means that the person  
13 who will perform the medical procedure provides  
14 notification in person or by delivering the  
15 notification by restricted certified mail to the  
16 parent of the minor at the usual place of abode of the  
17 parent at least forty-eight hours prior to the  
18 performance of the procedure. For the purposes of de-  
19 livery by restricted certified mail, the time of  
20 delivery is deemed to occur at noon of the next day on  
21 which regular mail delivery takes place, subsequent to  
22 the day of mailing.  
23 b. (1) Notwithstanding paragraph “a”, the  
24 notification procedures required under this subsection  
25 shall also apply to the performance of a medical

26 procedure defined under chapter 146 on a minor whether  
27 or not the minor is covered under any health plan  
28 unless any of the following conditions apply:

29 (a) The attending physician certifies that a  
30 medical emergency existed. The attending physician  
31 shall certify in writing the basis for the medical  
32 judgment that a medical emergency existed and shall  
33 make written certification available to a parent of  
34 the minor prior to the abortion, if possible. If it  
35 is not possible to provide a parent of the minor with  
36 written certification prior to the abortion, the  
37 physician shall provide the written certification to a  
38 parent of the minor within twelve hours following the  
39 performance of the abortion unless subparagraph  
40 subdivision (b), (c), or (d) is applicable.

41 (b) The abortion is authorized in writing by a  
42 parent entitled to notification.

43 (c) The pregnant minor declares that the pregnant  
44 minor is a victim of child abuse pursuant to section  
45 232.68, the person responsible for the care of the  
46 child is a parent of the child, and the abuse has been  
47 reported pursuant to the procedures prescribed in  
48 chapter 232, division III, part 2, or a parent of the  
49 child is named in a report of founded child abuse.  
50 The department of human services shall maintain

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1 confidentiality under chapter 232 regarding the  
2 minor's pregnancy and abortion, if an abortion is  
3 obtained.

4 (d) The pregnant minor elects not to allow  
5 notification of the pregnant minor's parent and a  
6 court authorizes waiver of the notification  
7 requirement following completion of the proceedings  
8 prescribed under subparagraph (3).

9 (2) The physician who will perform an abortion  
10 shall provide the pregnant minor seeking an abortion  
11 with written information regarding notification of a  
12 parent, the availability of services to assist the  
13 minor in informing the minor's parent, and assistance  
14 in seeking a waiver from the court, if the minor  
15 objects to the notification.

16 (3) If a pregnant minor objects to the  
17 notification of a parent prior to the performance of  
18 an abortion on the pregnant minor, the pregnant minor  
19 may petition the court to authorize waiver of the  
20 notification requirement pursuant to this subsection  
21 in accordance with the following procedures:

22 (a) The court shall ensure that the minor is

23 provided with assistance in preparing and filing the  
24 petition for waiver of notification and shall ensure  
25 that the minor's identity remains confidential.

26 (b) The minor may participate in the court  
27 proceedings on the minor's own behalf and the court  
28 may appoint a guardian ad litem for the minor. The  
29 court shall advise the minor of the minor's right to  
30 court-appointed legal counsel, and shall, upon the  
31 minor's request, provide the minor with court-  
32 appointed legal counsel, at no cost to the minor.

33 (c) The court proceedings shall be conducted in a  
34 manner which protects the anonymity of the minor and  
35 all court documents pertaining to the proceedings  
36 shall remain confidential. Only the minor, the  
37 minor's guardian ad litem, the minor's legal counsel,  
38 and persons whose presence is specifically requested  
39 by the minor, by the minor's guardian ad litem, or by  
40 the minor's legal counsel may attend the hearing on  
41 the petition.

42 (d) The court proceedings under this subsection  
43 shall be given precedence over other pending matters  
44 to ensure that the court reaches a decision  
45 expeditiously.

46 (e) Upon petition and following an appropriate  
47 hearing, the court shall waive the notification  
48 requirements if the court determines either of the  
49 following:

50 (i) That the minor is mature and capable of

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1 providing informed consent for the performance of an  
2 abortion.

3 (ii) That the minor is not mature, or does not  
4 claim to be mature, but that notification is not in  
5 the best interest of the minor.

6 (f) The court shall issue specific factual  
7 findings and legal conclusions; in writing, to support  
8 the decision.

9 (g) Upon conclusion of the hearing, the court  
10 shall immediately issue a written order which shall be  
11 provided immediately to the minor, the minor's  
12 guardian ad litem, the minor's legal counsel, or any  
13 other person designated by the minor to receive the  
14 order.

15 (h) An expedited, anonymous, confidential appeal  
16 shall be available to a minor for whom the court  
17 denies a petition for waiver of notification. An  
18 order granting the minor's application for waiver of  
19 notification is not subject to appeal. Access to the

20 appellate courts for the purpose of an appeal under  
21 this subsection shall be provided to a minor twenty-  
22 four hours a day, seven days a week.

23 (i) The supreme court shall prescribe rules to  
24 ensure that the proceedings under this subsection are  
25 performed in an expeditious, anonymous, and  
26 confidential manner.

27 (j) A minor who chooses to utilize the waiver of  
28 notification procedures under this subsection shall  
29 not be required to pay a fee at any level of the  
30 proceedings.

31 (k) A person performing an abortion on a minor may  
32 inform the parent of the minor of any necessary  
33 treatment resulting from complications of the abortion  
34 procedure if, in the judgment of the person, failure  
35 to inform the parent would seriously jeopardize the  
36 health of the minor.

37 (4) A person who performs an abortion in violation  
38 of this subsection is guilty of a serious misdemeanor.

39 (5) A person who harasses or interferes with a  
40 minor seeking an abortion is guilty of a serious  
41 misdemeanor.

42 (6) Venue for proceedings under this subsection is  
43 in any court in the state.

44 (7) For the purposes of this subsection, unless  
45 the context otherwise requires:

46 (a) "Court" means the juvenile court which shall  
47 have exclusive jurisdiction over a medical procedure  
48 defined under chapter 146 when performed on a minor.

49 (b) "Medical emergency" means a condition that,  
50 based on a physician's clinical judgment, so

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1 complicates the medical condition of a pregnant minor  
2 as to necessitate the immediate abortion of the  
3 minor's pregnancy to avert the minor's death, or for  
4 which a delay will create risk of substantial and  
5 irreversible impairment of a major bodily function.

6 (c) "Minor" means minor as defined in chapter 599.

7 (d) "Parent" means one parent of the pregnant  
8 minor or the pregnant minor's guardian or custodian.

9 c. This subsection shall not be construed to  
10 require a health plan, insurer, or employer to provide  
11 benefits or insurance for a medical procedure as  
12 defined pursuant to chapter 146."

13 2. By renumbering as necessary.

S-5753

1 Amend House File 2204, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 13, line 18, by inserting after the word  
4 "subsection." the following: "In addition, for urban  
5 renewal areas designated on or after July 1, 1994, or  
6 amendments or modifications to urban renewal areas  
7 designated prior to July 1, 1994, if such amendment or  
8 modification provides for refunding bonds or  
9 refinancing resulting in an increase in debt service  
10 or provides for the issuance of bonds or other  
11 indebtedness, to be funded primarily by a division of  
12 property tax revenue, all the assessed valuation shall  
13 be included in the school district in which the urban  
14 renewal area is located and the taxes levied by the  
15 school district shall be collected against all taxable  
16 valuation within the school district without  
17 limitation by the provisions of this section.  
18 However, in the case where amendments or modifications  
19 made after July 1, 1994, to urban renewal areas  
20 designated prior to July 1, 1994, provide for  
21 refundng bonds or refinancing resulting in an  
22 increase in debt service or provides for the issuance  
23 of bonds or other indebtedness, to be funded primarily  
24 by a division of property tax revenue, the total  
25 assessed valuation of property, as of January 1 prior  
26 to enactment of such amendment or modification, in the  
27 urban renewal area shall be included in the county's  
28 base for purposes of the division of taxes under this  
29 section."

BERL E. PRIEBE

S-5754

1 Amend the amendment, S-5737, to House File 2374, as  
2 passed by the House, as follows:  
3 1. Page 1, by striking lines 3 through 21 and  
4 inserting the following:  
5 "\_\_\_\_. Page 4, by inserting after line 27 the  
6 following:  
7 "1. a. An insurer shall not deny coverage of a  
8 minor under the health plan of the minor's parent for  
9 performance of a medical procedure defined under  
10 chapter 146 if the parent has been notified prior to  
11 the performance of the procedure. For the purposes of  
12 this subsection, "notification" means that the person  
13 who will perform the medical procedure provides  
14 notification in person or by delivering the



15 notification by restricted certified mail to the  
16 parent of the minor at the usual place of abode of the  
17 parent at least forty-eight hours prior to the  
18 performance of the procedure. For the purposes of de-  
19 livery by restricted certified mail, the time of  
20 delivery is deemed to occur at noon of the next day on  
21 which regular mail delivery takes place, subsequent to  
22 the day of mailing.

23 b. (1) Notwithstanding paragraph "a", the  
24 notification procedures required under this subsection  
25 shall also apply to the performance of a medical  
26 procedure defined under chapter 146 on a minor whether  
27 or not the minor is covered under any health plan  
28 unless any of the following conditions apply:

29 (a) The attending physician certifies that a  
30 medical emergency existed. The attending physician  
31 shall certify in writing the basis for the medical  
32 judgment that a medical emergency existed and shall  
33 make written certification available to a parent of  
34 the minor prior to the abortion, if possible. If it  
35 is not possible to provide a parent of the minor with  
36 written certification prior to the abortion, the  
37 physician shall provide the written certification to a  
38 parent of the minor within twelve hours following the  
39 performance of the abortion unless subparagraph  
40 subdivision (b), (c), or (d) is applicable.

41 (b) The abortion is authorized in writing by a  
42 parent entitled to notification.

43 (c) The pregnant minor declares that the pregnant  
44 minor is a victim of child abuse pursuant to section  
45 232.68, the person responsible for the care of the  
46 child is a parent of the child, and the abuse has been  
47 reported pursuant to the procedures prescribed in  
48 chapter 232, division III, part 2, or a parent of the  
49 child is named in a report of founded child abuse.  
50 The department of human services shall maintain

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1 confidentiality under chapter 232 regarding the  
2 minor's pregnancy and abortion, if an abortion is  
3 obtained.

4 (d) The pregnant minor elects not to allow  
5 notification of the pregnant minor's parent and a  
6 court authorizes waiver of the notification  
7 requirement following completion of the proceedings  
8 prescribed under subparagraph (2).

9 (2) If a pregnant minor objects to the  
10 notification of a parent prior to the performance of  
11 an abortion on the pregnant minor, the pregnant minor

12 may petition the court to authorize waiver of the  
13 notification requirement pursuant to this subsection  
14 in accordance with the following procedures:

15 (a) The court shall ensure that the minor is  
16 provided with assistance in preparing and filing the  
17 petition for waiver of notification and shall ensure  
18 that the minor's identity remains confidential.

19 (b) The minor may participate in the court  
20 proceedings on the minor's own behalf and the court  
21 may appoint a guardian ad litem for the minor. The  
22 court shall advise the minor of the minor's right to  
23 court-appointed legal counsel, and shall, upon the  
24 minor's request, provide the minor with court-  
25 appointed legal counsel, at no cost to the minor.

26 (c) The court proceedings shall be conducted in a  
27 manner which protects the anonymity of the minor and  
28 all court documents pertaining to the proceedings  
29 shall remain confidential. Only the minor, the  
30 minor's guardian ad litem, the minor's legal counsel,  
31 and persons whose presence is specifically requested  
32 by the minor, by the minor's guardian ad litem, or by  
33 the minor's legal counsel may attend the hearing on  
34 the petition.

35 (d) The court proceedings under this subsection  
36 shall be given precedence over other pending matters  
37 to ensure that the court reaches a decision  
38 expeditiously.

39 (e) Upon petition and following an appropriate  
40 hearing, the court shall waive the notification  
41 requirements if the court determines either of the  
42 following:

43 (i) That the minor is mature and capable of  
44 providing informed consent for the performance of an  
45 abortion.

46 (ii) That the minor is not mature, or does not  
47 claim to be mature, but that notification is not in  
48 the best interest of the minor.

49 (f) The court shall issue specific factual  
50 findings and legal conclusions, in writing, to support

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1 the decision.

2 (g) Upon conclusion of the hearing, the court  
3 shall immediately issue a written order which shall be  
4 provided immediately to the minor, the minor's  
5 guardian ad litem, the minor's legal counsel, or any  
6 other person designated by the minor to receive the  
7 order.

8 (h) An expedited, anonymous, confidential appeal

9 shall be available to a minor for whom the court  
10 denies a petition for waiver of notification. An  
11 order granting the minor's application for waiver of  
12 notification is not subject to appeal. Access to the  
13 appellate courts for the purpose of an appeal under  
14 this subsection shall be provided to a minor twenty-  
15 four hours a day, seven days a week.

16 (i) The supreme court shall prescribe rules to  
17 ensure that the proceedings under this subsection are  
18 performed in an expeditious, anonymous, and  
19 confidential manner.

20 (j) A minor who chooses to utilize the waiver of  
21 notification procedures under this subsection shall  
22 not be required to pay a fee at any level of the  
23 proceedings.

24 (k) A person performing an abortion on a minor may  
25 inform the parent of the minor of any necessary  
26 treatment resulting from complications of the abortion  
27 procedure if, in the judgment of the person, failure  
28 to inform the parent would seriously jeopardize the  
29 health of the minor.

30 l. If a minor seeks counseling regarding the  
31 minor's decision of whether or not to seek an  
32 abortion, the person who provides counseling shall not  
33 be the same person as and shall not have any financial  
34 connection to the provider of the abortion.

35 (3) A person who performs an abortion in violation  
36 of this subsection is guilty of a serious misdemeanor.

37 (4) A person who harasses or interferes with a  
38 minor seeking an abortion is guilty of a serious  
39 misdemeanor.

40 (5) Venue for proceedings under this subsection is  
41 in any court in the state.

42 (6) For the purposes of this subsection, unless  
43 the context otherwise requires:

44 (a) "Court" means the juvenile court which shall  
45 have exclusive jurisdiction over a medical procedure  
46 defined under chapter 146 when performed on a minor.

47 (b) "Medical emergency" means a condition that,  
48 based on a physician's clinical judgment, so  
49 complicates the medical condition of a pregnant minor  
50 as to necessitate the immediate abortion of the

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1 minor's pregnancy to avert the minor's death, or for  
2 which a delay will create risk of substantial and  
3 irreversible impairment of a major bodily function.

4 (c) "Minor" means minor as defined in chapter 599.

5 (d) "Parent" means one parent of the pregnant

6 minor or the pregnant minor's guardian or custodian.  
 7 c. This subsection shall not be construed to  
 8 require a health plan, insurer, or employer to provide  
 9 benefits or insurance for a medical procedure as  
 10 defined pursuant to chapter 146.""  
 11 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5755

1 Amend House File 2430, as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 7, by inserting after line 12 the  
 4 following:  
 5 "Sec. 51. Section 422.9, subsection 1, Code 1993,  
 6 is amended to read as follows:  
 7 1. An optional standard deduction, after deduction  
 8 of federal income tax paid, less any federal income  
 9 tax refunded to the extent deducted, for any tax year  
 10 beginning before January 1, 1995, equal to one  
 11 thousand two hundred thirty dollars for a married  
 12 person who files separately or a single person or  
 13 equal to three thousand thirty dollars for a husband  
 14 and wife who file a joint return, a surviving spouse,  
 15 or an unmarried head of household. The optional  
 16 standard deduction shall not exceed the amount  
 17 remaining after deduction of the federal income tax.  
 18 Sec. 52. Section 422.9, subsection 2, paragraph b,  
 19 Code 1993, is amended to read as follows:  
 20 b. Add the amount of federal income taxes paid or  
 21 accrued as the case may be, during the tax year,  
 22 adjusted by any federal income tax refunds to the  
 23 extent deducted, for any tax year beginning before  
 24 January 1, 1995. Provided, however, that where  
 25 married persons, who have filed a joint federal income  
 26 tax return, file separately, such total shall be  
 27 divided between them according to the portion thereof  
 28 paid or accrued, as the case may be, by each.  
 29 Sec. 53. Section 422.35, subsection 4, Code 1993,  
 30 is amended to read as follows:  
 31 4. Subtract fifty percent of the federal income  
 32 taxes paid or accrued, as the case may be, during the  
 33 tax year, adjusted by any federal income tax refunds  
 34 to the extent deducted, for any tax year beginning  
 35 before January 1, 1995; and add the Iowa income tax  
 36 deducted in computing said taxable income."  
 37 2. By striking page 11, line 31 through page 12,  
 38 line 21 and inserting the following:  
 39 "Sec. 53. STATE PARTICIPATION IN COUNTY AND

40 COMMUNITY-BASED MENTAL HEALTH AND DEVELOPMENTAL  
 41 DISABILITIES SERVICES -- INITIAL FUNDING. There is

42 appropriated from the general fund of the state to the  
 43 department of human services for the fiscal year  
 44 beginning July 1, 1995, and ending June 30, 1996, the  
 45 following amount, or so much thereof as is necessary,  
 46 to be used for the purpose designated:

47 For state participation in county and community-  
 48 based mental health and developmental disabilities  
 49 services in accordance with this section:

50 ..... \$100,000,000

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1 1. Moneys appropriated in this section shall be  
 2 used for services and other assistance provided to  
 3 persons with mental illness or developmental  
 4 disabilities which would otherwise be paid by counties  
 5 in accordance with the laws of this state. Moneys  
 6 appropriated in this section shall be provided in a  
 7 manner which requires counties to maintain a  
 8 prescribed level of financial participation developed  
 9 in accordance with subsection 2 and does not permit  
 10 supplanting of county funds which can then be used for  
 11 a different purpose.

12 For taxes payable in the fiscal year beginning July  
 13 1, 1995, the county shall reduce its supplemental levy  
 14 under section 331.424, subsection 1 which it levied  
 15 for taxes payable in the fiscal year beginning July 1,  
 16 1994, by an amount which would raise the estimated  
 17 amount of state payment it will receive from moneys  
 18 appropriated in this section. If the amount of the  
 19 state payment exceeds the amount raised from the  
 20 supplemental levy the county shall reduce the amount  
 21 to be raised by the general fund levy in section 384.1  
 22 which is for providing services for which state  
 23 payment is made from funds appropriated in this  
 24 section.

25 2. The department shall work with the Iowa state  
 26 association of counties to develop a service delivery  
 27 system utilizing regional planning and centralized  
 28 intake and assessment and other managed care  
 29 provisions to provide the most appropriate, least  
 30 restrictive services at the lowest cost. The initial  
 31 implementation date for the service delivery system  
 32 shall be July 1, 1995. The department shall report to  
 33 the governor and the general assembly on or before  
 34 December 15, 1994, concerning its recommendations for  
 35 the service delivery system, including statutory  
 36 changes necessary to implement the system and

37 provisions for a prescribed funding level for  
38 counties.

39 Sec. \_\_\_\_ . The legislative council shall establish  
40 an interim study committee for the purpose of looking  
41 into the Iowa income tax rate structure, how taxes  
42 could be better distributed, the effect the taxes,  
43 especially income taxes, have on the economic  
44 development efforts in the state to remain  
45 competitive, and how best to progress to a more  
46 equitable tax structure. The legislative council  
47 shall appoint both legislative and nonlegislative  
48 members to the interim committee. The nonlegislative  
49 members shall be appointed from a list of nominees  
50 presented to the council by groups so designated by

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1 the council. The report of the study committee is due  
2 by January 1, 1995.

3 Sec. \_\_\_\_ . Sections 51, 52, and 53 of this Act take  
4 effect January 1, 1995, for tax years beginning on or  
5 after that date."

6 3. Title page, line 4, by inserting after the  
7 word "services," the following: "providing for  
8 funding through limitation on federal income tax  
9 deductibility,".

TOM VILSACK

S-5756

1 Amend House File 2430, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 12, by striking lines 1 through 3 and  
4 inserting the following: "Act, are repealed effective  
5 April 1, 1995. If the repeals provided in this  
6 subsection".

7 2. Page 12, line 7, by striking the word "May"  
8 and inserting the following: "April".

9 3. Page 12, line 8, by striking the word "May"  
10 and inserting the following: "April".

11 4. Page 12, by striking lines 14 through 16 and  
12 inserting the following: "444.27, as enacted by this  
13 Act, are repealed effective April 1, 1996. If the  
14 repeals provided in".

15 5. Page 12, line 20, by striking the word "May"  
16 and inserting the following: "April".

17 6. Page 12, line 21, by striking the word "May"  
18 and inserting the following: "April".

JOE J. WELSH  
AL SORENSEN  
JOHN P. KIBBIE

S-5757

1 Amend House File 2204, 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. Section 260E.1, Code 1993, is amended  
6 to read as follows:

7 260E.1 TITLE.

8 This chapter shall be known and may be cited as the  
9 "Iowa ~~industrial~~ community college new jobs training  
10 Act".

11 2. By renumbering as necessary.

JIM RIORDAN

HOUSE AMENDMENT TO  
SENATE FILE 2311

S-5758

1 Amend Senate File 2311, as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 1, by striking line 8 and inserting the  
4 following: "person admitted or committed to a  
5 hospital-school, or a special unit, or a community-  
6 based service, the".

7 2. Page 1, line 23, by inserting after the word  
8 "settlement" the following: "or a payment for a  
9 community-based service".

10 3. Page 2, lines 22 and 23, by striking the words  
11 "hospital-school or the special unit" and inserting  
12 the following: "hospital-school, or the special unit,  
13 or a community-based service".

14 4. Page 30, line 19, by striking the words "Iowa  
15 department of health" and inserting the following:  
16 "department of health inspections and appeals".

17 5. Page 37, line 29, by striking the word  
18 "effectiveness" and inserting the following: "cost-  
19 effectiveness".

20 6. Page 37, line 33, by striking the word  
21 "effectiveness" and inserting the following: "cost-  
22 effectiveness".

23 7. Page 37, line 35, by inserting after the word  
24 "projects" the following: "serving persons with  
25 mental retardation".

26 8. Page 38, line 6, by inserting after the word  
27 "funding" the following: "on the part of the state or  
28 counties".

29 9. Page 38, by inserting after line 6 the  
30 following:

31 "Sec. \_\_\_\_ . BRAIN INJURY SERVICES WAIVER. The  
32 department of human services shall not propose or  
33 implement a medical assistance home and community-  
34 based waiver for services to persons with brain injury  
35 in a manner which would require provision of county  
36 funding relating to the services or matching of the  
37 federal funding. However, the department may propose  
38 or implement such a waiver in a manner which would  
39 permit the optional financial participation of  
40 counties."

41 10. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2330

S-5759

1 Amend Senate File 2330, as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. By striking page 1, line 11 through page 3,  
4 line 28.

5 2. Page 4, by striking lines 6 through 8.

6 3. Page 5, by inserting after line 35 the  
7 following:

8 "\_\_\_\_ . To the state fair board for completion of  
9 the Iowa state fair service center:

10 ..... \$ 200,000

11 The Iowa state fair service center is an essential  
12 element in meeting the requirements of the federal  
13 Americans with Disabilities Act by providing basic,  
14 required assistance to the handicapped and elderly.  
15 The service center also shall provide information and  
16 services to families and individuals. These services  
17 are not only to be provided at state fair time but at  
18 other state fair located events, and within the  
19 surrounding area."

20 4. Page 6, by striking lines 6 through 9.

21 5. Page 7, by striking lines 7 through 12.

22 6. Page 8, by striking lines 12 through 21.

23 7. Page 8, by striking lines 22 through 24.

24 8. Page 8, by inserting after line 32 the  
25 following:



26 " \_\_\_\_\_. To the state board of regents to be used for  
 27 compliance with the federal Americans with  
 28 Disabilities Act at the Iowa braille and sight saving  
 29 school:  
 30 ..... \$ 40,000".  
 31 9. Page 9, by inserting after line 2 the  
 32 following:  
 33 " \_\_\_\_\_. To the department of natural resources to  
 34 initiate a comprehensive watershed and resource  
 35 evaluation for the potential preservation and  
 36 restoration of an artificial lake in excess of 150  
 37 acres:  
 38 ..... \$ 50,000  
 39 The department shall use the moneys available in  
 40 this subsection to contribute on a one-dollar for one-  
 41 dollar match dollars dedicated by the county  
 42 conservation board in a county with a population of  
 43 250,000 or more."  
 44 10. Page 9, by striking lines 10 through 17.  
 45 11. Page 10, by striking lines 16 through 21.  
 46 12. Page 13, by striking lines 13 and 14 and  
 47 inserting the following: "used to match federal  
 48 funds".  
 49 13. Page 13, by striking lines 16 through 18 and  
 50 inserting the following: "entrepreneurs with

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1 disabilities. The business development division of  
 2 the department of economic development shall cooperate  
 3 with the division of vocational rehabilitation, the  
 4 department of inspections and appeals, and the Iowa  
 5 governor's planning council for developmental  
 6 disabilities in adopting administrative rules to  
 7 implement the initiative. The scope of the rules  
 8 shall include but is not limited to establishing an  
 9 administrative structure that uses moneys for the  
 10 initiative to provide for sufficient staff support to  
 11 certify applicants, coordinate technical assistance,  
 12 and assess demand for the initiative. Based on an  
 13 assessment of demand for the initiative and other  
 14 findings, the department, with the listed entities,  
 15 shall submit recommendations on or before December 15,  
 16 1994, to the governor and the general assembly for  
 17 consideration in the 1995 legislative session. The  
 18 purpose of the initiative is to develop a program to  
 19 provide technical and".  
 20 14. Page 13, by striking lines 22 and 23 and  
 21 inserting the following: "ventures. The business  
 22 development division shall enter into an interagency

23 agreement with the division of vocational  
 24 rehabilitation of the department of education to".  
 25 15. Page 13, line 29, by inserting after the word  
 26 "division" the following: "of vocational  
 27 rehabilitation".  
 28 16. Page 13, line 30, by inserting before the  
 29 word "division" the following: "business  
 30 development".  
 31 17. Page 13, line 31, by inserting after the word  
 32 "division" the following: "of vocational  
 33 rehabilitation".  
 34 18. Page 13, line 32, by inserting after the word  
 35 "reimbursement." the following: "Notwithstanding  
 36 section 8.33, moneys transferred pursuant to this  
 37 paragraph which are unexpended or unobligated at the  
 38 close of the fiscal year shall not revert to the  
 39 general fund of the state but shall remain available  
 40 for expenditure in the succeeding fiscal year."  
 41 19. Page 14, by inserting after line 20 the  
 42 following:  
 43 "Sec. \_\_\_\_ . There is appropriated from the general  
 44 fund of the state to the department of justice for the  
 45 fiscal year beginning July 1, 1993, and ending June  
 46 30, 1994, to supplement the appropriations made in  
 47 1993 Iowa Acts, chapter 171, the following amounts or  
 48 so much thereof as is necessary to be used for the  
 49 purpose designated:  
 50 For the prosecuting attorney training program, in

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1 section 1:  
 2 ..... \$ 40,000".  
 3 20. By striking page 16, line 18 through page 17,  
 4 line 13.  
 5 21. Page 18, line 11, by striking the word "the"  
 6 and inserting the following: "be".  
 7 22. Page 18, by striking lines 24 through 33.  
 8 23. Page 19, by striking lines 9 through 17.  
 9 24. Page 19, line 26, by inserting after the word  
 10 "to" the following: "increasing the personal needs  
 11 allowance for residential care facility residents  
 12 and".  
 13 25. By striking page 19, line 32 through page 20,  
 14 line 3.  
 15 26. Page 20, by inserting after line 11 the  
 16 following:  
 17 "Sec. \_\_\_\_ . 1994 Iowa Acts, Senate File 2218,  
 18 section 6, subsection 2, is amended by increasing the  
 19 number of full-time equivalent positions from 10.00 to

20 11.00 for the audits division of the department of  
21 inspections and appeals.”

22 27. Page 20, by inserting after line 11 the  
23 following:

24 “Sec. \_\_\_\_ . Section 8.39, subsection 2, Code 1993,  
25 as amended by 1994 Iowa Acts, Senate File 2318, is  
26 amended to read as follows:

27 2. If the appropriation of a department,  
28 institution, or agency is insufficient to properly  
29 meet the legitimate expenses of the department,  
30 institution, or agency, the director, with the  
31 approval of the governor, may make an  
32 interdepartmental transfer from any other department,  
33 institution, or agency of the state having an  
34 appropriation in excess of its needs, of sufficient  
35 funds to meet that deficiency. An interdepartmental  
36 transfer to an appropriation which is not an  
37 entitlement appropriation is not authorized when the  
38 general assembly is in regular session and, in  
39 addition, the sum of interdepartmental transfers in a  
40 fiscal year to an appropriation which is not an  
41 entitlement appropriation shall not exceed fifty  
42 percent of the amount of the appropriation as enacted  
43 by the general assembly. For the purposes of this  
44 subsection, an entitlement appropriation is a line  
45 item appropriation to the state public defender for  
46 indigent defense or to the department of human  
47 services for foster care, state supplementary  
48 assistance, or medical assistance, or for the family  
49 investment program.”

50 28. Page 24, line 23, by striking the words

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1 “solely on account of” and inserting the following:

2 “for”.

3 29. Page 24, line 26, by striking the word

4 “solely”.

5 30. Page 25, line 4, by striking the word “July”

6 and inserting the following: “May”.

7 31. By striking page 25, line 34 through page 26,  
8 line 20.

9 32. By striking page 26, line 21 through page 27,  
10 line 2.

11 33. Page 27, by inserting after line 23 the  
12 following:

13 “Sec. 111. There is appropriated from the general  
14 fund of the state to the department of education for  
15 the fiscal year beginning July 1, 1994, and ending  
16 June 30, 1995, the following amount, or so much

17 thereof as is necessary, to be used for the purpose  
18 designated:

19 For the purposes of establishing a character  
20 education pilot program to evaluate methods for  
21 incorporating positive character qualities into all  
22 levels of the existing educational program:

23 ..... \$ 50,000

24 The department of education shall report to the  
25 state board of education and to the general assembly  
26 regarding the success of any pilot programs by January  
27 1, 1996."

28 34. Page 27, line 31, by inserting after the  
29 figure "61" the following: "and 111".

30 35. Page 27, line 31, by striking the figure  
31 "58,".

32 36. Page 27, line 34, by striking the figure  
33 "58,".

34 37. Page 27, line 35, by inserting after the  
35 figure "61" the following: "and 111".

36 38. Page 31, by inserting after line 23 the  
37 following:

38 "Sec. \_\_\_\_ . Section 321.457, Code Supplement 1993,  
39 as amended by 1994 Iowa Acts, Senate File 2080,  
40 sections 6 and 7, is amended to read as follows:

41 321.457 MAXIMUM LENGTH.

42 1. A combination of four vehicles is not allowed  
43 on the highways of this state, except for power units  
44 saddle mounted on other power units which shall be  
45 restricted to a maximum overall length of ~~sixty-five~~  
46 feet unless subject to the maximum length provisions  
47 of subsection 3 seventy-five feet.

48 2. The maximum length of any motor vehicle or  
49 combination of vehicles operated on the highways of  
50 this state, unless subject to the maximum length

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1 provisions of subsection 2, are as follows:

2 a. A single truck, unladen or with load, shall not  
3 have an overall length, inclusive of front and rear  
4 bumpers, in excess of forty feet.

5 b. A single bus shall not have an overall length,  
6 inclusive of front and rear bumpers, in excess of  
7 forty-five feet, except that buses constructed so as  
8 to contain a flexible part allowing articulation shall  
9 not exceed sixty-one feet.

10 c. Except for combinations of vehicles, provisions  
11 for which are otherwise made in this chapter, no  
12 combination of a truck tractor and a semitrailer  
13 coupled together or a motor truck and a trailer or

14 semitrailer coupled together unladen or with load,  
15 shall have an overall length, inclusive of front and  
16 rear bumpers, in excess of sixty feet.

17 d. However, a mobile home not in excess of forty-  
18 eight feet in length may be drawn by any motor  
19 vehicle, except a motor truck, provided that the  
20 mobile home and its towing unit are not in excess of  
21 an overall length of sixty feet. For the purposes of  
22 this subsection, a light delivery truck, panel  
23 delivery truck or "pickup" is not a motor truck. A  
24 portable livestock loading chute not in excess of a  
25 length of thirteen feet including its hitch or tongue  
26 may be drawn by any vehicle or combination of  
27 vehicles, provided that the vehicle or combination of  
28 vehicles drawing the loading chute is not in excess of  
29 the legal length provided for such vehicles or  
30 combinations.

31 e. Combinations of vehicles coupled together  
32 which are used exclusively for the transportation of  
33 passenger vehicles, light delivery trucks, panel  
34 delivery trucks, pickup trucks, recreational vehicle  
35 chassis, and boats shall not exceed sixty-five feet in  
36 overall length. However, the load carried on a truck-  
37 semitrailer combination may extend up to three feet  
38 beyond the front bumper and up to four feet beyond the  
39 rear bumper.

40 f. A combination of three vehicles coupled  
41 together one of which is a motor vehicle, unladen or  
42 with load, other than a truck tractor, shall not have  
43 an overall length, inclusive of front and rear  
44 bumpers, in excess of sixty feet.

45 g. A motor vehicle or combination of vehicles  
46 may be operated upon the highways of this state,  
47 irrespective of the length and weight limitations  
48 imposed by the laws of this state, if the motor  
49 vehicle or combination of vehicles is operated within  
50 the corporate limits of a city abutting a border of

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1 this state and such operations have been approved by  
2 ordinance of the city council and if the length and  
3 weight of the motor vehicle or combination of vehicles  
4 is in conformity with the laws relating to length and  
5 weight of the abutting state on July 1, 1974. If a  
6 city council has authorized such operation upon  
7 highways within the corporate limits, then the limit  
8 of travel for such motor vehicles or combination of  
9 vehicles within the state is extended to the  
10 commercial zones as described by federal regulations

11 concerning interstate commerce, 49 code of federal  
12 regulations, paragraphs 1048.10, 1048.38, and 1048.101  
13 as they exist on July 1, 1974.

14 **3.** The maximum length of any motor vehicle or  
15 combination of vehicles operated on the highways of  
16 this state shall be as follows:

17 **a g.** A trailer or semitrailer, laden or unladen,  
18 shall not have an overall length in excess of fifty-  
19 three feet when operating in a truck tractor-  
20 semitrailer combination.

21 **b h.** A trailer or semitrailer, laden or unladen,  
22 shall not have an overall length in excess of twenty-  
23 eight feet six inches when operating in a truck  
24 tractor-semitrailer-trailer combination or truck  
25 tractor-semitrailer-semitrailer combination. When the  
26 semitrailers in a truck tractor-semitrailer-  
27 semitrailer combination are connected by a rigid frame  
28 extension including a fifth-wheel connection point  
29 attached to the rear frame of the first semitrailer,  
30 the length of the frame extension shall not be  
31 included when determining the overall length of the  
32 first semitrailer.

33 **e i.** Power units designed to carry cargo, when  
34 used in combination with a trailer or semitrailer  
35 shall not exceed sixty-five feet in overall length for  
36 the combination.

37 **d j.** A stinger-steered automobile transporter  
38 shall not have an overall length exceeding seventy-  
39 five feet, except that the load may extend up to three  
40 feet beyond the front bumper and up to four feet  
41 beyond the rear bumper.

42 **e.** Power units saddle mounted or full mounted on  
43 other power units shall not exceed seventy-five feet  
44 in overall length.

45 **4 3.** Fire fighting apparatus and vehicles operated  
46 during daylight hours when transporting poles, pipe,  
47 machinery, or other objects of a structural nature  
48 which cannot be readily disassembled when required for  
49 emergency repair of public service facilities or  
50 properties are not subject to the limitations on

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1 overall length of vehicles and combinations of  
2 vehicles imposed under this section. However, for  
3 operation during nighttime hours, these vehicles and  
4 the load being transported shall be equipped with a  
5 sufficient number of clearance lamps on both sides and  
6 marker lamps at the extreme ends of the projecting  
7 load to clearly mark the dimensions of the load. A

8 member of the state highway safety patrol shall also  
9 be notified prior to the operation of the vehicle.

10 Sec. \_\_\_\_ . Section 321.463, Code 1993, is amended  
11 by adding the following new unnumbered paragraph:  
12 NEW UNNUMBERED PARAGRAPH. A vehicle designed to  
13 tow wrecked or disabled vehicles shall be exempt from  
14 the weight limitations in this section while the  
15 vehicle is towing a wrecked or disabled vehicle.

16 Sec. \_\_\_\_ . Section 322.4, subsection 7, Code 1993,  
17 is amended to read as follows:

18 7. Before the issuance of a motor vehicle dealer's  
19 license to a dealer engaged in the sale of vehicles  
20 for which a certificate of title is required under  
21 chapter 321, the applicant shall furnish a surety bond  
22 executed by the applicant as principal and executed by  
23 a corporate surety company, licensed and qualified to  
24 do business within this state, which bond shall run to  
25 the state of Iowa, be in the amount of ~~thirty-five~~  
26 fifty thousand dollars and be conditioned upon the  
27 faithful compliance by the applicant as a dealer with  
28 all of the statutes of this state regulating or  
29 applicable to the business of a dealer in motor  
30 vehicles, and indemnifying any person who buys a motor  
31 vehicle from the dealer from any loss or damage  
32 occasioned by the failure of the dealer to comply with  
33 any of the provisions of chapter 321 and this chapter,  
34 including, but not limited to, the furnishing of a  
35 proper and valid certificate of title to the motor  
36 vehicle involved in a transaction. The bond shall  
37 also indemnify any motor vehicle purchaser from any  
38 loss or damage caused by the failure of the dealer to  
39 comply with the odometer requirements in section  
40 321.71, regardless of whether the motor vehicle was  
41 purchased directly from the dealer. The bond shall be  
42 filed with the department prior to the issuance of a  
43 license. The aggregate liability of the surety,  
44 however, shall not exceed the amount of the bond."

45 39. Page 33, by inserting after line 29 the  
46 following:

47 "1. The moneys appropriated in this section shall  
48 be used to provide child day care assistance to  
49 families with earned income who are participating in  
50 the family investment program or who are exiting the

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1 family investment program. If drawing federal  
2 matching funding does not jeopardize federal cost  
3 neutrality under the federal waiver for the family  
4 investment program, the department may utilize the

5 moneys appropriated in this section to draw available  
6 federal funding. If a federal waiver is granted to  
7 revise the transitional child care program pursuant to  
8 the request submitted in accordance with 1994 Iowa  
9 Acts, Senate File 2313, the moneys appropriated in  
10 this section shall first be allocated to reduce or  
11 eliminate any waiting list which develops as a result  
12 of implementing the waiver.

13 2. Any moneys which the department does not  
14 obligate to implement the provisions of subsection 1  
15 shall be used as additional funding for state child  
16 care assistance in accordance with the appropriation  
17 made for that purpose in 1994 Iowa Acts, Senate File  
18 2313."

19 40. By renumbering, relettering, or redesignating  
20 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2057

S-5760

1 Amend Senate File 2057, as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 6, by inserting after line 21 the  
4 following:

5 "Sec. 510. Section 422.16, subsection 1, Code  
6 1993, is amended by adding the following new  
7 unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. For the purposes of this  
9 subsection, state income tax at the rate of six  
10 percent shall be withheld from supplemental wages of  
11 employees in those circumstances in which the employer  
12 treats the supplemental wages as wholly separate from  
13 regular wages for purposes of withholding and federal  
14 income tax is withheld from the supplemental wages  
15 under section 3402(g) of the Internal Revenue Code."

16 2. Page 16, by inserting after line 29 the  
17 following:

18 "Sec. \_\_\_\_ . 1994 Iowa Acts, House File 2180,  
19 section 9, subsection 2, is amended to read as  
20 follows:

21 2. For purposes of this section, "improvements"  
22 include new construction and rehabilitation of and  
23 additions to existing structures. The exemption shall  
24 apply to all taxing districts in which the real  
25 property is located.

26 Sec. \_\_\_\_ . 1994 Iowa Acts, House File 2180, section  
27 12, is amended to read as follows:

28 SEC. 12. NEW SECTION. 15.335 RESEARCH ACTIVITIES



## 29 CREDIT.

30 An eligible business may claim a corporate tax  
31 credit for increasing research activities in this  
32 state during the period the eligible business is  
33 participating in the program. The credit equals six  
34 and one-half percent of the state's apportioned share  
35 of the qualifying expenditures for increasing research  
36 activities. The state's apportioned share of the  
37 qualifying expenditures for increasing research  
38 activities is a percent equal to the ratio of  
39 qualified research expenditures in this state to total  
40 qualified research expenditures. The credit allowed  
41 in this section is in addition to the credit  
42 authorized in section 422.33, subsection 5. If the  
43 eligible business is a partnership, subchapter S  
44 corporation, limited liability company, or estate or  
45 trust electing to have the income taxed directly to  
46 the individual, an individual may claim the tax credit  
47 allowed. The amount claimed by the individual shall  
48 be based upon the pro rata share of the individual's  
49 earnings of the partnership, subchapter S corporation,  
50 limited liability company, or estate or trust. For

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1 purposes of this section, "qualifying expenditures for  
2 increasing research activities" means the qualifying  
3 expenditures as defined for the federal credit for  
4 increasing research activities which would be  
5 allowable under section 41 of the Internal Revenue  
6 Code in effect on January 1, 1994.

7 A credit in excess of the tax liability for the tax  
8 year may be credited to the tax liability for the  
9 following seven years or until depleted, whichever  
10 comes first."

11 3. Page 17, line 3, by striking the word and  
12 figure "Section 15" and inserting the following:  
13 "Sections 15 and 510".

14 4. Page 17, line 3, by striking the word  
15 "applies" and inserting the following: "apply".

16 5. By renumbering, relettering, or redesignating  
17 and correcting internal references as necessary.

## S-5761

1 Amend the House amendment, S-5759, to Senate File  
2 2330, as amended, passed, and reprinted by the Senate,  
3 as follows:

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

6 " \_\_\_\_ . Page 24, by inserting after line 30 the  
7 following:  
8 "Sec. \_\_\_\_ . Section 314.20, Code 1993, is amended  
9 by adding the following new unnumbered paragraph:  
10 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding this  
11 section, a public or private agency as defined in  
12 section 18.133, shall not be assessed any charge for  
13 use of the freeway right-of-way related to the  
14 construction and maintenance of such agency's  
15 connection to the Iowa communications network. This  
16 paragraph shall not exempt the construction and  
17 maintenance of such connection from other requirements  
18 applicable to the longitudinal utility use of freeway  
19 right-of-way."  
20 2. By renumbering as necessary.

JOE J. WELSH

S-5762

1 Amend the House amendment, S-5759, to Senate File  
2 2330, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 4, by inserting after line 6 the  
5 following:  
6 " \_\_\_\_ . Page 25, by inserting after line 28 the  
7 following:  
8 "Sec. 501. CONNECTIONS TO THE IOWA COMMUNICATIONS  
9 NETWORK. Notwithstanding the provisions of 1994 Iowa  
10 Acts, Senate File 2089, if enacted, and sections  
11 18.133 through 18.137, a Part III school district,  
12 area education agency, or nonpublic school, which is  
13 provided state funding for the connection of such user  
14 to the Iowa communications network, may, during the  
15 period beginning with the enactment of this section  
16 and ending fifteen days before the release of a  
17 request for proposals related to the lease of fiber  
18 optic cable facilities or other facilities for Part  
19 III as provided in 1994 Iowa Acts, Senate File 2089,  
20 if enacted, solicit bids for the connections of such  
21 user to the network from any qualified provider of  
22 such services as provided in this section. Such a  
23 user shall submit a proposed agreement to the Iowa  
24 telecommunications and technology commission  
25 established in 1994 Iowa Acts, Senate File 2089, if  
26 enacted, for review and approval prior to entering  
27 into such agreement. Such a user shall not enter into  
28 such an agreement until the commission has approved  
29 the agreement.  
30 The commission shall review the proposed agreement

31 to assure that the connection will be compatible with  
32 the network. The commission shall also review the  
33 cost of the connection, and shall determine, prior to  
34 approving the agreement, that the cost to such user is  
35 the actual cost or less which is incurred by the  
36 provider installing the connection, or five thousand  
37 dollars per year, whichever is less.

38 After the date which is fifteen days before the  
39 release of a request for proposals related to the  
40 lease of fiber optic cable facilities or other  
41 facilities for Part III as provided in 1994 Iowa Acts,  
42 Senate File 2089, if enacted, the commission shall  
43 issue a request for proposals for Part III school  
44 districts, area education agencies, and nonpublic  
45 schools which have not entered into an agreement as  
46 provided in this section. All proposals for the  
47 connections to such users shall be approved by the  
48 commission. The commission may, in its discretion,  
49 reject any or all proposals.

50 Sec. \_\_\_\_ . CONTINGENT APPROPRIATION. If the actual

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1 taxable valuation of real property located in this  
2 state, based upon January 1, 1993, assessments, which  
3 is used in the computation of property taxes payable  
4 in the fiscal year beginning July 1, 1994, increases  
5 from the estimate of such taxable valuation, the  
6 amount of the reduction in state foundation aid under  
7 section 257.1, as a result of such increase in taxable  
8 valuation, shall be used to fund connections for users  
9 as provided in section 501 of this Act.”

10 2. Renumber as necessary.

DERRYL McLAREN

S-5763

1 Amend the amendment, S-5233, to House File 542, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, line 35, by striking the figure “1995”  
5 and inserting the following: “1996”.

DERRYL McLAREN

S-5764

1 Amend the amendment, S-5233, to House File 542, as  
2 amended, passed, and reprinted by the House, as

3 follows:

- 4 1. Page 1, line 33, by striking the figure "1995"  
5 and inserting the following: "1996".

EMIL HUSAK

S-5765

1 Amend the amendment, S-5233, to House File 542, as  
2 amended, passed, and reprinted by the House, as

3 follows:

- 4 1. Page 2, by striking lines 31 and 32 and  
5 inserting the following:  
6 "\_\_\_ . Page 5, by striking lines 33 and 34.  
7 2. Page 2, by striking line 39 and inserting the  
8 following: "poisoning."

JOE WELSH

S-5766

1 Amend the amendment, S-5233, to House File 542, as  
2 amended, passed, and reprinted by the House, as

3 follows:

- 4 1. Page 2, line 32, by striking the figure "1995"  
5 and inserting the following: "1996".

JOE WELSH

S-5767

1 Amend the amendment, S-5233, to House File 542, as  
2 amended, passed, and reprinted by the House, as

3 follows:

- 4 1. Page 2, by inserting after line 32 the  
5 following:  
6 "\_\_\_ . Page 5, by inserting after line 34 the  
7 following:  
8 "Sec. \_\_\_ . NEW SECTION. 135.105D CONTINGENCY --  
9 ACTION BY GENERAL ASSEMBLY.  
10 The rules developed pursuant to section 135.105,  
11 subsection 3, regarding lead-poisoned children, the  
12 program and rules developed pursuant to section  
13 135.105A regarding inspector and lead abatement  
14 contractor training and certification, and the  
15 standards and definitions developed pursuant to  
16 section 135.105B shall be submitted by the department  
17 to the Seventy-sixth General Assembly, 1995 Session,  
18 for action by the general assembly. The standards,  
19 rules, and definitions submitted shall only become

- 20 effective following action by the general assembly,  
21 and no earlier than July 1, 1995.””  
22 2. By renumbering as necessary.

JOE J. WELSH

S-5768

- 1 Amend the amendment, S-5233, to House File 542, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 40, by striking the figure “1995”  
5 and inserting the following: “1996”.

TONY BISIGNANO

S-5769

- 1 Amend the amendment, S-5233, to House File 542, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 35, by striking the figure “1995”  
5 and inserting the following: “1996”.  
6 2. Page 1, line 40, by striking the figure “1995”  
7 and inserting the following: “1996”.  
8 3. Page 2, line 32, by striking the figure “1995”  
9 and inserting the following: “1996”.

TONY BISIGNANO

S-5770

- 1 Amend the amendment, S-5233, to House File 542, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 48, by inserting after the word  
5 “abatment,” the following: “landlord,”.

JIM LIND

S-5771

- 1 Amend the House amendment, S-5759, to Senate File  
2 2330, as amended, passed, and reprinted by the Senate  
3 as follows:  
4 1. Page 7, by striking lines 16 through 44.

AL STURGEON  
JIM LIND

S-5772

- 1 Amend the House amendment, S-5661, to Senate File
- 2 196, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 11, by inserting after the word
- 5 "emulsions;" the following: "blankets;"

JIM RIORDAN

S-5773

- 1 Amend Senate Concurrent Resolution 115 as follows:
- 2 1. Page 1, line 6, by striking the words and
- 3 figures "Tuesday, April 19" and inserting the
- 4 following: "Wednesday, April 20".

MICHAEL E. GRONSTAL

S-5774

- 1 Amend the House amendment, S-5655, to Senate File
- 2 126, as passed by the Senate, as follows:
- 3 1. Page 1, line 18, by inserting after the word
- 4 "production" the following: "and processing".
- 5 2. Page 1, line 27, by inserting after the word
- 6 "production" the following: "and processing".
- 7 3. Page 1, line 32, by inserting after the word
- 8 "production" the following: "and processing".
- 9 4. Page 1, line 36, by inserting after the word
- 10 "production" the following: "and processing".

ELAINE SZYMONIAK

S-5775

- 1 Amend the House amendment, S-5759, to Senate File
- 2 2330, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 45 the
- 5 following:
- 6 "\_\_\_ . Page 11, by inserting after line 34 the
- 7 following:
- 8 "Of the moneys appropriated in this section which
- 9 would otherwise remain unexpended or unencumbered at
- 10 the close of the fiscal year, not more than \$150,000
- 11 shall be used to pay unreimbursed claims for family

12 planning services provided in the fiscal year ending  
13 June 30, 1994.”

JOE WELSH

HOUSE AMENDMENT TO  
SENATE FILE 2326

S-5776

- 1 Amend Senate File 2326, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 25, by inserting after the word  
4 “contracts” the following: “, not to exceed ten years  
5 in duration,”.
- 6 2. Page 1, line 26, by striking the words  
7 “additions or”.
- 8 3. Page 1, line 34, by striking the words “forty  
9 million” and inserting the following: “twenty-four  
10 million seven hundred thousand”.
- 11 4. Page 1, line 35, by striking the words  
12 “twenty-two million three” and inserting the  
13 following: “seven million”.
- 14 5. Page 2, line 1, by striking the words “hundred  
15 thousand dollars for” and inserting the following:  
16 “dollars for partial”.
- 17 6. Page 2, by inserting after line 31 the  
18 following:  
19 “d. No amount shall be spent on additions to  
20 existing buildings.”
- 21 7. Page 3, line 8, by inserting after the figure  
22 “2” the following: “shall not exceed ten years in  
23 duration and”.
- 24 8. Page 3, line 27, by inserting after the word  
25 “million” the following: “two hundred thousand”.
- 26 9. Page 4, line 35, by striking the figure  
27 “\$30,750,000” and inserting the following: “124.494  
28 percent of the total amount authorized for lease-  
29 purchase contracts pursuant to section 1, subsection 2  
30 of this Act”.
- 31 10. Page 5, line 15, by striking the figure  
32 “\$30,750,000” and inserting the following: “124.494  
33 percent of the total amount authorized for lease-  
34 purchase contracts pursuant to section 1, subsection 2  
35 of this Act”.
- 36 11. Page 5, line 30, by striking the figure  
37 “\$30,750,000” and inserting the following: “124.494  
38 percent of the total amount authorized for lease-  
39 purchase contracts pursuant to section 1, subsection 2  
40 of this Act”.

- 41 12. Page 5, by striking line 34 and inserting the  
42 following:  
43 "Of the total amount authorized in this subsection,  
44 10.34 percent".  
45 13. Page 6, by striking line 1 and inserting the  
46 following:  
47 "Of the total amount authorized in this subsection,  
48 6.89 percent".  
49 14. Page 6, by striking line 4 and inserting the  
50 following:

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- 1 "Of the total amount authorized in this subsection,  
2 27.64 percent".  
3 15. Page 6, by striking line 7 and inserting the  
4 following:  
5 "Of the total amount authorized in this subsection,  
6 39.93 percent".  
7 16. Page 6, by striking line 9 and inserting the  
8 following:  
9 "Of the total amount authorized in this subsection,  
10 8.68 percent".  
11 17. Page 6, by striking line 13 and inserting the  
12 following:  
13 "Of the total amount authorized in this subsection,  
14 6.52 percent".  
15 18. Page 6, by striking line 14 and inserting the  
16 following:  
17 "Total 100 percent".  
18 19. By renumbering, relettering, or redesignating  
19 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2300

S-5777

- 1 Amend Senate File 2300, as amended, passed, and re-  
2 printed by the Senate, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 455B.301A, subsection 1, Code  
6 1993, is amended to read as follows:  
7 1. The protection of the health, safety, and  
8 welfare of Iowans and the protection of the  
9 environment require the safe and sanitary disposal of  
10 solid wastes. An effective and efficient solid waste  
11 disposal program protects the environment and the  
12 public, and provides the most practical and beneficial



13 use of the material and energy values of solid waste.  
14 While recognizing the continuing necessity for the  
15 existence of landfills, alternative methods of  
16 managing solid waste and a reduction in the reliance  
17 upon land disposal of solid waste are encouraged. In  
18 the promotion of these goals, the following waste  
19 management hierarchy in descending order of  
20 preference, is established as the solid waste  
21 management policy of the state:  
22 a. Volume reduction at the source.  
23 b. Recycling and reuse.  
24 c. ~~Combustion with energy recovery and refuse-~~  
25 ~~derived fuel.~~  
26 ~~d. Combustion for volume reduction.~~  
27 ~~e. Disposal in sanitary landfills.~~  
28 c. Other approved techniques of solid waste  
29 management including, but not limited to, combustion  
30 with energy recovery, combustion for waste disposal,  
31 and disposal in sanitary landfills.  
32 Sec. 2. Section 455B.304, Code 1993, is amended by  
33 adding the following new subsection:  
34 NEW SUBSECTION. 18. The commission shall adopt  
35 rules to establish a special waste authorization  
36 program. For purposes of this subsection, "special  
37 waste" means any industrial process waste, pollution  
38 control waste, or toxic waste which presents a threat  
39 to human health or the environment or a waste with  
40 inherent properties which make the disposal of the  
41 waste in a sanitary landfill difficult to manage.  
42 Special waste does not include domestic, office,  
43 commercial, medical, or industrial waste that does not  
44 require special handling or limitations on its  
45 disposal. Special waste does not include hazardous  
46 wastes which are regulated under the federal Resource  
47 Conservation and Recovery Act, 42 U.S.C. § 6921-6934,  
48 hazardous wastes as defined in section 455B.411,  
49 subsection 3, or hazardous wastes included in the list  
50 compiled in accordance with section 455B.464.

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1 Sec. 3. Section 455B.305, subsection 6, Code 1993,  
2 is amended to read as follows:  
3 6. Beginning July 1, 1992, the director shall not  
4 issue a permit for a sanitary landfill unless the  
5 sanitary landfill is equipped with a leachate control  
6 system. Beginning July 1, 1994, the director shall  
7 not renew or reissue a permit for an existing sanitary  
8 landfill unless the sanitary landfill is equipped with  
9 a leachate control system. During the period from

10 July 1, 1992, through June 30, 1994, the director may  
11 require an existing sanitary landfill to install a  
12 leachate control system if leachate from the sanitary  
13 landfill is adversely impacting the public health or  
14 safety or the environment. During the period from  
15 July 1, 1992, through June 30, 1994, the director  
16 shall require an existing sanitary landfill to install  
17 a leachate control system if the sanitary landfill has  
18 not submitted a completed hydrogeological plan to the  
19 department. The director may exempt a permit  
20 applicant from these requirements if the director  
21 determines that certain conditions regarding, but not  
22 limited to, existing physical conditions, topography,  
23 soil, geology, and climate, are such that a leachate  
24 control system is unnecessary. The director may  
25 exempt a permit applicant from the requirements of  
26 this subsection if the permittee certifies that a risk  
27 assessment of the site indicates that a current or  
28 potential threat to environmental health does not  
29 exist such that an exposed individual has no greater  
30 than a one in one million risk of developing cancer  
31 and for noncarcinogens a hazard index of less than  
32 one. The director shall use the United States  
33 environmental protection agency's risk assessment  
34 guidance for the superfund as a basis for determining  
35 whether to grant the exemption. The exemption in this  
36 subsection shall apply only to sanitary landfill cells  
37 in existence prior to July 1, 1992, or the vertical  
38 expansion above a cell in which waste was deposited  
39 prior to July 1, 1992. A sanitary landfill permittee  
40 desiring an exemption shall apply to the director and  
41 certify a completion date for a risk assessment study  
42 by December 1, 1994. If an exemption is not granted,  
43 or if the risk assessment study concludes that a  
44 leachate control system is required, a permittee shall  
45 certify a completion date and increments of progress  
46 for the installation of a leachate control system.  
47 The department shall retain the discretion to approve  
48 or disapprove a risk assessment study or a proposed  
49 completion date under this subsection. If a schedule  
50 for a risk assessment study or the installation of a

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1 leachate control system is approved by the department  
2 and satisfactory progress is being made toward  
3 completion of the study or the installation of the  
4 leachate control system, the permittee shall not be  
5 subject to penalties for failure to meet the  
6 requirements of this subsection.

7 Sec. 4. Section 455D.3, Code 1993, is amended to  
8 read as follows:

9 455D.3 GOAL.

10 1. YEAR 1994 AND 2000 GOALS. The goal of the  
11 state is to reduce the amount of materials in the  
12 waste stream, existing as of July 1, 1988, twenty-five  
13 percent by July 1, 1994, and fifty percent by July 1,  
14 2000, through the practice of waste volume reduction  
15 at the source and through recycling. For the purposes  
16 of this section, "waste stream" means the disposal of  
17 solid waste as "solid waste" is defined in section  
18 455B.301. ~~In determination of the reduction level of~~  
19 ~~the waste stream, it shall be considered that each~~  
20 ~~person currently generates three and one-half pounds~~  
21 ~~of waste per day, and that this amount shall be~~  
22 ~~reduced by the percentages indicated in order to~~  
23 ~~preserve the health and safety of all Iowans.~~

24 Notwithstanding section 455D.1, subsection 6,  
25 facilities which employ combustion of solid waste with  
26 energy recovery and refuse-derived fuel, which are  
27 included in an approved comprehensive plan, and which  
28 were in operation prior to July 1, 1989, may include  
29 these processes in the definition of recycling for the  
30 purpose of meeting the state goal if at least thirty-  
31 five percent of the waste reduction goal, required to  
32 be met by July 1, 2000, pursuant to this section, is  
33 met through volume reduction at the source and  
34 recycling and reuse, as established pursuant to  
35 section 455B.301A, subsection 1, paragraphs "a" and  
36 "b".

37 2. PROJECTED WASTE STREAM -- YEAR 2000. A planning  
38 area may request the department to allow the planning  
39 area to project the planning area's waste stream for  
40 the year 2000 for purposes of meeting the year 2000  
41 fifty percent waste volume reduction and recycling  
42 goals required by this section. The department shall  
43 make a determination of the eligibility to use this  
44 option based upon the annual tonnage of solid waste  
45 processed by the planning area and the population  
46 density of the area the planning area serves. If the  
47 department agrees to allow the planning area to make  
48 year 2000 waste stream projections, the planning area  
49 shall calculate the year 2000 projections and submit  
50 the projections to the department for approval. The

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1 planning area shall use data which is current as of  
2 July 1, 1994, and shall take into account population,  
3 employment, and industrial changes and documented

4 diversions due to existing programs. The planning  
5 area shall use the departmental methodology to  
6 calculate the tonnage necessary to be diverted from  
7 landfills in order to meet the year 2000 fifty percent  
8 waste volume reduction and recycling goals required by  
9 this section. Once the department approves the year  
10 2000 projections, the projections shall not be changed  
11 prior to the year 2001.

12 3. DEPARTMENTAL MONITORING.

13 a. By October 31, 1994, a planning area shall  
14 submit to the department, a solid waste abatement  
15 table which is updated through June 30, 1994. By  
16 April 1, 1995, the department shall report to the  
17 general assembly on the progress that has been made by  
18 each planning area on attainment of the July 1, 1994,  
19 twenty-five percent goal.

20 If at any time the department determines that a  
21 planning area has met or exceeded the twenty-five  
22 percent goal, a planning area shall subtract twenty-  
23 five cents from the total amount of the tonnage fee  
24 imposed pursuant to section 455B.310, subsection 2,  
25 paragraph "a". The reduction in tonnage fees pursuant  
26 to this paragraph shall be taken from that portion of  
27 the tonnage fees which would have been allocated for  
28 landfill alternative grants pursuant to section  
29 455E.11, subsection 2, paragraph "a", subparagraph  
30 (9).

31 If the department determines that a planning area  
32 has failed to meet the July 1, 1994, twenty-five  
33 percent goal, the planning area shall, at a minimum,  
34 implement the solid waste management techniques as  
35 listed in subsection 4. Evidence of implementation of  
36 the solid waste management techniques shall be  
37 documented in subsequent comprehensive plans submitted  
38 to the department.

39 b. If at any time the department determines that a  
40 planning area has reduced the amount of materials in  
41 the waste stream, existing as of July 1, 1988, by  
42 thirty-eight percent, as indicated in a solid waste  
43 abatement table submitted by the planning area, the  
44 planning area shall subtract twenty-five cents from  
45 the total amount of the tonnage fee imposed pursuant  
46 to section 455B.310, subsection 2, paragraph "a".  
47 This amount shall be in addition to any amounts  
48 subtracted pursuant to paragraph "a". The reduction  
49 in tonnage fees pursuant to this paragraph shall be  
50 taken from that portion of the tonnage fees which

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1 would have been allocated for landfill alternative  
2 grants pursuant to section 455E.11, subsection 2,  
3 paragraph "a", subparagraph (9).

4 c. By October 31, 2000, a planning area shall  
5 submit to the department, a solid waste abatement  
6 table which is updated through June 30, 2000. By  
7 April 1, 2001, the department shall report to the  
8 general assembly on the progress that has been made by  
9 each planning area on attainment of the July 1, 2000,  
10 fifty percent goal.

11 If at any time the department determines that a  
12 planning area has met or exceeded the fifty percent  
13 goal, the planning area shall subtract fifty cents  
14 from the total amount of the tonnage fee imposed  
15 pursuant to section 455B.310, subsection 2, paragraph  
16 "a". This amount shall be in addition to any amounts  
17 subtracted pursuant to paragraphs "a" and "b". The  
18 reduction in tonnage fees pursuant to this paragraph  
19 shall be taken from that portion of the tonnage fees  
20 which would have been allocated to landfill  
21 alternative grants pursuant to section 455E.11,  
22 subsection 2, paragraph "a", subparagraph (9).

23 4. **SOLID WASTE MANAGEMENT TECHNIQUES.** A planning  
24 area that fails to meet the twenty-five percent goal  
25 shall implement the following solid waste management  
26 techniques:

27 a. Remit fifty cents per ton to the department, as  
28 of July 1, 1995. The funds shall be deposited in the  
29 solid waste account under section 455E.11, subsection  
30 2, paragraph "a", to be used in accordance with  
31 section 455E.11, subsection 2, paragraph "a",  
32 subparagraph (9). Moneys under this paragraph shall  
33 be remitted until such time as evidence of attainment  
34 of the twenty-five percent goal is documented in  
35 subsequent comprehensive plans submitted to the  
36 department.

37 b. Notify the public of the planning area's  
38 failure to meet the waste volume reduction goals of  
39 this section, utilizing standard language developed by  
40 the department for that purpose.

41 c. Develop draft ordinances which shall be used by  
42 local governments for establishing collection fees  
43 that are based on volume or on the number of  
44 containers used for disposal by residents.

45 d. Conduct an educational and promotional program  
46 to inform citizens of the manner and benefits of  
47 reducing, reusing, and recycling materials and the  
48 procurement of products made with recycled content.

49 The program shall include the following:  
50 (1) Targeted waste reduction and recycling

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1 education for residents, including multifamily  
2 dwelling complexes having five or more units.  
3 (2) An intensive one day seminar for the  
4 commercial sector regarding the benefits of and  
5 opportunities for waste reduction and recycling.  
6 (3) Promotion of recycling through targeted  
7 community and media events.

8 (4) Recycling notification and education packets  
9 to all new residential, commercial, and institutional  
10 collection service customers that include, at a  
11 minimum, the manner of preparation of materials for  
12 collection, and the reasons for separation of  
13 materials for recycling.

14 Sec. 5. Section 455E.11, subsection 2, paragraph  
15 a, subparagraph (9), Code Supplement 1993, is amended  
16 to read as follows:

17 (9) One dollar per ton from the fees imposed under  
18 section 455B.310 for the fiscal year beginning July 1,  
19 1990, and thereafter shall be used by the department  
20 to develop and implement demonstration projects for  
21 landfill alternatives to solid waste disposal  
22 including recycling programs. The first fifty  
23 thousand dollars of moneys allocated to the department  
24 pursuant to this subparagraph shall be used for  
25 administration of the special waste authorization  
26 program established pursuant to section 455B.304,  
27 subsection 18. Of the remaining moneys, sixty-five  
28 thousand dollars shall be allocated to the waste  
29 management assistance division of the department to be  
30 used for the by-products and waste search service at  
31 the university of northern Iowa. The by-products and  
32 waste search service at the university of northern  
33 Iowa shall cooperate with Iowa state university in  
34 waste exchange activities.

35 Sec. 6. ADDITIONAL POSITION. Notwithstanding the  
36 full-time equivalent position limitations in effect  
37 for the department of natural resources for fiscal  
38 year beginning July 1, 1994, and ending June 30, 1995,  
39 the environmental protection division of the  
40 department of natural resources may employ one  
41 additional full-time equivalent position to administer  
42 the special waste authorization program established  
43 pursuant to section 455B.304, subsection 18.

44 Sec. 7. RULES. The commission shall adopt rules  
45 to establish a special waste authorization program.

46 The rules shall be effective by December 31, 1994.  
47 Sec. 8. EFFECTIVE DATE. Section 3 of this Act,  
48 being deemed of immediate importance, takes effect  
49 upon enactment. The remainder of this Act takes  
50 effect on July 1, 1994."

S-5778

1 Amend the House amendment, S-5759, to Senate File  
2 2330, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by striking lines 20 through 23.

5 2. Page 1, by inserting before line 24 the  
6 following:

7 " \_\_\_\_ . Page 8, line 28, by striking the figure  
8 "20,000" and inserting the following: "40,000"."

9 3. Page 1, by striking line 44 and inserting the  
10 following:

11 " \_\_\_\_ . Page 10, by inserting after line 15 the  
12 following:

13 "Sec. 500. BOTTLE DEPOSIT SURCHARGE TRANSFER.

14 Notwithstanding the provisions of section 123.24,  
15 subsection 5, and section 123.53, subsection 4,  
16 providing for collection and deposit of liquor bottle  
17 surcharge funds in the beer and liquor control fund  
18 for liquor container disposal costs, up to \$380,000 of  
19 the surcharge funds which remain unencumbered on July  
20 1, 1993, shall be transferred and credited to the  
21 general fund of the state."

22 4. Page 1, by inserting after line 45 the  
23 following:

24 " \_\_\_\_ . Page 11, line 2, by inserting after the  
25 figure "16," the following: "500,"."

26 5. Page 1, by inserting after line 45 the  
27 following:

28 " \_\_\_\_ . Page 13, line 10, by striking the figure  
29 "3,600,000" and inserting the following:  
30 "3,700,000"."

31 6. Page 3, by inserting after line 6 the  
32 following:

33 " \_\_\_\_ . Page 18, by inserting after line 6 the  
34 following:

35 "Sec. \_\_\_\_ . APPROPRIATION -- ASSOCIATE JUVENILE

36 JUDGE. There is appropriated from the general fund of  
37 the state to the judicial department for the fiscal  
38 year beginning July 1, 1994, and ending June 30, 1995,  
39 the following amount, or so much thereof as is  
40 necessary, to be used for the purpose designated:  
41 For an additional associate juvenile judge for a  
42 judicial district located in a county with a

43 population over two hundred twenty-five thousand,  
 44 including salaries, support, maintenance,  
 45 miscellaneous purposes, and for not more than the  
 46 following full-time equivalent positions:

47 .....	\$	140,000
48 .....	FTEs	2.75".
49 ____ . Page 18, by striking lines 18 through 23."		
50 7. Page 3, by striking lines 13 and 14.		

Page 2

1 8. Page 4, by striking lines 9 and 10.  
 2 9. Page 4, by inserting before line 11 the  
 3 following:  
 4 "\_\_\_\_ . Page 27, by inserting after line 17 the  
 5 following:  
 6 "Sec. 401. PARENTING PILOT PROJECT. The  
 7 department of education shall establish a four-year  
 8 pilot project in a county with a population of less  
 9 than thirty-five thousand inhabitants which provides  
 10 outreach and incentives for the voluntary  
 11 participation of expectant parents and parents of  
 12 children in the period of life from birth through age  
 13 three, in educational experiences designed to assist  
 14 parents in learning about the physical, mental, and  
 15 emotional development of their children and to enhance  
 16 the skills of the parents in assisting their  
 17 children's learning and development. The department  
 18 shall establish criteria for programs offered through  
 19 the project, which may include, but are not limited  
 20 to, the criteria established for family support  
 21 programs under section 256A.4. The department shall  
 22 report to the general assembly by January 15, 1998,  
 23 regarding the success of the pilot project in meeting  
 24 the goals established in this section.

25 Sec. 402. APPROPRIATION. There is appropriated  
 26 from the general fund of the state to the department  
 27 of education for the fiscal year beginning July 1,  
 28 1994, and ending June 30, 1995, the following amount,  
 29 or so much thereof as is necessary, to be used for the  
 30 purpose designated:

31 For establishing a parent education pilot project 32 under section 401 in a county with fewer than thirty- 33 five thousand inhabitants:		
34 .....	\$	50,000".

35 10. Page 4, by inserting after line 27 the  
 36 following:  
 37 "\_\_\_\_ . Page 27, line 31, by inserting after the  
 38 figure "60," the following: "401, 402,"."  
 39 11. Page 4, by inserting after line 33 the



40 following:

41 " \_\_\_\_ . Page 27, line 34, by inserting after the  
42 figure "60," the following: "401, 402,."

43 12. Page 4, by inserting after line 35 the  
44 following:

45 " \_\_\_\_ . Page 30, by inserting after line 29 the  
46 following:

47 "Sec. \_\_\_\_ . 1994 Iowa Acts, House File 2403,  
48 section 6, is repealed."

49 13. Page 8, by inserting after line 18 the  
50 following:

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1 " \_\_\_\_ . Page 34, by inserting after line 19 the  
2 following:

3 "Sec. \_\_\_\_ . APPROPRIATION FOR THE DEPARTMENT OF  
4 PUBLIC SAFETY. There is appropriated from the general  
5 fund of the state to the department of public safety  
6 for the fiscal year beginning July 1, 1993, and ending  
7 June 30, 1994, the following amounts, in addition to  
8 the amounts appropriated pursuant to 1994 Iowa Acts,  
9 Senate File 2217, or so much thereof as is necessary,  
10 to be used for the purposes designated:

11 1. For salaries, support, maintenance,  
12 miscellaneous purposes and for not more than five  
13 full-time equivalent positions devoted to the  
14 regulation of pari-mutuel gambling, including the  
15 state contribution to the peace officers' retirement,  
16 accident, and disability system provided in chapter  
17 97A in the amount of 18 percent of the officers'  
18 salaries:

19 ..... \$ 177,879

20 This appropriation is contingent upon passage of  
21 one or more referendums authorizing gambling games  
22 within the pari-mutuel racetrack enclosures.

23 2. To the division of criminal investigation for  
24 salaries, support, maintenance, and miscellaneous  
25 purposes and for not more than five full-time  
26 equivalent positions, including the state contribution  
27 to the peace officers' retirement, accident, and  
28 disability system provided in chapter 97A in the  
29 amount of 18 percent of the officers' salaries:

30 ..... \$ 129,486

31 Sec. \_\_\_\_ . RACING AND GAMING COMMISSION. There is  
32 appropriated from the general fund of the state to the  
33 racing and gaming commission of the department of  
34 inspections and appeals for the fiscal year beginning  
35 July 1, 1993, and ending June 30, 1994, the following  
36 amount, or so much thereof as is necessary, to be used

37 for the purposes designated:

38 For salaries, support, maintenance, miscellaneous  
39 purposes, and for not more than the following full-  
40 time equivalent positions:

41 ..... \$ 1,894,011  
42 ..... FTEs 23.97

43 The appropriation made and full-time equivalent  
44 position authorized in 1994 Iowa Acts, Senate File  
45 2218, section 7, subsection 1, shall be reduced and  
46 are replaced, respectively, by the appropriation and  
47 full-time equivalent positions carried forward into  
48 the fiscal year beginning July 1, 1994, from the  
49 appropriation made and full-time equivalent positions  
50 authorized in this section.

Page 4

1 Sec. \_\_\_\_ 1994 Iowa Acts, Senate File 2217,  
2 section 3, subsection 2, is amended by adding the  
3 following new unnumbered paragraph:  
4 NEW UNNUMBERED PARAGRAPH. The department of public  
5 safety, with the approval of the department of  
6 management, may employ up to one gaming enforcement  
7 officer for each riverboat existing on March 31, 1994,  
8 whose hours of operation exceed those hours in effect  
9 prior to March 31, 1994, and no more than two special  
10 agents and four gaming enforcement officers for each  
11 additional riverboat regulated on or after March 31,  
12 1994.”

LARRY MURPHY  
DERRYL McLAREN

S-5779

1 Amend the House amendment, S-5759, to Senate File  
2 2330, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by inserting after line 30 the  
5 following:

6 “ \_\_\_\_ . Page 8, by inserting after line 32 the  
7 following:

8 “ \_\_\_\_ . To the department of economic development to  
9 continue the funding for the promotion of a national  
10 heritage landscape in Iowa as provided in 1993 Iowa  
11 Acts, chapter 180, section 66:

12 ..... \$ 50,000.”

JIM LIND  
LARRY MURPHY

S-5780

- 1 Amend the House amendment, S-5759, to Senate File
- 2 2330 as amended, passed, and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 5.

MAGGIE TINSMAN  
SHELDON RITTMER

S-5781

- 1 Amend the amendment, S-5252, to House File 2374, as
- 2 passed by the House, as follows:
- 3 1. Page 1, by striking lines 2 through 6 and
- 4 inserting the following:
- 5 "\_\_\_\_. By striking everything after the enacting
- 6 clause and inserting the following:
- 7 "Section 1. Section 422.7, Code Supplement 1993,
- 8 is amended by adding the following new subsection:
- 9 NEW SUBSECTION. 29. Subtract, to the extent not
- 10 otherwise deducted in computing adjusted gross income,
- 11 the amounts paid by the taxpayer for the purchase of
- 12 health insurance for the taxpayer or taxpayer's spouse
- 13 or dependent.
- 14 Sec. 2. NEW SECTION. 505.22 SELF-FUNDED
- 15 EMPLOYER-SPONSORED HEALTH BENEFIT PLAN PARTICIPATION
- 16 IN IOWA INDIVIDUAL HEALTH BENEFIT REINSURANCE
- 17 ASSOCIATION.
- 18 1. A self-funded employer-sponsored health benefit
- 19 plan qualified under the federal Employee Retirement
- 20 Income Security Act of 1974 may voluntarily elect to
- 21 participate in the Iowa individual health benefit
- 22 reinsurance association established in section 513C.10
- 23 in accordance with the plan of operation and subject
- 24 to such terms and conditions adopted by the board of
- 25 the association to provide portability and continuity
- 26 to its covered employees and their covered spouses and
- 27 dependents subject to the same terms and conditions as
- 28 a participating insurer.
- 29 2. If the federal Employee Retirement Income
- 30 Security Act of 1974 is amended such that the state
- 31 may require the participation of a self-funded
- 32 employer, the individual reinsurance requirements
- 33 shall apply equally to such employers.
- 34 3. When and if the federal government imposes
- 35 conditions of portability and continuity on self-
- 36 funded employers qualified under the federal Employee
- 37 Retirement Income Security Act of 1974 that the
- 38 commissioner deems are substantially similar to those

39 required of Iowa insurers, coverage under such  
40 qualified plan shall be deemed qualified prior  
41 coverage for purposes of chapters 513B and 513C.  
42 Sec. 3. Section 507A.10, Code 1993, is amended to  
43 read as follows:

44 507A.10 CEASE AND DESIST ORDER -- CIVIL PENALTY.

45 The commissioner Upon a determination by the  
46 commissioner, after a hearing conducted pursuant to  
47 chapter 17A, that a person or insurer has violated a  
48 provision of this chapter, the commissioner shall  
49 reduce the findings of the hearing to writing and  
50 deliver a copy of the findings to the person or

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1 insurer, may issue an order requiring the person or  
2 insurer to cease and desist from engaging in the  
3 conduct resulting in the violation, and may assess a  
4 civil penalty of not more than fifty thousand dollars  
5 against a the person or insurer who has violated a  
6 provision of this chapter.

7 Sec. 4. Section 507B.4, subsection 1, Code  
8 Supplement 1993, is amended by adding the following  
9 new paragraph:

10 NEW PARAGRAPH. k. Misrepresents the access to  
11 health care practitioners under a managed care health  
12 plan. The commissioner shall adopt rules providing  
13 for monitoring of such plans.

14 Sec. 5. Section 508.5, Code 1993, is amended to  
15 read as follows:

16 508.5 CAPITAL AND SURPLUS REQUIRED.

17 A stock life insurance company shall not be  
18 authorized to transact business under this chapter  
19 with less than two million five hundred thousand  
20 dollars capital stock fully paid for in cash and two  
21 million five hundred thousand dollars of surplus paid  
22 in cash or invested as provided by law. A stock life  
23 insurance company shall not increase its capital stock  
24 unless the amount of the increase is fully paid in  
25 cash. The stock shall be divided into shares of not  
26 less than one dollar par value each. A company that  
27 undergoes a change of control as defined in chapter  
28 521A shall maintain the minimum capital and surplus  
29 requirements mandated by this section.

30 Sec. 6. Section 508.9, Code 1993, is amended to  
31 read as follows:

32 508.9 MUTUAL COMPANIES -- CONDITIONS.

33 Level premium and natural premium life insurance  
34 companies organized under the laws of this state upon  
35 the mutual plan shall, before issuing policies, have

36 actual applications on at least two hundred and fifty  
37 lives for an average amount of one thousand dollars  
38 each. A list of the applications giving the name,  
39 age, residence, amount of insurance, and annual  
40 premium of each applicant shall be filed with the  
41 commissioner of insurance, and a deposit made with the  
42 commissioner of an amount equal to three-fifths of the  
43 whole annual premium on the applications, in cash or  
44 the securities required by section 508.5. In  
45 addition, a deposit of cash or securities of the  
46 character provided by law for the investment of funds  
47 for life insurance companies in the sum of five  
48 million dollars shall be made with the commissioner,  
49 which shall constitute a security fund for the  
50 protection of policyholders. The contribution to the

Page 3

1 security fund shall not give to contributors to the  
2 fund or to other persons any voting or other power in  
3 the management of the affairs of the company. The  
4 security fund may be repaid to the contributors to the  
5 security fund with interest at six percent from the  
6 date of contribution, at any time, in whole or in  
7 part, if the repayment does not reduce the surplus of  
8 the company below the amount of five million dollars  
9 and then only if consent in writing for the repayment  
10 is obtained from the commissioner of insurance. Upon  
11 compliance with this section, the commissioner shall  
12 issue to the mutual company the certificate prescribed  
13 in this chapter. A company that undergoes a change of  
14 control as defined in chapter 521A shall maintain the  
15 minimum surplus requirement mandated by this section.

16 Sec. 7. Section 513B.2, subsection 12, paragraph  
17 a, subparagraph (3), Code Supplement 1993, is amended  
18 to read as follows:

19 (3) The individual requests enrollment within  
20 ~~thirty~~ sixty days after termination of the qualifying  
21 previous coverage.

22 Sec. 8. Section 513B.2, subsection 12, paragraph  
23 c, Code Supplement 1993, is amended to read as  
24 follows:

25 c. A court has ordered that coverage be provided  
26 for a spouse or minor or dependent child under a  
27 covered employee's health benefit plan and the request  
28 for enrollment is made within ~~thirty~~ sixty days after  
29 issuance of the court order.

30 Sec. 9. Section 513B.37, subsection 1, paragraph  
31 a, Code Supplement 1993, is amended to read as  
32 follows:

33 a. What benefits or direct pay requirements must  
34 be minimally included in a basic or standard benefit  
35 coverage policy or subscription contract.

36 Sec. 10. Section 513B.38, Code Supplement 1993, is  
37 amended by adding the following new subsection:

38 NEW SUBSECTION. 4. Upon the determination of the  
39 commissioner pursuant to section 513B.37, subsection  
40 1, paragraph "a", to include expanded preventative  
41 care services and mental health and substance abuse  
42 treatment coverage, the commissioner shall do all of  
43 the following:

44 a. Adopt by rule, with all due diligence,  
45 requirements for the provision of expanded coverage  
46 for benefits for expanded preventative care services.

47 b. Adopt by rule, with all due diligence,  
48 requirements for the provision of coverage for  
49 benefits for mental health and substance abuse  
50 services.

#### Page 4

1 Sec. 11. NEW SECTION. 513B.44 INDIVIDUAL HEALTH  
2 PLAN PREMIUM CREDIT.

3 1. The division shall adopt rules to implement and  
4 administer the premium credit authorized by this  
5 section, which rules shall include the minimum  
6 standard application form for premium credit  
7 eligibility. Forms shall be printed by participating  
8 insurance companies or health insurance purchasing  
9 cooperatives and provided to individuals wishing to  
10 apply for premium credit eligibility.

11 2. The amount of the premium credit is equal to  
12 twenty-five dollars per month, per participating  
13 eligible individual or fifty dollars per month per  
14 eligible family purchasing a health plan from an  
15 insurer, health maintenance organization, or organized  
16 delivery system authorized to do business in this  
17 state, whether purchased directly or through a health  
18 insurance purchasing cooperative.

19 3. An individual or family is eligible for  
20 participation in the subsidized insurance premium  
21 credit health insurance plan if the family income is  
22 less than or equal to two hundred percent of the  
23 federal poverty level as published annually in the  
24 federal register by the United States department of  
25 health and human services. An application for  
26 eligibility is valid for up to one year.

27 Notwithstanding the income requirement of this  
28 subsection, the division by rule may increase the  
29 income limitation for the purpose of increasing the

30 number of eligible individuals and families to assure  
31 that the premium credit is fully utilized to the  
32 extent authorized in this section.

33 4. The earned premium credit is limited to the  
34 first full-year equivalent participating eligible  
35 applications submitted under this section preapproved  
36 by the division in any single fiscal year, which  
37 request in the aggregate four million five hundred  
38 thousand dollars in earned premium credit.

39 5. The carrier shall credit to the participating  
40 individual's or family's premium liability, an amount  
41 equal to the premium credit earned pursuant to  
42 subsection 2. If purchased through a health insurance  
43 purchasing cooperative, the cooperative shall reduce  
44 the member assessment to the individual or family by  
45 an equal amount.

46 6. The premium credit provided by this section is  
47 only available in connection with either of the  
48 following:

49 a. A basic benefit plan approved by the  
50 commissioner.

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1 b. A major medical policy approved by the  
2 commissioner providing coverage to an eligible  
3 individual or family, either on a group or individual  
4 basis. An individual or family may acquire group  
5 coverage for which they are financially responsible  
6 through an employer's participation in a health  
7 insurance purchasing cooperative.

8 7. The policy shall also satisfy any conditions  
9 imposed by rules adopted pursuant to subsection 1  
10 which the commissioner determines are necessary or  
11 convenient to implement and administer the premium  
12 credit.

13 8. a. A person submitting an intentionally  
14 fraudulent premium credit application forfeits the  
15 credit and shall pay to the division a liquidated  
16 damages penalty of one hundred fifty percent of the  
17 credit forfeited.

18 b. A person submitting a premium credit  
19 application which that person should have known was  
20 false forfeits the credit and shall pay to the  
21 division a liquidated damages penalty of ten percent  
22 of the credit forfeited.

23 9. The insurance carrier shall receive a premium  
24 tax credit equal to, at minimum, the premium credit  
25 earned by the carrier's insureds pursuant to  
26 subsection 2.

27 10. The division shall submit an annual report to  
 28 the general assembly concerning the number of eligible  
 29 applicants for the individual health plan premium  
 30 credit established in this section, the number of  
 31 applications approved and the aggregate amount of  
 32 premium credits issued to eligible applicants, and the  
 33 number and amount of liquidated damage penalties  
 34 assessed and collected.

35 Sec. 12. NEW SECTION. 513C.1 SHORT TITLE.

36 This chapter shall be known and may be cited as the  
 37 "Individual Health Insurance Market Reform Act".

38 Sec. 13. NEW SECTION. 513C.2 PURPOSE.

39 The purpose and intent of this chapter is to  
 40 promote the availability of health insurance coverage  
 41 to individuals regardless of their health status or  
 42 claims experience, to prevent abusive rating  
 43 practices, to require disclosure of rating practices  
 44 to purchasers, to establish rules regarding the  
 45 renewal of coverage, to establish limitations on the  
 46 use of preexisting condition exclusions, to assure  
 47 fair access to health plans, and to improve the  
 48 overall fairness and efficiency of the individual  
 49 health insurance market.

50 Sec. 14. NEW SECTION. 513C.3 DEFINITIONS.

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- 1 As used in this chapter, unless the context  
 2 otherwise requires:
- 3 1. "Actuarial certification" means a written  
 4 statement by a member of the American academy of  
 5 actuaries or other individual acceptable to the  
 6 commissioner that an individual carrier is in  
 7 compliance with the provision of section 513C.5 which  
 8 is based upon the actuary's or individual's  
 9 examination, including a review of the appropriate  
 10 records and the actuarial assumptions and methods used  
 11 by the carrier in establishing premium rates for  
 12 applicable individual health benefit plans.
- 13 2. "Affiliate" or "affiliated" means any entity or  
 14 person who directly or indirectly through one or more  
 15 intermediaries, controls or is controlled by, or is  
 16 under common control with, a specified entity or  
 17 person.
- 18 3. "Basic or standard health benefit plan" means  
 19 the core group of health benefits developed pursuant  
 20 to section 513C.8.
- 21 4. "Block of business" means all the individuals  
 22 insured under the same individual health benefit plan.
- 23 5. "Carrier" means any entity that provides



24 individual health benefit plans in this state. For  
25 purposes of this chapter, carrier includes an  
26 insurance company, a group hospital or medical service  
27 corporation, a fraternal benefit society, a health  
28 maintenance organization, and any other entity  
29 providing an individual plan of health insurance or  
30 health benefits subject to state insurance regulation.

31 6. "Commissioner" means the commissioner of  
32 insurance.

33 7. "Director" means the director of public health  
34 appointed pursuant to section 135.2.

35 8. "Eligible individual" means an individual who  
36 is a resident of this state and who either has  
37 qualifying existing coverage or has had qualifying  
38 existing coverage within the immediately preceding  
39 thirty days, or an individual who has had a qualifying  
40 event occur within the immediately preceding thirty  
41 days.

42 9. "Established service area" means a geographic  
43 area, as approved by the commissioner and based upon  
44 the carrier's certificate of authority to transact  
45 business in this state, within which the carrier is  
46 authorized to provide coverage or a geographic area,  
47 as approved by the director and based upon the  
48 organized delivery system's license to transact  
49 business in this state, within which the organized  
50 delivery system is authorized to provide coverage.

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1 10. "Filed rate" means, for a rating period  
2 related to each block of business, the rate charged to  
3 all individuals with similar rating characteristics  
4 for individual health benefit plans.

5 11. "Individual health benefit plan" means any  
6 hospital or medical expense incurred policy or  
7 certificate, hospital or medical service plan, or  
8 health maintenance organization subscriber contract  
9 sold to an individual, or any discretionary group  
10 trust or association policy providing hospital or  
11 medical expense incurred coverage to individuals.  
12 Individual health benefit plan does not include a  
13 self-insured group health plan, a self-insured  
14 multiple employer group health plan, a group  
15 conversion plan, an insured group health plan,  
16 accident-only, specified disease, short-term hospital  
17 or medical, hospital confinement indemnity, credit,  
18 dental, vision, medicare supplement, long-term care,  
19 or disability income insurance coverage, coverage  
20 issued as a supplement to liability insurance,

21 workers' compensation or similar insurance, or  
22 automobile medical payment insurance.

23 12. "Organized delivery system" means an organized  
24 delivery system licensed by the director.

25 13. "Premium" means all moneys paid by an  
26 individual and eligible dependents as a condition of  
27 receiving coverage from a carrier or an organized  
28 delivery system, including any fees or other  
29 contributions associated with an individual health  
30 benefit plan.

31 14. "Qualifying event" means any of the following:

32 a. Loss of eligibility for medical assistance  
33 provided pursuant to chapter 249A or medicare coverage  
34 provided pursuant to Title XVIII of the federal Social  
35 Security Act.

36 b. Loss or change of dependent status under  
37 qualifying previous coverage.

38 c. The attainment by an individual of the age of  
39 majority.

40 15. "Qualifying existing coverage" or "qualifying  
41 previous coverage" means benefits or coverage provided  
42 under any of the following:

43 a. Any group health insurance that provides  
44 benefits similar to or exceeding benefits provided  
45 under the standard health benefit plan, provided that  
46 such policy has been in effect for a period of at  
47 least one year.

48 b. An individual health insurance benefit plan,  
49 including coverage provided under a health maintenance  
50 organization contract, a hospital or medical service

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1 plan contract, or a fraternal benefit society  
2 contract, that provides benefits similar to or  
3 exceeding the benefits provided under the standard  
4 health benefit plan, provided that such policy has  
5 been in effect for a period of at least one year.

6 c. An organized delivery system that provides  
7 benefits similar to or exceeding the benefits provided  
8 under the standard health benefit plan, provided that  
9 the benefits provided by the organized delivery system  
10 have been in effect for a period of at least one year.

11 16. "Rating characteristics" means demographic or  
12 other objective characteristics of individuals which  
13 are considered by the carrier in the determination of  
14 premium rates for the individuals and which are  
15 approved by the commissioner.

16 17. "Rating period" means the period for which  
17 premium rates established by a carrier are in effect.

18 18. "Restricted network provision" means a  
19 provision of an individual health benefit plan that  
20 conditions the payment of benefits, in whole or in  
21 part, on the use of health care providers that have  
22 entered into a contractual arrangement with the  
23 carrier or the organized delivery system to provide  
24 health care services to covered individuals.

25 Sec. 15. NEW SECTION. 513C.4 APPLICABILITY AND  
26 SCOPE.

27 This chapter applies to an individual health  
28 benefit plan delivered or issued for delivery to  
29 residents of this state on or after July 1, 1994.

30 1. Except as provided in subsection 2, for  
31 purposes of this chapter, carriers that are affiliated  
32 companies or that are eligible to file a consolidated  
33 tax return shall be treated as one carrier and any  
34 restrictions or limitations imposed by this chapter  
35 shall apply as if all individual health benefit plans  
36 delivered or issued for delivery to residents of this  
37 state by such affiliated carriers were issued by one  
38 carrier.

39 2. An affiliated carrier that is a health  
40 maintenance organization having a certificate of  
41 authority under section 513C.5 shall be considered to  
42 be a separate carrier for the purposes of this  
43 chapter.

44 Sec. 16. NEW SECTION. 513C.5 RESTRICTIONS  
45 RELATING TO PREMIUM RATES.

46 1. Premium rates for any block of individual  
47 health benefit plan business issued on or after July  
48 1, 1994, by a carrier subject to this chapter are  
49 subject to the composite effect of all of the  
50 following:

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1 a. After making actuarial adjustments based upon  
2 benefit design and rating characteristics, the filed  
3 rate for any block of business shall not exceed the  
4 filed rate for any other block of business by more  
5 than twenty percent.

6 b. The filed rate for any block of business shall  
7 not exceed the filed rate for any other block of  
8 business by more than thirty percent due to factors  
9 relating to rating characteristics.

10 c. The filed rate for any block of business shall  
11 not exceed the filed rate for any other block of  
12 business by more than thirty percent due to any other  
13 factors approved by the commissioner.

14 d. Rating characteristics other than age,

15 geographic area, and family composition shall not be  
16 used by a carrier without the prior approval of the  
17 commissioner.

18 e. Premium rates for individual health benefit  
19 plans shall comply with the requirements of this  
20 section notwithstanding any assessments paid or  
21 payable by the carrier pursuant to any reinsurance  
22 program or risk adjustment mechanism.

23 f. An adjustment, not to exceed fifteen percent  
24 annually due to the claim experience or health status  
25 of a block of business.

26 g. For purposes of this subsection, an individual  
27 health benefit plan that contains a restricted network  
28 provision shall not be considered similar coverage to  
29 an individual health benefit plan that does not  
30 contain such a provision, provided that the  
31 differential in payments made to network providers  
32 results in substantial differences in claim costs.

33 2. Notwithstanding subsection 1, the commissioner,  
34 with the concurrence of the board of the Iowa  
35 individual health benefit reinsurance association  
36 established in section 513C.10, may by order reduce or  
37 eliminate the allowed rating bands provided under  
38 subsection 1, paragraphs "a", "b", "c", and "f", or  
39 otherwise limit or eliminate the use of experience  
40 rating. The commissioner shall also develop a  
41 recommendation for the elimination of age as a rating  
42 characteristic, and shall submit such recommendation  
43 by January 9, 1995.

44 3. A carrier shall not transfer an individual  
45 involuntarily into or out of a block of business.

46 4. The commissioner may suspend for a specified  
47 period the application of subsection 1, paragraph "a",  
48 as to the premium rates applicable to one or more  
49 blocks of business of a carrier for one or more rating  
50 periods upon a filing by the carrier requesting the

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1 suspension and a finding by the commissioner that the  
2 suspension is reasonable in light of the financial  
3 condition of the carrier.

4 5. A carrier shall make a reasonable disclosure at  
5 the time of the offering for sale of any individual  
6 health benefit plan of all of the following:

7 a. The extent to which premium rates for a  
8 specified individual are established or adjusted based  
9 upon rating characteristics.

10 b. The carrier's right to change premium rates,  
11 and the factors, other than claim experience, that

12 affect changes in premium rates.

13 c. The provisions relating to the renewal of  
14 policies and contracts.

15 d. Any provisions relating to any preexisting  
16 condition.

17 e. All plans offered by the carrier, the prices of  
18 such plans, and the availability of such plans to the  
19 individual.

20 6. A carrier shall maintain at its principal place  
21 of business a complete and detailed description of its  
22 rating practices, including information and  
23 documentation that demonstrate that its rating methods  
24 and practices are based upon commonly accepted  
25 actuarial assumptions and are in accordance with sound  
26 actuarial principles.

27 7. A carrier shall file with the commissioner  
28 annually on or before March 15, an actuarial  
29 certification certifying that the carrier is in  
30 compliance with this chapter and that the rating  
31 methods of the carrier are actuarially sound. The  
32 certification shall be in a form and manner and shall  
33 contain information as specified by the commissioner.  
34 A copy of the certification shall be retained by the  
35 carrier at its principal place of business. Rate  
36 adjustments made in order to comply with this section  
37 are exempt from loss ratio requirements.

38 8. A carrier shall make the information and  
39 documentation maintained pursuant to subsection 5  
40 available to the commissioner upon request. The  
41 information and documentation shall be considered  
42 proprietary and trade secret information and shall not  
43 be subject to disclosure by the commissioner to  
44 persons outside of the division except as agreed to by  
45 the carrier or as ordered by a court of competent  
46 jurisdiction.

47 **Sec. 17. NEW SECTION. 513C.6 RENEWAL OF**  
48 **COVERAGE.**

49 1. An individual health benefit plan is renewable  
50 at the option of the individual, except in any of the

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1 following cases:

2 a. Nonpayment of the required premiums.

3 b. Fraud or misrepresentation.

4 c. The insured individual becomes eligible for  
5 medicare coverage under Title XVIII of the federal  
6 Social Security Act.

7 d. The carrier elects not to renew all of its  
8 individual health benefit plans in the state. In such

9 case, the carrier shall provide notice of the decision  
10 not to renew coverage to all affected individuals and  
11 to the commissioner in each state in which an affected  
12 insured individual is known to reside at least ninety  
13 days prior to the nonrenewal of the health benefit  
14 plan by the carrier. Notice to the commissioner under  
15 this paragraph shall be provided at least three  
16 working days prior to the notice to the affected  
17 individuals.

18 e. The commissioner finds that the continuation of  
19 the coverage would not be in the best interests of the  
20 policyholders or certificate holders, or would impair  
21 the carrier's ability to meet its contractual  
22 obligations.

23 2. A carrier that elects not to renew all of its  
24 individual health benefit plans in this state shall be  
25 prohibited from writing new individual health benefit  
26 plans in this state for a period of five years from  
27 the date of the notice to the commissioner.

28 3. With respect to a carrier doing business in an  
29 established geographic service area of the state, this  
30 section applies only to the carrier's operations in  
31 the service area.

32 **Sec. 18. NEW SECTION. 513C.7 AVAILABILITY OF**  
33 **COVERAGE.**

34 1. A carrier or an organized delivery system  
35 issuing an individual health benefit plan in this  
36 state shall issue a basic or standard health benefit  
37 plan to an eligible individual who applies for a plan  
38 and agrees to make the required premium payments and  
39 to satisfy other reasonable provisions of the basic or  
40 standard health benefit plan. A carrier or an  
41 organized delivery system is not required to issue a  
42 basic or standard health benefit plan to an individual  
43 who meets any of the following criteria:

44 a. The individual is covered or is eligible for  
45 coverage under a health benefit plan provided by the  
46 individual's employer.

47 b. An eligible individual who does not apply for a  
48 basic or standard health benefit plan within thirty  
49 days of a qualifying event or within thirty days upon  
50 becoming ineligible for qualifying existing coverage.

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1 c. The individual is covered or is eligible for  
2 any continued group coverage under section 4980b of  
3 the Internal Revenue Code, sections 601 through 608 of  
4 the federal Employee Retirement Income Security Act of  
5 1974, sections 2201 through 2208 of the federal Public

6 Health Service Act, or any state-required continued  
7 group coverage. For purposes of this subsection, an  
8 individual who would have been eligible for such  
9 continuation of coverage, but is not eligible solely  
10 because the individual or other responsible party  
11 failed to make the required coverage election during  
12 the applicable time period, is deemed to be eligible  
13 for such group coverage until the date on which the  
14 individual's continuing group coverage would have  
15 expired had an election been made.

16 2. A carrier or an organized delivery system shall  
17 issue the basic or standard health benefit plan to an  
18 individual currently covered by an underwritten  
19 benefit plan issued by that carrier or an organized  
20 delivery system at the option of the individual. This  
21 option must be exercised within thirty days of  
22 notification of a premium rate increase applicable to  
23 the underwritten benefit plan.

24 3. a. A carrier shall file with the commissioner,  
25 in a form and manner prescribed by the commissioner,  
26 the basic or standard health benefit plan to be used  
27 by the carrier. A basic or standard health benefit  
28 plan filed pursuant to this paragraph may be used by a  
29 carrier beginning thirty days after it is filed unless  
30 the commissioner disapproves of its use.

31 The commissioner may at any time, after providing  
32 notice and an opportunity for a hearing to the  
33 carrier, disapprove the continued use by a carrier of  
34 a basic or standard health benefit plan on the grounds  
35 that the plan does not meet the requirements of this  
36 chapter.

37 b. An organized delivery system shall file with  
38 the director, in a form and manner prescribed by the  
39 director, the basic or standard health benefit plan to  
40 be used by the organized delivery system. A basic or  
41 standard health benefit plan filed pursuant to this  
42 paragraph may be used by the organized delivery system  
43 beginning thirty days after it is filed unless the  
44 director disapproves of its use.

45 The director may at any time, after providing  
46 notice and an opportunity for a hearing to the  
47 organized delivery system, disapprove the continued  
48 use by an organized delivery system of a basic or  
49 standard health benefit plan on the grounds that the  
50 plan does not meet the requirements of this chapter.

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1 4. a. The individual basic or standard health  
2 benefit plan shall not deny, exclude, or limit

3 benefits for a covered individual for losses incurred  
4 more than twelve months following the effective date  
5 of the individual's coverage due to a preexisting  
6 condition. A preexisting condition shall not be  
7 defined more restrictively than any of the following:

8 (1) A condition that would cause an ordinarily  
9 prudent person to seek medical advice, diagnosis,  
10 care, or treatment during the twelve months  
11 immediately preceding the effective date of coverage.

12 (2) A condition for which medical advice,  
13 diagnosis, care, or treatment was recommended or  
14 received during the twelve months immediately  
15 preceding the effective date of coverage.

16 (3) A pregnancy existing on the effective date of  
17 coverage.

18 b. A carrier or an organized delivery system shall  
19 waive any time period applicable to a preexisting  
20 condition exclusion or limitation period with respect  
21 to particular services in an individual health benefit  
22 plan for the period of time an individual was  
23 previously covered by qualifying previous coverage  
24 that provided benefits with respect to such services,  
25 provided that the qualifying previous coverage was  
26 continuous to a date not more than thirty days prior  
27 to the effective date of the new coverage.

28 5. A carrier or an organized delivery system is  
29 not required to offer coverage or accept applications  
30 pursuant to subsection 1 from any individual not  
31 residing in the carrier's or the organized delivery  
32 system's established geographic access area.

33 6. A carrier or an organized delivery system shall  
34 not modify a basic or standard health benefit plan  
35 with respect to an individual or dependent through  
36 riders, endorsements, or other means to restrict or  
37 exclude coverage for certain diseases or medical  
38 conditions otherwise covered by the health benefit  
39 plan.

40 Sec. 19. NEW SECTION. 513C.8 HEALTH BENEFIT  
41 PLAN STANDARDS.

42 The commissioner shall adopt by rule the form and  
43 level of coverage of the basic health benefit plan and  
44 the standard health benefit plan for the individual  
45 market which shall be substantially similar to those  
46 as provided for under chapter 513B with respect to  
47 small group coverage.

48 Sec. 20. NEW SECTION. 513C.9 STANDARDS TO ASSURE  
49 FAIR MARKETING.

50 1. A carrier or an organized delivery system



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1 issuing individual health benefit plans in this state  
2 shall make available the basic or standard health  
3 benefit plan to residents of this state. If a carrier  
4 or an organized delivery system denies other  
5 individual health benefit plan coverage to an eligible  
6 individual on the basis of the health status or claims  
7 experience of the eligible individual, or the  
8 individual's dependents, the carrier or the organized  
9 delivery system shall offer the individual the  
10 opportunity to purchase a basic or standard health  
11 benefit plan.

12 2. A carrier, or an organized delivery system, or  
13 an agent shall not do either of the following:

14 a. Encourage or direct individuals to refrain from  
15 filing an application for coverage with the carrier or  
16 the organized delivery system because of the health  
17 status, claims experience, industry, occupation, or  
18 geographic location of the individuals.

19 b. Encourage or direct individuals to seek  
20 coverage from another carrier or another organized  
21 delivery system because of the health status, claims  
22 experience, industry, occupation, or geographic  
23 location of the individuals.

24 3. Subsection 2, paragraph "a", shall not apply  
25 with respect to information provided by a carrier or  
26 an organized delivery system or an agent to an  
27 individual regarding the established geographic  
28 service area of the carrier or the organized delivery  
29 system, or the restricted network provision of the  
30 carrier or the organized delivery system.

31 4. A carrier or an organized delivery system shall  
32 not, directly or indirectly, enter into any contract,  
33 agreement, or arrangement with an agent that provides  
34 for, or results in, the compensation paid to an agent  
35 for a sale of a basic or standard health benefit plan  
36 to vary because of the health status or permitted  
37 rating characteristics of the individual or the  
38 individual's dependents.

39 5. Subsection 4 does not apply with respect to the  
40 compensation paid to an agent on the basis of  
41 percentage of premium, provided that the percentage  
42 shall not vary because of the health status or other  
43 permitted rating characteristics of the individual or  
44 the individual's dependents.

45 6. Denial by a carrier or an organized delivery  
46 system of an application for coverage from an  
47 individual shall be in writing and shall state the  
48 reason or reasons for the denial.

49 7. A violation of this section by a carrier or an  
50 agent is an unfair trade practice under chapter 507B.

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1 8. If a carrier or an organized delivery system  
2 enters into a contract, agreement, or other  
3 arrangement with a third-party administrator to  
4 provide administrative, marketing, or other services  
5 related to the offering of individual health benefit  
6 plans in this state, the third-party administrator is  
7 subject to this section as if it were a carrier or an  
8 organized delivery system.

9 Sec. 21. NEW SECTION. 513C.10 IOWA INDIVIDUAL  
10 HEALTH BENEFIT REINSURANCE ASSOCIATION.

11 1. A nonprofit corporation is established to be  
12 known as the Iowa individual health benefit  
13 reinsurance association. All persons that provide  
14 health benefit plans in this state including insurers  
15 providing accident and sickness insurance under  
16 chapter 509, 514, or 514A; fraternal benefit societies  
17 providing hospital, medical, or nursing benefits under  
18 chapter 512B; health maintenance organizations,  
19 organized delivery systems, and all other entities  
20 providing health insurance or health benefits subject  
21 to state insurance regulation shall be members of this  
22 association. The association shall be incorporated  
23 under chapter 504A, shall operate under a plan of  
24 operation established and approved pursuant to chapter  
25 504A, and shall exercise its powers through a board of  
26 directors established under this section.

27 2. The initial board of directors of the  
28 association shall consist of seven members appointed  
29 by the commissioner as follows:

30 a. Four members shall be representatives of the  
31 four largest carriers of individual health insurance  
32 in the state, excluding medicare supplement coverage  
33 premiums, as of the calendar year ending December 31,  
34 1993.

35 b. Three members shall be representatives of the  
36 three largest writers of health insurance in the state  
37 which are not otherwise represented.

38 After an initial term, board members shall be  
39 nominated and elected by the members of the  
40 association.

41 Members of the board may be reimbursed from the  
42 funds of the association for expenses incurred by them  
43 as members, but shall not otherwise be compensated by  
44 the association for their services.

45 3. The association shall submit to the

46 commissioner a plan of operation for the association  
47 and any amendments to the association's articles of  
48 incorporation necessary and appropriate to assure the  
49 fair, reasonable, and equitable administration of the  
50 association. The plan shall provide for the sharing

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1 of losses related to basic and standard plans, if any,  
2 on an equitable and proportional basis among the  
3 members of the association. If the association fails  
4 to submit a suitable plan of operation within one  
5 hundred eighty days after the appointment of the board  
6 of directors, the commissioner shall adopt rules  
7 necessary to implement this section. The rules shall  
8 continue in force until modified by the commissioner  
9 or superseded by a plan submitted by the association  
10 and approved by the commissioner. In addition to  
11 other requirements, the plan of operation shall  
12 provide for all of the following:

13 a. The handling and accounting of assets and funds  
14 of the association.

15 b. The amount of and method for reimbursing the  
16 expenses of board members.

17 c. Regular times and places for meetings of the  
18 board of directors.

19 d. Records to be kept relating to all financial  
20 transactions, and annual fiscal reporting to the  
21 commissioner.

22 e. Procedures for selecting the board of  
23 directors.

24 f. Additional provisions necessary or proper for  
25 the execution of the powers and duties of the  
26 association.

27 4. The plan of operation may provide that the  
28 powers and duties of the association may be delegated  
29 to a person who will perform functions similar to  
30 those of the association. A delegation under this  
31 section takes effect only upon the approval of the  
32 board of directors.

33 5. The association has the general powers and  
34 authority enumerated by this section and executed in  
35 accordance with the plan of operation approved by the  
36 commissioner under subsection 3. In addition, the  
37 association may do any of the following:

38 a. Enter into contracts as necessary or proper to  
39 administer this chapter.

40 b. Sue or be sued, including taking any legal  
41 action necessary or proper for recovery of any  
42 assessments for, on behalf of, or against members of

43 the association or other participating persons.  
44 c. Appoint from among members appropriate legal,  
45 actuarial, and other committees as necessary to  
46 provide technical assistance in the operation of the  
47 association, including the hiring of independent  
48 consultants as necessary.  
49 d. Perform any other functions within the  
50 authority of the association.

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1 6. Rates for basic and standard coverages as  
2 provided in this chapter shall be determined by each  
3 carrier or organized delivery system as the average of  
4 the lowest rate available for issuance by that carrier  
5 or organized delivery system adjusted for rate  
6 characteristics and benefits and the maximum rate  
7 allowable by law after adjustments for rate  
8 characteristics and benefits.  
9 7. Following the close of each calendar year, the  
10 association, in conjunction with the commissioner,  
11 shall require each carrier or organized delivery  
12 system to report the amount of earned premiums and the  
13 associated paid losses for all basic and standard  
14 plans issued by the carrier or organized delivery  
15 system. The reporting of these amounts must be  
16 certified by an officer of the carrier or the  
17 organized delivery system.  
18 8. The board shall determine the amount of loss,  
19 if any, from all basic and standard plans issued in  
20 the state by all carriers and organized delivery  
21 systems by aggregating the data reported in subsection  
22 7. A loss shall be equal to ninety percent of earned  
23 premiums minus total paid claims.  
24 9. The loss plus necessary operating expenses for  
25 the association, plus any additional expenses as  
26 provided by law, shall be assessed by the association  
27 to all members in proportion to their respective  
28 shares of total health insurance premiums or payments  
29 for subscriber contracts received in Iowa during the  
30 second preceding calendar year, or with paid losses in  
31 the year, coinciding with or ending during the  
32 calendar year, or on any other equitable basis as  
33 provided in the plan of operation. In sharing losses,  
34 the association may abate or defer any part of the  
35 assessment of a member, if, in the opinion of the  
36 board, payment of the assessment would endanger the  
37 ability of the member to fulfill its contractual  
38 obligations. The association may also provide for an  
39 initial or interim assessment against members of the

40 association if necessary to assure the financial  
41 viability of the association to meet the operating  
42 expenses of the association until the next calendar  
43 year is completed.

44 10. The collected assessments shall be disbursed  
45 to a carrier or an organized delivery system in  
46 proportion to the loss that carrier or organized  
47 delivery system represented of the aggregate loss as  
48 determined in subsection 8.

49 11. A carrier or an organized delivery system may  
50 petition the association board to seek remedy from

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1 writing a significantly disproportionate share of  
2 basic and standard policies in relation to total  
3 premiums written in the state for health benefit  
4 plans. Upon a finding that a carrier or an organized  
5 delivery system has written a disproportionate share,  
6 the board may agree to compensate the carrier or the  
7 organized delivery system either by paying to the  
8 carrier or the organized delivery system an additional  
9 fee not to exceed two percent of earned premiums from  
10 basic and standard policies for that carrier or  
11 organized delivery system or by petitioning the  
12 commissioner or director, as appropriate, for remedy.

13 12. a. The commissioner, upon a finding that the  
14 acceptance of the offer of basic and standard coverage  
15 by individuals pursuant to this chapter would place  
16 the individual health insurance carrier in a  
17 financially impaired condition, shall not require the  
18 carrier to offer coverage or accept applications for  
19 any period of time the financial impairment is deemed  
20 to exist.

21 b. The director, upon a finding that the  
22 acceptance of the offer of basic and standard coverage  
23 by individuals pursuant to this chapter would place  
24 the organized delivery system in a financially  
25 impaired condition, shall not require the organized  
26 delivery system to offer coverage or accept  
27 applications for any period of time the financial  
28 impairment is deemed to exist.

29 **Sec. 22. NEW SECTION. 513C.11 INSURANCE DIVISION**  
30 **REPORTS.**

31 1. The insurance division shall annually provide a  
32 written report to the general assembly beginning  
33 January 1, 1995, which evaluates the effect of this  
34 chapter on providing universal coverage for all  
35 Iowans. This report may be completed in conjunction  
36 with the report required by section 505.21 relating to

37 the establishment of a requirement that an employer  
 38 provide access to health care to the employer's  
 39 employees, if enacted by the Seventy-fifth General  
 40 Assembly, second regular session.

41 2. The insurance division shall submit an annual  
 42 report to the general assembly on or before January 15  
 43 of each year concerning the aggregate number of  
 44 insureds who have coverage through an individual  
 45 health benefit plan issued under this chapter and the  
 46 net increase or decrease in the number of insureds  
 47 from the previous year.

48 Sec. 23. Section 514B.17, Code 1993, is amended to  
 49 read as follows:

50 514B.17 CANCELLATION OF ENROLLEES.

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1 1. An enrollee enrolled in a prepaid individual  
 2 plan shall not be canceled except for the failure to  
 3 pay the charges permitted under section 514B.10 or for  
 4 other reasons stated in the rules promulgated adopted  
 5 by the commissioner and subject to review in  
 6 accordance with chapter 17A. No Except as provided in  
 7 subsection 2 concerning prepaid group plans, notice of  
 8 cancellation to an enrollee shall not be effective  
 9 unless delivered to the enrollee by the health  
 10 maintenance organization in a manner prescribed by the  
 11 commissioner and at least thirty days before the  
 12 effective date of cancellation and unless accompanied  
 13 by a statement of reason for cancellation. At any  
 14 time before cancellation of the policy for nonpayment,  
 15 the enrollee may pay to the health maintenance  
 16 organization the full amount due, including court  
 17 costs if any, and from the date of payment by the  
 18 enrollee or the collection of the judgment, coverage  
 19 shall revive and be in full force and effect.

20 2. The effect of cancellation of a prepaid group  
 21 plan providing health care services to enrollees, and  
 22 the duty to provide notice and liability for benefits,  
 23 is the same as provided under section 509B.5,  
 24 subsection 2, for the termination of accident or  
 25 health insurance for employees or members.

26 Sec. 24. Section 514C.2, Code 1993, is amended to  
 27 read as follows:

28 514C.2 SKILLED NURSING CARE COVERED IN HOSPITALS.

29 An insurer, a hospital service corporation, or a  
 30 medical service corporation, which covers the costs of  
 31 skilled nursing care under an individual or group  
 32 policy of accident and health insurance regulated  
 33 under chapter 509 or 514A, or under a nonprofit

34 hospital or medical and surgical service plan  
35 regulated under chapter 514, or a health care service  
36 contract regulated under chapter 514B, shall also  
37 cover the costs of skilled nursing care in a hospital  
38 if the level of care needed by the insured or  
39 subscriber has been reclassified from acute care to  
40 skilled nursing care and no designated skilled nursing  
41 care beds or swing beds are available in the hospital  
42 or in another hospital or health care facility within  
43 a thirty-mile radius of the hospital. The insurer or  
44 corporation shall reimburse the insured or subscriber  
45 based on the skilled nursing care rate.

46 Sec. 25. NEW SECTION. 514C.8 COORDINATION OF  
47 HEALTH CARE BENEFITS WITH STATE MEDICAL ASSISTANCE.

48 1. An insurer, health maintenance organization, or  
49 hospital and medical service plan providing health  
50 care coverage to individuals in this state shall not

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1 consider the availability of or eligibility for  
2 medical assistance under Title XIX of the federal  
3 Social Security Act and chapter 249A, when determining  
4 eligibility of the individual for coverage or  
5 calculating payments to the individual under the  
6 health care coverage plan.

7 2. The state acquires the rights of an individual  
8 to payment from an insurer, health maintenance  
9 organization, or hospital or medical service plan to  
10 the extent payment for covered expenses is made  
11 pursuant to chapter 249A for health care items or  
12 services provided to the individual. Upon  
13 presentation of proof that payment was made pursuant  
14 to chapter 249A for covered expenses, the insurer,  
15 health maintenance organization, or hospital or  
16 medical service plan shall make payment to the state  
17 medical assistance program to the extent of the  
18 coverage provided in the policy or contract.

19 3. An insurer shall not impose requirements on the  
20 state with respect to the assignment of rights  
21 pursuant to this section that are different from the  
22 requirements applicable to an agent or assignee of a  
23 covered individual.

24 4. For purposes of this section, "insurer"  
25 includes a group health plan under the federal  
26 Employee Retirement Income Security Act of 1974.

27 Sec. 26. NEW SECTION. 514C.9 MEDICAL SUPPORT --  
28 INSURANCE REQUIREMENTS.

29 1. An insurer shall not deny coverage or  
30 enrollment of a child under the health plan of the

31 child's parent upon any of the following grounds:

32 a. The child is born out of wedlock.

33 b. The child is not claimed as a dependent on the  
34 parent's federal tax return.

35 c. The child does not reside with the parent or in  
36 the insurer's service area.

37 2. An insurer of a noncustodial parent providing  
38 health care coverage to the child of the noncustodial  
39 parent shall do all of the following:

40 a. Provide information to the custodian of the  
41 child as necessary for the child to obtain benefits  
42 through the coverage of the insurer.

43 b. Allow the custodian, or the provider with the  
44 custodian's approval, to submit claims for covered  
45 services without the approval of the noncustodial  
46 parent.

47 c. Make payment on a claim submitted in paragraph  
48 "b" directly to the custodian, the provider, or the  
49 state medical assistance agency.

50 3. If a parent is required by a court order or

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1 administrative order entered pursuant to chapter 252E  
2 to provide health coverage for a child and the parent  
3 is eligible for family health coverage, the insurer  
4 shall provide for all of the following:

5 a. Allow the parent to enroll under family  
6 coverage a child who is eligible for coverage without  
7 regard to an enrollment season restriction.

8 b. Enroll a child under family coverage upon  
9 application by the child's other parent or by the  
10 department of human services in the event a parent  
11 required by a court order or administrative order  
12 fails to apply for family health coverage.

13 c. Maintain coverage and not cancel the child's  
14 enrollment unless the insurer obtains written evidence  
15 of any of the following:

16 (1) The court order or administrative order is no  
17 longer in effect.

18 (2) The child will enroll in health coverage  
19 through an insurer which shall take effect not later  
20 than the effective date of the cancellation of  
21 enrollment.

22 (3) The employer has eliminated family health  
23 coverage for its employees.

24 (4) The parent is no longer paying the required  
25 premium because the employer no longer owes the parent  
26 compensation, or because the parent's employment has  
27 terminated and the parent has not elected to continue



28 coverage.

29 4. A group health plan shall establish reasonable  
30 procedures to determine whether a child is covered  
31 under a qualified medical support order pursuant to  
32 chapter 252E. The procedures shall be in writing,  
33 provide for prompt notice of each person specified in  
34 a medical support order as eligible to receive  
35 benefits under the plan group health upon receipt by  
36 the plan of the medical support order, and allow a  
37 custodian under chapter 252E to designate a  
38 representative for receipt of copies of notices in  
39 regard to the medical support order that are sent to  
40 the custodian and the department of human services'  
41 child support recovery unit.

42 5. For purposes of this section, unless the  
43 context otherwise requires:

44 a. "Child" means a person who is recognized under  
45 a qualified medical support order as having a right to  
46 enrollment under a group health plan.

47 b. "Court order" or "administrative order" means a  
48 ruling by a court or administrative agency in regard  
49 to the support a parent shall provide to the parent's  
50 child.

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1 c. "Qualified medical support order" means an  
2 order which creates or recognizes a child's right to  
3 receive health benefits, describes or determines the  
4 type of coverage to be provided, specifies the length  
5 of time for which the order applies, and specifies the  
6 plan to which the order applies.

7 Sec. 27. NEW SECTION. 514C.10 COVERAGE FOR  
8 ADOPTED CHILD.

9 1. DEFINITIONS. For purposes of this section,  
10 unless the context otherwise requires:

11 a. "Child" means, with respect to an adoption or a  
12 placement for adoption of the child, an individual who  
13 has not attained age eighteen as of the date of the  
14 issuance of a final adoption decree, or upon an  
15 interlocutory adoption decree becoming a final  
16 adoption decree, as provided in chapter 600, or as of  
17 the date of the placement for adoption.

18 b. "Placement for adoption" means the assumption  
19 of a legal obligation for the total or partial support  
20 of the child in anticipation of the adoption of the  
21 child. The child's placement with a person terminates  
22 upon the termination of such legal obligation.

23 2. COVERAGE REQUIRED. A policy or contract  
24 providing for third-party payment or prepayment of

25 health or medical expenses shall provide coverage  
26 benefits to a dependent child adopted by, or placed  
27 for adoption with, an insured or enrollee under the  
28 same terms and conditions as apply to a natural,  
29 dependent child of the insured or enrollee. The  
30 issuer of the policy or contract shall not restrict  
31 coverage under the policy or contract for a dependent  
32 child adopted by, or placed for adoption with, the  
33 insured or enrollee solely on the basis of a  
34 preexisting condition of such dependent child at the  
35 time that the child would otherwise become eligible  
36 for coverage under the plan, if the adoption or  
37 placement occurs while the insured or enrollee is  
38 eligible for coverage under the policy or contract.  
39 This section applies to the following classes of  
40 third-party payment provider contracts or policies  
41 delivered, issued for delivery, continued, or renewed  
42 in this state on or after July 1, 1994:  
43 a. Individual or group accident and sickness  
44 insurance providing coverage on an expense-incurred  
45 basis.  
46 b. An individual or group hospital or medical  
47 service contract issued pursuant to chapter 509, 514,  
48 or 514A.  
49 c. An individual or group health maintenance  
50 organization contract regulated under chapter 514B.

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1 d. An individual or group medicare supplemental  
2 policy, unless coverage pursuant to such policy is  
3 preempted by federal law.  
4 Sec. 28. Section 515.8, Code 1993, is amended to  
5 read as follows:  
6 515.8 PAID-UP CAPITAL REQUIRED.  
7 An insurance company other than a life insurance  
8 company shall not be incorporated to transact business  
9 upon the stock plan with less than two million five  
10 hundred thousand dollars capital, the entire amount of  
11 which shall be fully paid up in cash and invested as  
12 provided by law. An insurance company other than a  
13 life insurance company shall not increase its capital  
14 stock unless the amount of the increase is fully paid  
15 up in cash. The stock shall be divided into shares of  
16 not less than one dollar each. A company that  
17 undergoes a change of control as defined in chapter  
18 521A shall maintain the minimum capital requirements  
19 mandated by this section.  
20 Sec. 29. Section 515.10, Code 1993, is amended to  
21 read as follows:

## 22 515.10 SURPLUS REQUIRED.

23 An insurance company other than a life insurance  
24 company shall have, in addition to the required paid-  
25 up capital, a surplus in cash or invested in  
26 securities authorized by law of not less than two  
27 million five hundred thousand dollars. A company that  
28 undergoes a change of control as defined in chapter  
29 521A shall maintain the minimum surplus requirements  
30 mandated by this section.

31 Sec. 30. Section 515.12, subsection 5, Code 1993,  
32 is amended to read as follows:

33 5. The mutual company shall have in cash or in  
34 securities in which insurance companies are authorized  
35 to invest, surplus in an amount not less than five  
36 million dollars. The surplus so required may be  
37 advanced in accordance with section 515.19. A company  
38 that undergoes a change of control as defined in  
39 chapter 521A shall maintain the minimum surplus  
40 requirements mandated by this section.

41 However, the surplus requirements do not apply to a  
42 company which establishes and maintains a guaranty  
43 fund as provided by section 515.20.

44 Sec. 31. Section 518.14, Code 1993, is amended by  
45 striking the section and inserting in lieu thereof the  
46 following:

## 47 518.14 INVESTMENTS.

48 1. GENERAL CONSIDERATIONS. The following  
49 considerations apply in the interpretation of this  
50 section:

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1 a. This section applies to the investments of  
2 county mutual insurance associations.

3 b. The purpose of this section is to protect and  
4 further the interests of policyholders, claimants,  
5 creditors, and the public by providing standards for  
6 the development and administration of programs for the  
7 investment of the assets of associations organized  
8 under this chapter. These standards, and the  
9 investment programs developed by companies, shall take  
10 into account the safety of the association's  
11 principal, investment yield and growth, stability in  
12 the value of the investment, and liquidity necessary  
13 to meet the association's expected business needs, and  
14 investment diversification.

15 All investments made pursuant to this section shall  
16 have investment qualities and characteristics such  
17 that the speculative elements are not predominant.

18 c. Financial terms relating to county mutual

19 insurance associations have the meanings assigned to  
20 them under statutory accounting methods. Financial  
21 terms relating to companies or associations other than  
22 county mutual insurance associations have the meanings  
23 assigned to them under generally accepted accounting  
24 principles.

25 d. Investments shall be valued in accordance with  
26 the valuation procedures established by the national  
27 association of insurance commissioners, unless the  
28 commissioner requires or finds another method of  
29 valuation reasonable under the circumstances.

30 e. If an investment qualifies under more than one  
31 subsection, an association may elect to hold the  
32 investment under the subsection of its choice. This  
33 section does not prevent an association from electing  
34 to hold an investment under a subsection different  
35 from the one under which it previously held the  
36 investment.

37 2. DEFINITIONS. For purposes of this section:

38 a. "Admitted assets", for purposes of computing  
39 percentage limitations on particular types of  
40 investments, means the assets which are authorized to  
41 be shown on the commissioner's annual statement blank  
42 as admitted assets as of the December 31 immediately  
43 preceding the date the association acquires the  
44 investment.

45 b. "Clearing corporation" means as defined in  
46 section 554.8102, subsection 3.

47 c. "Custodian bank" means as defined in section  
48 554.8102, subsection 4.

49 d. "Issuer" means as defined in section 554.8201.

50 e. "Member bank" means a national bank, state

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1 bank, or trust company which is a member of the United  
2 States federal reserve system.

3 f. "National securities exchange" means an  
4 exchange registered under section 6 of the federal  
5 Securities Exchange Act of 1934 or an exchange  
6 regulated under the laws of Canada.

7 g. "Obligations" includes bonds, notes,  
8 debentures, transportation equipment certificates,  
9 domestic repurchase agreements, and obligations for  
10 the payment of money not in default as to payments of  
11 principal and interest on the date of investment,  
12 which constitute general obligations of the issuer or  
13 payable only out of certain revenues or certain funds  
14 pledged or otherwise dedicated for payment of  
15 principal and interest on the obligations. A lease is

16 an obligation if the lease is assigned to the insurer  
17 and is nonterminable by the lessee upon foreclosure of  
18 any lien upon the leased property, and if rental  
19 payments are sufficient to amortize the investment  
20 over the primary lease term.

21 3. INVESTMENTS IN NAME OF ASSOCIATION OR NOMINEE  
22 AND PROHIBITIONS.

23 a. An association's investments shall be held in  
24 its own name or the name of its nominee, except as  
25 follows:

26 (1) Investments may be held in the name of a  
27 clearing corporation or of a custodian bank or in the  
28 name of the nominee of either on the following  
29 conditions:

30 (a) The clearing corporation, custodian bank, or  
31 nominee must be legally authorized to hold the  
32 particular investment for the account of others.

33 (b) When the investment is evidenced by a  
34 certificate and held in the name of a custodian bank  
35 or the nominee of a custodian bank, a written  
36 agreement shall provide that certificates so deposited  
37 shall at all times be kept separate and apart from  
38 other deposits with the depository, so that at all  
39 times they may be identified as belonging solely to  
40 the association making the deposit.

41 (c) If a clearing corporation is to act as  
42 depository, the investment may be merged or held in  
43 bulk in the name of the clearing corporation or its  
44 nominee with other investments deposited with the  
45 clearing corporation by any other person, if a written  
46 agreement between the clearing corporation and the  
47 association provides that adequate evidence of the  
48 deposit is to be obtained and retained by the  
49 association or a custodian bank.

50 (2) An association may loan stocks or obligations

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1 held by it under this chapter to a broker-dealer  
2 registered under the federal Securities Exchange Act  
3 of 1934 or to a member bank. The loan must be  
4 evidenced by a written agreement which provides all of  
5 the following:

6 (a) That the loan will be fully collateralized by  
7 cash or obligations issued or guaranteed by the United  
8 States or an agency or an instrumentality of the  
9 United States, and that the collateral will be  
10 adjusted as necessary each business day during the  
11 term of the loan to maintain the required  
12 collateralization in the event of market value changes

13 in the loaned securities or collateral.

14 (b) That the loan may be terminated by the  
15 association at any time, and that the borrower will  
16 return the loaned stocks or obligations within five  
17 business days after termination.

18 (c) That the association has the right to retain  
19 the collateral or use the collateral to purchase  
20 investments equivalent to the loaned securities if the  
21 borrower defaults under the terms of the agreement,  
22 and that the borrower remains liable for any losses  
23 and expenses incurred by the association due to  
24 default that are not covered by the collateral.

25 (3) An association may participate through a  
26 member bank in the United States federal reserve book  
27 entry system, and the records of the member bank shall  
28 at all times show that the investments are held for  
29 the association or for specific accounts of the  
30 association.

31 (4) An investment may consist of an individual  
32 interest in a pool of obligations or a fractional  
33 interest in a single obligation if the certificate of  
34 participation or interest or the confirmation of  
35 participation or interest in the investment is issued  
36 in the name of the association, the name of the  
37 custodian bank, or the nominee of either, and, if the  
38 interest as evidenced by the certificate or  
39 confirmation is, if held by a custodian bank, kept  
40 separate and apart from the investments of others so  
41 that at all times the participation may be identified  
42 as belonging solely to the association making the  
43 investment.

44 (5) Transfers of ownership of investments held as  
45 described in paragraph "a", subparagraph (1),  
46 subparagraph subdivision (c), and subparagraphs (3)  
47 and (4), may be evidenced by bookkeeping entry on the  
48 books of the issuer of the investment, its transfer or  
49 recording agent, or the clearing corporation without  
50 physical delivery of a certificate evidencing the

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1 associations's investment.

2 b. Except as provided in paragraph "a",  
3 subparagraph (5), if an investment is not evidenced by  
4 a certificate, adequate evidence of the association's  
5 investment shall be obtained from the issuer or its  
6 transfer or recording agent and retained by the  
7 association, a custodian bank, or clearing  
8 corporation. Adequate evidence, for purposes of this  
9 paragraph, means a written receipt or other

10 verification issued by the depository or issuer or a  
11 custodian bank which shows that the investment is held  
12 for the association.

13 4. INVESTMENTS. Except as otherwise permitted by  
14 this section, an association organized under this  
15 chapter shall only invest in the following:

16 a. UNITED STATES GOVERNMENT OBLIGATIONS.

17 Obligations issued or guaranteed by the United States  
18 or an agency or instrumentality of the United States.

19 b. CERTAIN DEVELOPMENT BANK OBLIGATIONS.

20 Obligations issued or guaranteed by the international  
21 bank for reconstruction and development, the Asian  
22 development bank, the inter-American development bank,  
23 the export-import bank, the world bank, or any United  
24 States government-sponsored organization of which the  
25 United States is a member, if the principal and  
26 interest is payable in United States dollars. An  
27 association shall not invest more than five percent of  
28 its total admitted assets in the obligations of any  
29 one of these banks or organizations, and shall not  
30 invest more than a total of ten percent of its total  
31 admitted assets in the obligations authorized by this  
32 paragraph.

33 c. STATE OBLIGATIONS. Obligations issued or  
34 guaranteed by a state, a political subdivision of a  
35 state, or an instrumentality of a state.

36 d. CANADIAN GOVERNMENT OBLIGATIONS. Obligations  
37 issued or guaranteed by Canada, by an agency or  
38 province of Canada, by a political subdivision of such  
39 province, or by an instrumentality of any of those  
40 provinces or political subdivisions.

41 e. CORPORATE AND BUSINESS TRUST OBLIGATIONS.

42 Obligations issued, assumed, or guaranteed by a  
43 corporation or business trust organized under the laws  
44 of the United States or a state, or the laws of Canada  
45 or a province of Canada, provided that a company shall  
46 not invest more than five percent of its admitted  
47 assets in the obligations of any one corporation or  
48 business trust. Investments shall be made only in  
49 investment grade bonds.

50 f. STOCKS. Common stocks, common stock

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1 equivalents, mutual fund shares, securities  
2 convertible into common stocks or common stock  
3 equivalents, or preferred stocks issued or guaranteed  
4 by a corporation incorporated under the laws of the  
5 United States or a state, or the laws of Canada or a  
6 province of Canada. Aggregate investments in

7 nondividend paying stocks shall not exceed five  
8 percent of surplus.

9 (1) Stocks purchased under this lettered paragraph  
10 shall not exceed fifty percent of surplus. With the  
11 approval of the commissioner, an association may  
12 invest any amount in common stocks, preferred stocks,  
13 or other securities of one or more subsidiaries  
14 provided that after such investments the insurer's  
15 surplus as regards policyholders will be reasonable in  
16 relation to the insurer's outstanding liabilities and  
17 adequate to its financial needs.

18 (2) An association shall not invest more than ten  
19 percent of its surplus in the stocks of any one  
20 corporation.

21 g. HOME OFFICE REAL ESTATE. Funds may be invested  
22 in a home office building, at the direction of the  
23 board of directors and with the prior approval of the  
24 commissioner of insurance. An association shall not  
25 invest more than twenty-five percent of its total  
26 admitted assets in such real estate. With the prior  
27 approval of the commissioner, an association may  
28 exceed the real estate investment limitation to  
29 effectuate a merger with, or the acquisition of,  
30 another association.

31 Sec. 32. Section 518.16, Code 1993, is amended by  
32 striking the section and inserting in lieu thereof the  
33 following:

34 518.16 QUALIFICATION OF AGENTS.

35 A person shall not solicit any application for  
36 insurance for an association in this state without  
37 having procured from the commissioner of insurance a  
38 license authorizing the person to act as an agent  
39 pursuant to chapter 522.

40 Sec. 33. NEW SECTION. 518.26 LOANS TO OFFICERS  
41 PROHIBITED.

42 Assets or other funds shall not be loaned directly  
43 or indirectly to an officer, director, or employee of  
44 the association, or directly or indirectly to a  
45 relative of an officer or director of the association.

46 Sec. 34. NEW SECTION. 518.27 FORM -- APPROVAL.

47 The form of all policies, applications, agreements,  
48 and endorsements modifying the provisions of policies,  
49 and all permits and riders used in this state, issued  
50 or proposed to be issued by a county mutual insurance

1 association doing business in this state under the  
2 provisions of this chapter, shall first be examined  
3 and approved by the commissioner of insurance.



4 Sec. 35. NEW SECTION. 518.28 FAILURE TO FILE  
5 COPY.

6 Upon the failure of a county mutual association to  
7 file a copy of its forms of policies or contracts  
8 pursuant to section 518.27, the commissioner of  
9 insurance may suspend its authority to transact  
10 business within the state until such forms of policies  
11 or contracts have been filed and approved.

12 Sec. 36. NEW SECTION. 518.29 DISAPPROVAL OF  
13 FILINGS.

14 If the commissioner finds that a filing does not  
15 meet the requirements of this chapter, written notice  
16 of disapproval shall be sent to the county mutual  
17 insurance association specifying in what respect the  
18 filing fails to meet the requirements of this chapter  
19 and stating that the filing is not effective. If a  
20 filing is disapproved by the commissioner, the  
21 association may request a hearing on the disapproval  
22 within thirty days. The association bears the burden  
23 of proving compliance with the standards established  
24 by this chapter.

25 If, at any time after a form has been approved, the  
26 commissioner finds that the form no longer meets the  
27 requirements of this chapter, the commissioner may  
28 order the discontinuance of the use of the form. The  
29 order of discontinuance may be issued only after a  
30 hearing with at least ten days' prior notice to all  
31 county mutuals affected by the order. The order must  
32 be in writing and state the grounds for the order.  
33 The order shall state when the order of discontinuance  
34 is effective.

35 Sec. 37. NEW SECTION. 518.30 CERTIFICATE REFUSED  
36 -- ADMINISTRATIVE PENALTY.

37 The commissioner of insurance may suspend the  
38 commissioner's certificate of authority to do business  
39 from a county mutual insurance association neglecting  
40 or failing to comply with this chapter. In addition,  
41 an association organized or authorized under this  
42 chapter which fails to file the annual statement  
43 referred to in section 518.15 in the time required  
44 shall pay an administrative penalty in an amount of  
45 three hundred dollars to be collected in the name of  
46 the state for deposit in the general fund of the  
47 state. The commissioner may give notice to a county  
48 mutual insurance association which has failed to file  
49 within the time required that the association is in  
50 violation of this section. If the association fails

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1 to file the statement within ten days of the date of  
2 the notice the association shall pay an additional sum  
3 of fifty dollars for each day the failure continues,  
4 to be paid into the general fund of the state.

5 Sec. 38. Section 518A.12, Code 1993, is amended by  
6 striking the section and inserting in lieu thereof the  
7 following:

8 518A.12 INVESTMENTS.

9 1. GENERAL CONSIDERATIONS. The following  
10 considerations apply in the interpretation of this  
11 section:

12 a. This section applies to the investments of  
13 associations.

14 b. The purpose of this section is to protect and  
15 further the interests of policyholders, claimants,  
16 creditors, and the public by providing standards for  
17 the development and administration of programs for the  
18 investment of the assets of associations organized  
19 under this chapter. These standards, and the  
20 investment programs developed by companies, shall take  
21 into account the safety of the association's  
22 principal, investment yield and growth, stability in  
23 the value of the investment, and liquidity necessary  
24 to meet the association's expected business needs, and  
25 investment diversification.

26 All investments made pursuant to this section shall  
27 have investment qualities and characteristics such  
28 that the speculative elements are not predominant.

29 c. Financial terms relating to associations have  
30 the meanings assigned to them under statutory  
31 accounting methods. Financial terms relating to  
32 companies other than associations have the meanings  
33 assigned to them under generally accepted accounting  
34 principles.

35 d. Investments shall be valued in accordance with  
36 the valuation procedures established by the national  
37 association of insurance commissioners, unless the  
38 commissioner requires or finds another method of  
39 valuation reasonable under the circumstances.

40 e. If an investment qualifies under more than one  
41 subsection, an association may elect to hold the  
42 investment under the subsection of its choice. This  
43 section does not prevent an association from electing  
44 to hold an investment under a subsection different  
45 from the one under which it previously held the  
46 investment.

47 2. DEFINITIONS. For purposes of this section:

48 a. "Admitted assets", for purposes of computing

49 percentage limitations on particular types of  
50 investments, means the assets which are authorized to

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1 be shown on the national association of insurance  
2 commissioner's annual statement blank as admitted  
3 assets as of the December 31 immediately preceding the  
4 date the association acquires the investment.

5 b. "Clearing corporation" means as defined in  
6 section 554.8102, subsection 3.

7 c. "Custodian bank" means as defined in section  
8 554.8102, subsection 4.

9 d. "Issuer" means as defined in section 554.8201.

10 e. "Member bank" means a national bank, state  
11 bank, or trust company which is a member of the United  
12 States federal reserve system.

13 f. "National securities exchange" means an  
14 exchange registered under section 6 of the federal  
15 Securities Exchange Act of 1934 or an exchange  
16 regulated under the laws of Canada.

17 g. "Obligations" includes bonds, notes,  
18 debentures, transportation equipment certificates,  
19 domestic repurchase agreements, and obligations for  
20 the payment of money not in default as to payments of  
21 principal and interest on the date of investment,  
22 which constitute general obligations of the issuer or  
23 payable only out of certain revenues or certain funds  
24 pledged or otherwise dedicated for payment of  
25 principal and interest on the obligations. A lease is  
26 an obligation if the lease is assigned to the insurer  
27 and is nonterminable by the lessee upon foreclosure of  
28 any lien upon the leased property, and if rental  
29 payments are sufficient to amortize the investment  
30 over the primary lease term.

31 **3. INVESTMENTS IN NAME OF ASSOCIATION OR NOMINEE**  
32 **AND PROHIBITIONS.**

33 a. An association's investments shall be held in  
34 its own name or the name of its nominee, except as  
35 follows:

36 (1) Investments may be held in the name of a  
37 clearing corporation or of a custodian bank or in the  
38 name of the nominee of either on the following  
39 conditions:

40 (a) The clearing corporation, custodian bank, or  
41 nominee must be legally authorized to hold the  
42 particular investment for the account of others.

43 (b) When the investment is evidenced by a  
44 certificate and held in the name of a custodian bank  
45 or the nominee of a custodian bank, a written

46 agreement shall provide that certificates so deposited  
47 shall at all times be kept separate and apart from  
48 other deposits with the depository, so that at all  
49 times they may be identified as belonging solely to  
50 the association making the deposit.

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1 (c) If a clearing corporation is to act as  
2 depository, the investment may be merged or held in  
3 bulk in the name of the clearing corporation or its  
4 nominee with other investments deposited with the  
5 clearing corporation by any other person, if a written  
6 agreement between the clearing corporation and the  
7 association provides that adequate evidence of the  
8 deposit is to be obtained and retained by the  
9 association or a custodian bank.

10 (2) An association may loan stocks or obligations  
11 held by it under this chapter to a broker-dealer  
12 registered under the federal Securities Exchange Act  
13 of 1934 or to a member bank. The loan must be  
14 evidenced by a written agreement which provides all of  
15 the following:

16 (a) That the loan will be fully collateralized by  
17 cash or obligations issued or guaranteed by the United  
18 States or an agency or an instrumentality of the  
19 United States, and that the collateral will be  
20 adjusted as necessary each business day during the  
21 term of the loan to maintain the required  
22 collateralization in the event of market value changes  
23 in the loaned securities or collateral.

24 (b) That the loan may be terminated by the  
25 association at any time, and that the borrower will  
26 return the loaned stocks or obligations within five  
27 business days after termination.

28 (c) That the association has the right to retain  
29 the collateral or use the collateral to purchase  
30 investments equivalent to the loaned securities if the  
31 borrower defaults under the terms of the agreement,  
32 and that the borrower remains liable for any losses  
33 and expenses incurred by the association due to  
34 default that are not covered by the collateral.

35 (3) An association may participate through a  
36 member bank in the United States federal reserve book  
37 entry system, and the records of the member bank shall  
38 at all times show that the investments are held for  
39 the association or for specific accounts of the  
40 association.

41 (4) An investment may consist of an individual  
42 interest in a pool of obligations or a fractional

43 interest in a single obligation if the certificate of  
44 participation or interest or the confirmation of  
45 participation or interest in the investment is issued  
46 in the name of the association, the name of the  
47 custodian bank, or the nominee of either, and, if the  
48 interest as evidenced by the certificate or  
49 confirmation is, if held by a custodian bank, kept  
50 separate and apart from the investments of others so

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1 that at all times the participation may be identified  
2 as belonging solely to the association making the  
3 investment.

4 (5) Transfers of ownership of investments held as  
5 described in paragraph "a", subparagraph (1),  
6 subparagraph subdivision (c), and subparagraphs (3)  
7 and (4), may be evidenced by bookkeeping entry on the  
8 books of the issuer of the investment, its transfer or  
9 recording agent, or the clearing corporation without  
10 physical delivery of a certificate evidencing the  
11 association's investment.

12 b. Except as provided in paragraph "a",  
13 subparagraph (5), if an investment is not evidenced by  
14 a certificate, adequate evidence of the association's  
15 investment shall be obtained from the issuer or its  
16 transfer or recording agent and retained by the  
17 association, a custodian bank, or clearing  
18 corporation. Adequate evidence, for purposes of this  
19 paragraph, means a written receipt or other  
20 verification issued by the depository or issuer or a  
21 custodian bank which shows that the investment is held  
22 for the association.

23 4. INVESTMENTS. Except as otherwise permitted by  
24 this section, an association organized under this  
25 chapter shall only invest in the following:

26 a. UNITED STATES GOVERNMENT OBLIGATIONS.  
27 Obligations issued or guaranteed by the United States  
28 or an agency or instrumentality of the United States.

29 b. CERTAIN DEVELOPMENT BANK OBLIGATIONS.  
30 Obligations issued or guaranteed by the international  
31 bank for reconstruction and development, the Asian  
32 development bank, the inter-American development bank,  
33 the export-import bank, the world bank, or any United  
34 States government-sponsored organization of which the  
35 United States is a member, if the principal and  
36 interest is payable in United States dollars. An  
37 association shall not invest more than five percent of  
38 its total admitted assets in the obligations of any  
39 one of these banks or organizations, and shall not

40 invest more than a total of ten percent of its total  
41 admitted assets in the obligations authorized by this  
42 paragraph.

43 c. STATE OBLIGATIONS. Obligations issued or  
44 guaranteed by a state, a political subdivision of a  
45 state, or an instrumentality of a state.

46 d. CANADIAN GOVERNMENT OBLIGATIONS. Obligations  
47 issued or guaranteed by Canada, by an agency or  
48 province of Canada, by a political subdivision of such  
49 province, or by an instrumentality of any of those  
50 provinces or political subdivisions.

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1 e. CORPORATE AND BUSINESS TRUST OBLIGATIONS.

2 Obligations issued, assumed, or guaranteed by a  
3 corporation or business trust organized under the laws  
4 of the United States or a state, or the laws of Canada  
5 or a province of Canada, provided that a company shall  
6 not invest more than five percent of its admitted  
7 assets in the obligations of any one corporation or  
8 business trust. Investments shall be made only in  
9 investment grade bonds.

10 f. STOCKS. Common stocks, common stock  
11 equivalents, mutual fund shares, securities  
12 convertible into common stocks or common stock  
13 equivalents, or preferred stocks issued or guaranteed  
14 by a corporation incorporated under the laws of the  
15 United States or a state, or the laws of Canada or a  
16 province of Canada. Aggregate investments in  
17 nondividend paying stocks shall not exceed five  
18 percent of surplus.

19 (1) Stocks purchased under this lettered paragraph  
20 shall not exceed fifty percent of surplus. With the  
21 approval of the commissioner, an association may  
22 invest any amount in common stocks, preferred stocks,  
23 or other securities of one or more subsidiaries  
24 provided that after such investments the insurer's  
25 surplus as regards policyholders will be reasonable in  
26 relation to the insurer's outstanding liabilities and  
27 adequate to its financial needs.

28 (2) An association shall not invest more than ten  
29 percent of its surplus in the stocks of any one  
30 corporation.

31 g. HOME OFFICE REAL ESTATE. Funds may be invested  
32 in a home office building, at the direction of the  
33 board of directors and with the prior approval of the  
34 commissioner of insurance. An association shall not  
35 invest more than twenty-five percent of its total  
36 admitted assets in such real estate. With the prior

37 approval of the commissioner, an association may  
38 exceed the real estate investment limitation to  
39 effectuate a merger with, or the acquisition of,  
40 another association.

41 Sec. 39. Section 518A.17, unnumbered paragraph 3,  
42 Code 1993, is amended to read as follows:

43 Not less than fifty percent of such aggregate  
44 amount of assessments, and other sums paid by the  
45 members shall be returned to the members, either  
46 through the payment of losses or through discounts,  
47 credits, or dividends, to be credited on the  
48 assessments required for the current or succeeding  
49 year, or, at the discretion of the board of directors,  
50 may be set aside in the emergency fund as defined in

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1 section 518A.12; as surplus to policyholders, but no  
2 sum less than forty percent of such aggregate  
3 assessments, and other sums paid by the members, shall  
4 be returned to the members through payment of such  
5 losses or through discounts, credits, or dividends  
6 during the current or succeeding year.

7 Sec. 40. NEW SECTION. 518A.44 LIMITATION ON  
8 RISKS.

9 An association shall not expose itself to loss on  
10 any one risk or hazard to an amount exceeding ten  
11 percent of its surplus to policyholders unless one of  
12 the following applies:

13 1. The excess is reinsured in some other good and  
14 reliable company licensed to sell insurance in this  
15 state.

16 2. The excess is reinsured by a group of  
17 incorporated or individual unincorporated insurers who  
18 are authorized to sell insurance in at least one state  
19 of the United States and who possess assets which are  
20 held in trust for the benefit of the American  
21 policyholders in the sum of not less than fifty  
22 million dollars, and a certificate of such reinsurance  
23 shall be furnished to the insured.

24 3. The excess is reinsured with a company which  
25 has, with respect to the ceding insurer, created a  
26 trust fund, made a deposit, or obtained letters of  
27 credit, on terms satisfactory to the commissioner.

28 Sec. 41. NEW SECTION. 518A.51 LOANS TO OFFICERS  
29 PROHIBITED.

30 Assets or other funds shall not be loaned directly  
31 or indirectly to an officer, director, or employee of  
32 the association, or directly or indirectly to a  
33 relative of an officer or director of the association.

34 Sec. 42. NEW SECTION. 518A.52 FORM -- APPROVAL.

35 The form of all policies, applications, agreements,  
36 and endorsements modifying the provisions of policies,  
37 and all permits and riders used in this state, issued  
38 or proposed to be issued by an association doing  
39 business in this state under the provisions of this  
40 chapter, shall first be examined and approved by the  
41 commissioner of insurance.

42 Sec. 43. NEW SECTION. 518A.53 FAILURE TO FILE  
43 COPY.

44 Upon the failure of an association to file a copy  
45 of its forms of policies or contracts pursuant to  
46 section 518A.52, the commissioner of insurance may  
47 suspend its authority to transact business within the  
48 state until such forms of policies or contracts have  
49 been filed and approved.

50 Sec. 44. NEW SECTION. 518A.54 DISAPPROVAL OF

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1 **FILINGS.**

2 If the commissioner finds that a filing does not  
3 meet the requirements of this chapter, written notice  
4 of disapproval shall be sent to the association  
5 specifying in what respect the filing fails to meet  
6 the requirements of this chapter and stating that the  
7 filing is not effective. If a filing is disapproved  
8 by the commissioner, the association may request a  
9 hearing on the disapproval within thirty days. The  
10 association bears the burden of proving compliance  
11 with the standards established by this chapter.

12 If, at any time after a form has been approved, the  
13 commissioner finds that the form no longer meets the  
14 requirements of this chapter, the commissioner may  
15 order the discontinuance of the use of the form. The  
16 order of discontinuance may be issued only after a  
17 hearing with at least ten days' prior notice to all  
18 associations affected by the order. The order must be  
19 in writing and state the grounds for the order. The  
20 order shall state when the order of discontinuance is  
21 effective.

22 Sec. 45. NEW SECTION. 518A.55 CERTIFICATE  
23 REFUSED -- ADMINISTRATIVE PENALTY.

24 The commissioner of insurance may suspend the  
25 commissioner's certificate of authority to do business  
26 from an association neglecting or failing to comply  
27 with this chapter. In addition, an association  
28 organized or authorized under this chapter which fails  
29 to file the annual statement referred to in section  
30 518A.18 in the time required shall pay an



31 administrative penalty in an amount of three hundred  
32 dollars to be collected in the name of the state for  
33 deposit in the general fund of the state. The  
34 commissioner may give notice to an association which  
35 has failed to file within the time required that the  
36 association is in violation of this section. If the  
37 association fails to file the statement within ten  
38 days of the date of the notice the association shall  
39 pay an additional sum of fifty dollars for each day  
40 the failure continues, to be paid to the general fund  
41 of the state.

42 Sec. 46. Section 521.1, Code 1993, is amended to  
43 read as follows:

44 521.1 DEFINITIONS.

45 "Company" or "companies" when used in this chapter  
46 means a company or association organized under chapter  
47 508, 511, 515, 518, 518A, or 520; ~~except county~~  
48 ~~mutuals~~.

49 Sec. 47. Section 521B.2, subsection 4, paragraph  
50 a, Code 1993, is amended to read as follows:

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1 a. Credit is allowed if the reinsurance is ceded  
2 to an assuming insurer which maintains a trust fund in  
3 a qualified United States financial institution, as  
4 defined in section 521B.4, subsection 2, for the  
5 payment of the valid claims of its United States  
6 policyholders and ceding insurers, their assigns, and  
7 successors in interest. The assuming insurer shall  
8 report annually to the commissioner information  
9 substantially the same as that required to be reported  
10 on the national association of insurance  
11 commissioners' annual statement form by licensed  
12 insurers to enable the commissioner to determine the  
13 sufficiency of the trust fund. In the case of a  
14 single assuming insurer, the trust shall consist of a  
15 trusted account representing the liabilities of the  
16 assuming insurer attributable to business written in  
17 the United States and, in addition, the assuming  
18 insurer shall maintain a trusted surplus of not less  
19 than twenty million dollars. In the case of a group  
20 of including individual unincorporated and  
21 incorporated underwriters, the trust shall consist of  
22 a trusted account representing the liabilities of the  
23 group attributable to business written in the United  
24 States and, in addition, the group shall maintain a  
25 trusted surplus of which one hundred million dollars  
26 shall be held jointly for the benefit of United States  
27 ceding insurers of any member of the group. The

28 incorporated members of the group shall not engage in  
29 any business other than underwriting as a member of  
30 the group and shall be subject to the same level of  
31 solvency regulation and control by the group's  
32 domiciliary regulator as are the unincorporated  
33 members. The group shall make available to the  
34 commissioner an annual certification of the solvency  
35 of each underwriter by the group's domiciliary  
36 regulator and its independent public accountants.

37 Sec. 48. Sections 518A.33, 518A.34, and 518A.42,  
38 Code 1993, are repealed.

39 Sec. 49. INSURANCE DIVISION STUDIES. The  
40 insurance division shall review, study, and make  
41 recommendations to the general assembly concerning the  
42 Iowa comprehensive health insurance association  
43 established under chapter 514E, with the intent to  
44 merge the Iowa comprehensive health insurance program  
45 with an individual health reinsurance program. The  
46 division shall submit a written report to the general  
47 assembly no later than January 9, 1995, including the  
48 division's findings and recommendations.

49 It is the intent of the general assembly that any  
50 merger of the Iowa comprehensive health insurance

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1 program with an individual health reinsurance program  
2 shall only occur if those whom the Iowa comprehensive  
3 health insurance association presently serves or would  
4 serve in the future are able to obtain health coverage  
5 equal to or better than such coverage in terms of  
6 cost, coverage, and plan restrictions than presently  
7 available through the Iowa comprehensive health  
8 insurance association.

9 Sec. 50. INTERIM STUDY REQUEST. The legislative  
10 council is requested to establish an interim study  
11 committee to review the potential for adoption of a  
12 variety of plans which may be formed to enable an  
13 individual or family to participate in financial  
14 instruments which provide for accumulation of deposits  
15 for the potential payment of health care expenditures.  
16 In particular, the committee should review the  
17 potential offered by family health accounts and their  
18 applicability in the provision of health security for  
19 individuals and families. Issues to be reviewed shall  
20 include limitations on deposits, extent of usage for  
21 health care expenditures, tax consequences, extent to  
22 which deposits can be used, the role of financial  
23 institutions, withdrawal parameters, and penalties. A  
24 report with recommendations shall be presented to the

25 general assembly no later than January 3, 1995.

26 Sec. 51. STUDY PROPOSAL. The insurance division,  
27 on or before September 1, 1994, shall provide a  
28 written proposal to the legislative council of the  
29 general assembly, and the chairperson, vice  
30 chairperson, and ranking member of the Senate and  
31 House committees on human resources detailing a plan  
32 for the study of all available financing mechanisms  
33 and cost containment mechanisms which might assist in  
34 the attainment of universal coverage for all Iowa  
35 citizens.

36 Sec. 52. DIRECTIONS TO CODE EDITOR -- INSURANCE  
37 DIVISION.

38 1. The Code editor is directed to strike all  
39 references in chapter 518A to "state mutual assessment  
40 association" or variations thereof and to insert in  
41 lieu thereof the word "association" or variations  
42 thereof.

43 2. The insurance division shall review chapter  
44 518A as amended by this Act and include any additional  
45 recommendations for changes to conform the chapter to  
46 this Act in the division's legislative recommendations  
47 to be presented to the general assembly for the 1995  
48 regular legislative session.

49 Sec. 53. APPLICABILITY. Notwithstanding the  
50 provisions of sections 513C.4 and 513C.5, chapter

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1 513C, as enacted in this Act, is not applicable to an  
2 individual health benefit plan delivered or issued for  
3 delivery in this state or to a block of individual  
4 health benefit plan business until such time as rules  
5 implementing the chapter have been adopted by the  
6 insurance division pursuant to chapter 17A.

7 Sec. 54. EFFECTIVE DATE. Section 1 of this Act,  
8 which amends section 422.7 by adding a new subsection  
9 29, is effective January 1, 1995, for tax years  
10 beginning on or after that date."

MICHAEL E. GRONSTAL

S-5782

1 Amend the amendment, S-5778, to the House  
2 amendment, S-5759, to Senate File 2330, as amended,  
3 passed, and reprinted by the Senate as follows:

4 1. Page 1, by inserting after line 3 the  
5 following:  
6 " — . Page 1, by inserting after line 5 the

7 following:

8 "\_\_\_ . Page 5, by inserting after line 27 the

9 following:

10 "\_\_\_ . To the department of natural resources for  
11 deposit in the administration account of the water  
12 quality protection fund created pursuant to section  
13 455B.183A, as enacted in 1994 Iowa Acts, Senate File  
14 2314:

15 ..... \$ 300,000".

16 2. Page 1, by inserting after line 30 the

17 following:

18 "\_\_\_ . Page 3, by inserting after line 2 the

19 following:

20 "\_\_\_ . Page 15, line 10, by inserting after the  
21 word "each" the following: "soil and water  
22 conservation".

23 \_\_\_ . Page 15, line 32, by inserting after the  
24 word "partnership" the following: "if the partners  
25 are actively engaged in farming as provided in this  
26 paragraph".

27 \_\_\_ . Page 16, lines 3 and 4, by striking the  
28 words "the subsequent fiscal year and" and inserting  
29 the following: "subsequent fiscal years. However,".

30 \_\_\_ . Page 16, line 5, by striking the figure  
31 "1995" and inserting the following: "1996".

32 \_\_\_ . Page 16, by inserting after line 7 the  
33 following:

34 "\_\_\_ . Notwithstanding 1994 Iowa Acts, Senate File  
35 2314, if enacted, if any conflict exists between this  
36 section and any provision in Senate File 2314, this  
37 section shall prevail."

38 3. Page 3, by striking lines 38 through 50 and  
39 inserting the following:

40 "For salaries, support, maintenance, and  
41 miscellaneous purposes:

42 ..... \$ 165,517

43 Notwithstanding the number of full-time equivalent  
44 positions authorized for the racing and gaming  
45 commission for fiscal year 1994-1995 in 1994 Iowa  
46 Acts, Senate File 2218, section 7, subsection 1, the  
47 number of full-time equivalent positions authorized  
48 for the commission in that fiscal year is 23.97."

LARRY MURPHY  
DERRYL McLAREN

S-5783

1 Amend the House amendment, S-5759, to Senate File  
2 2330, as amended, passed, and reprinted by the Senate

3 as follows:

4 1. Page 3, by inserting after line 49 the

5 following:

6 "\_\_\_ . Page 20, by inserting after line 27 the

7 following:

8 "Sec. \_\_\_ . NEW SECTION. 99F.4B RULES.

9 The department of inspections and appeals shall  
10 cooperate to the maximum extent possible with the  
11 division of criminal investigation in adopting rules  
12 relating to the gaming operations in this chapter and  
13 chapter 99D."

JIM LIND  
LARRY MURPHY

S-5784

1 Amend the amendment, S-5252, to House File 2374, as  
2 passed by the House, as follows:

3 1. Page 1, by striking lines 1 through 6 and

4 inserting the following:

5 "\_\_\_ . By striking everything after the enacting

6 clause and inserting the following:

7 "Section 1. Section 422.7, Code Supplement 1993,

8 is amended by adding the following new subsection:

9 NEW SUBSECTION. 29. Subtract, to the extent not  
10 otherwise deducted in computing adjusted gross income,  
11 the amounts paid by the taxpayer for the purchase of  
12 health insurance for the taxpayer or taxpayer's spouse  
13 or dependent.

14 Sec. 2. NEW SECTION. 505.22 SELF-FUNDED  
15 EMPLOYER-SPONSORED HEALTH BENEFIT PLAN PARTICIPATION  
16 IN IOWA INDIVIDUAL HEALTH BENEFIT REINSURANCE  
17 ASSOCIATION.

18 1. A self-funded employer-sponsored health benefit  
19 plan qualified under the federal Employee Retirement  
20 Income Security Act of 1974 may voluntarily elect to  
21 participate in the Iowa individual health benefit  
22 reinsurance association established in section 513C.10  
23 in accordance with the plan of operation and subject  
24 to such terms and conditions adopted by the board of  
25 the association to provide portability and continuity  
26 to its covered employees and their covered spouses and  
27 dependents subject to the same terms and conditions as  
28 a participating insurer.

29 2. If the federal Employee Retirement Income  
30 Security Act of 1974 is amended such that the state  
31 may require the participation of a self-funded  
32 employer, the individual reinsurance requirements  
33 shall apply equally to such employers.

34 3. When and if the federal government imposes  
 35 conditions of portability and continuity on self-  
 36 funded employers qualified under the federal Employee  
 37 Retirement Income Security Act of 1974 that the  
 38 commissioner deems are substantially similar to those  
 39 required of Iowa insurers, coverage under such  
 40 qualified plan shall be deemed qualified prior  
 41 coverage for purposes of chapters 513B and 513C.

42 Sec. 3. Section 507A.10, Code 1993, is amended to  
 43 read as follows:

44 507A.10 CEASE AND DESIST ORDER -- CIVIL PENALTY.

45 The commissioner Upon a determination by the  
 46 commissioner, after a hearing conducted pursuant to  
 47 chapter 17A, that a person or insurer has violated a  
 48 provision of this chapter, the commissioner shall  
 49 reduce the findings of the hearing to writing and  
 50 deliver a copy of the findings to the person or

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1 insurer, may issue an order requiring the person or  
 2 insurer to cease and desist from engaging in the  
 3 conduct resulting in the violation, and may assess a  
 4 civil penalty of not more than fifty thousand dollars  
 5 against a the person or insurer who has violated a  
 6 provision of this chapter.

7 Sec. 4. Section 507B.4, subsection 1, Code  
 8 Supplement 1993, is amended by adding the following  
 9 new paragraph:

10 NEW PARAGRAPH. k. Misrepresents the access to  
 11 health care practitioners under a managed care health  
 12 plan. The commissioner shall adopt rules providing  
 13 for monitoring of such plans.

14 Sec. 5. Section 508.5, Code 1993, is amended to  
 15 read as follows:

16 508.5 CAPITAL AND SURPLUS REQUIRED.

17 A stock life insurance company shall not be  
 18 authorized to transact business under this chapter  
 19 with less than two million five hundred thousand  
 20 dollars capital stock fully paid for in cash and two  
 21 million five hundred thousand dollars of surplus paid  
 22 in cash or invested as provided by law. A stock life  
 23 insurance company shall not increase its capital stock  
 24 unless the amount of the increase is fully paid in  
 25 cash. The stock shall be divided into shares of not  
 26 less than one dollar par value each. A company that  
 27 undergoes a change of control as defined in chapter  
 28 521A shall maintain the minimum capital and surplus  
 29 requirements mandated by this section.

30 Sec. 6. Section 508.9, Code 1993, is amended to

31 read as follows:

32 508.9 MUTUAL COMPANIES -- CONDITIONS.

33 Level premium and natural premium life insurance  
34 companies organized under the laws of this state upon  
35 the mutual plan shall, before issuing policies, have  
36 actual applications on at least two hundred and fifty  
37 lives for an average amount of one thousand dollars  
38 each. A list of the applications giving the name,  
39 age, residence, amount of insurance, and annual  
40 premium of each applicant shall be filed with the  
41 commissioner of insurance, and a deposit made with the  
42 commissioner of an amount equal to three-fifths of the  
43 whole annual premium on the applications, in cash or  
44 the securities required by section 508.5. In  
45 addition, a deposit of cash or securities of the  
46 character provided by law for the investment of funds  
47 for life insurance companies in the sum of five  
48 million dollars shall be made with the commissioner,  
49 which shall constitute a security fund for the  
50 protection of policyholders. The contribution to the

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1 security fund shall not give to contributors to the  
2 fund or to other persons any voting or other power in  
3 the management of the affairs of the company. The  
4 security fund may be repaid to the contributors to the  
5 security fund with interest at six percent from the  
6 date of contribution, at any time, in whole or in  
7 part, if the repayment does not reduce the surplus of  
8 the company below the amount of five million dollars  
9 and then only if consent in writing for the repayment  
10 is obtained from the commissioner of insurance. Upon  
11 compliance with this section, the commissioner shall  
12 issue to the mutual company the certificate prescribed  
13 in this chapter. A company that undergoes a change of  
14 control as defined in chapter 521A shall maintain the  
15 minimum surplus requirement mandated by this section.

16 Sec. 7. Section 513B.2, subsection 12, paragraph  
17 a, subparagraph (3), Code Supplement 1993, is amended  
18 to read as follows:

19 (3) The individual requests enrollment within  
20 ~~thirty~~ ~~sixty~~ days after termination of the qualifying  
21 previous coverage.

22 Sec. 8. Section 513B.2, subsection 12, paragraph  
23 c, Code Supplement 1993, is amended to read as  
24 follows:

25 c. A court has ordered that coverage be provided  
26 for a spouse or minor or dependent child under a  
27 covered employee's health benefit plan and the request

28 for enrollment is made within ~~thirty~~ sixty days after  
29 issuance of the court order.

30 Sec. 9. Section 513B.37, subsection 1, paragraph  
31 a, Code Supplement 1993, is amended to read ~~as~~  
32 follows:

33 a. What benefits or direct pay requirements must  
34 be minimally included in a basic or standard benefit  
35 coverage policy or subscription contract.

36 Sec. 10. Section 513B.38, Code Supplement 1993, is  
37 amended by adding the following new subsection:

38 NEW SUBSECTION. 4. Upon the determination of the  
39 commissioner pursuant to section 513B.37, subsection  
40 1, paragraph "a", to include expanded preventative  
41 care services and mental health and substance abuse  
42 treatment coverage, the commissioner shall do all of  
43 the following:

44 a. Adopt by rule, with all due diligence,  
45 requirements for the provision of expanded coverage  
46 for benefits for expanded preventative care services.

47 b. Adopt by rule, with all due diligence,  
48 requirements for the provision of coverage for  
49 benefits for mental health and substance abuse  
50 services.

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#### 1 Sec. 11. NEW SECTION. 513B.44 INDIVIDUAL HEALTH 2 PLAN PREMIUM CREDIT.

3 1. The division shall adopt rules to implement and  
4 administer the premium credit authorized by this  
5 section, which rules shall include the minimum  
6 standard application form for premium credit  
7 eligibility. Forms shall be printed by participating  
8 insurance companies or health insurance purchasing  
9 cooperatives and provided to individuals wishing to  
10 apply for premium credit eligibility.

11 2. The amount of the premium credit is equal to  
12 twenty-five dollars per month, per participating  
13 eligible individual or fifty dollars per month per  
14 eligible family purchasing a health plan from an  
15 insurer, health maintenance organization, or organized  
16 delivery system authorized to do business in this  
17 state, whether purchased directly or through a health  
18 insurance purchasing cooperative.

19 3. An individual or family is eligible for  
20 participation in the subsidized insurance premium  
21 credit health insurance plan if the family income is  
22 less than or equal to two hundred percent of the  
23 federal poverty level as published annually in the  
24 federal register by the United States department of



25 health and human services. An application for  
26 eligibility is valid for up to one year.  
27 Notwithstanding the income requirement of this  
28 subsection, the division by rule may increase the  
29 income limitation for the purpose of increasing the  
30 number of eligible individuals and families to assure  
31 that the premium credit is fully utilized to the  
32 extent authorized in this section.

33 4. The earned premium credit is limited to the  
34 first full-year equivalent participating eligible  
35 applications submitted under this section preapproved  
36 by the division in any single fiscal year, which  
37 request in the aggregate four million five hundred  
38 thousand dollars in earned premium credit.

39 5. The carrier shall credit to the participating  
40 individual's or family's premium liability, an amount  
41 equal to the premium credit earned pursuant to  
42 subsection 2. If purchased through a health insurance  
43 purchasing cooperative, the cooperative shall reduce  
44 the member assessment to the individual or family by  
45 an equal amount.

46 6. The premium credit provided by this section is  
47 only available in connection with either of the  
48 following:

49 a. A basic benefit plan approved by the  
50 commissioner.

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1 b. A major medical policy approved by the  
2 commissioner providing coverage to an eligible  
3 individual or family, either on a group or individual  
4 basis. An individual or family may acquire group  
5 coverage for which they are financially responsible  
6 through an employer's participation in a health  
7 insurance purchasing cooperative.

8 7. The policy shall also satisfy any conditions  
9 imposed by rules adopted pursuant to subsection 1  
10 which the commissioner determines are necessary or  
11 convenient to implement and administer the premium  
12 credit.

13 8. a. A person submitting an intentionally  
14 fraudulent premium credit application forfeits the  
15 credit and shall pay to the division a liquidated  
16 damages penalty of one hundred fifty percent of the  
17 credit forfeited.

18 b. A person submitting a premium credit  
19 application which that person should have known was  
20 false forfeits the credit and shall pay to the  
21 division a liquidated damages penalty of ten percent

22 of the credit forfeited.

23 9. The insurance carrier shall receive a premium  
24 tax credit equal to, at minimum, the premium credit  
25 earned by the carrier's insureds pursuant to  
26 subsection 2.

27 10. The division shall submit an annual report to  
28 the general assembly concerning the number of eligible  
29 applicants for the individual health plan premium  
30 credit established in this section, the number of  
31 applications approved and the aggregate amount of  
32 premium credits issued to eligible applicants, and the  
33 number and amount of liquidated damage penalties  
34 assessed and collected.

35 Sec. 12. NEW SECTION. 513C.1 SHORT TITLE.

36 This chapter shall be known and may be cited as the  
37 "Individual Health Insurance Market Reform Act".

38 Sec. 13. NEW SECTION. 513C.2 PURPOSE.

39 The purpose and intent of this chapter is to  
40 promote the availability of health insurance coverage  
41 to individuals regardless of their health status or  
42 claims experience, to prevent abusive rating  
43 practices, to require disclosure of rating practices  
44 to purchasers, to establish rules regarding the  
45 renewal of coverage, to establish limitations on the  
46 use of preexisting condition exclusions, to assure  
47 fair access to health plans, and to improve the  
48 overall fairness and efficiency of the individual  
49 health insurance market.

50 Sec. 14. NEW SECTION. 513C.3 DEFINITIONS.

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

3 1. "Actuarial certification" means a written  
4 statement by a member of the American academy of  
5 actuaries or other individual acceptable to the  
6 commissioner that an individual carrier is in  
7 compliance with the provision of section 513C.5 which  
8 is based upon the actuary's or individual's  
9 examination, including a review of the appropriate  
10 records and the actuarial assumptions and methods used  
11 by the carrier in establishing premium rates for  
12 applicable individual health benefit plans.

13 2. "Affiliate" or "affiliated" means any entity or  
14 person who directly or indirectly through one or more  
15 intermediaries, controls or is controlled by, or is  
16 under common control with, a specified entity or  
17 person.

18 3. "Basic or standard health benefit plan" means

19 the core group of health benefits developed pursuant  
20 to section 513C.8.

21 4. "Block of business" means all the individuals  
22 insured under the same individual health benefit plan.

23 5. "Carrier" means any entity that provides  
24 individual health benefit plans in this state. For  
25 purposes of this chapter, carrier includes an  
26 insurance company, a group hospital or medical service  
27 corporation, a fraternal benefit society, a health  
28 maintenance organization, and any other entity  
29 providing an individual plan of health insurance or  
30 health benefits subject to state insurance regulation.

31 6. "Commissioner" means the commissioner of  
32 insurance.

33 7. "Director" means the director of public health  
34 appointed pursuant to section 135.2.

35 8. "Eligible individual" means an individual who  
36 is a resident of this state and who either has  
37 qualifying existing coverage or has had qualifying  
38 existing coverage within the immediately preceding  
39 thirty days, or an individual who has had a qualifying  
40 event occur within the immediately preceding thirty  
41 days.

42 9. "Established service area" means a geographic  
43 area, as approved by the commissioner and based upon  
44 the carrier's certificate of authority to transact  
45 business in this state, within which the carrier is  
46 authorized to provide coverage or a geographic area,  
47 as approved by the director and based upon the  
48 organized delivery system's license to transact  
49 business in this state, within which the organized  
50 delivery system is authorized to provide coverage.

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1 10. "Filed rate" means, for a rating period  
2 related to each block of business, the rate charged to  
3 all individuals with similar rating characteristics  
4 for individual health benefit plans.

5 11. "Individual health benefit plan" means any  
6 hospital or medical expense incurred policy or  
7 certificate, hospital or medical service plan, or  
8 health maintenance organization subscriber contract  
9 sold to an individual, or any discretionary group  
10 trust or association policy providing hospital or  
11 medical expense incurred coverage to individuals.  
12 Individual health benefit plan does not include a  
13 self-insured group health plan, a self-insured  
14 multiple employer group health plan, a group  
15 conversion plan, an insured group health plan,

16 accident-only, specified disease, short-term hospital  
17 or medical, hospital confinement indemnity, credit,  
18 dental, vision, medicare supplement, long-term care,  
19 or disability income insurance coverage, coverage  
20 issued as a supplement to liability insurance,  
21 workers' compensation or similar insurance, or  
22 automobile medical payment insurance.

23 12. "Organized delivery system" means an organized  
24 delivery system licensed by the director.

25 13. "Premium" means all moneys paid by an  
26 individual and eligible dependents as a condition of  
27 receiving coverage from a carrier or an organized  
28 delivery system, including any fees or other  
29 contributions associated with an individual health  
30 benefit plan.

31 14. "Qualifying event" means any of the following:

32 a. Loss of eligibility for medical assistance  
33 provided pursuant to chapter 249A or medicare coverage  
34 provided pursuant to Title XVIII of the federal Social  
35 Security Act.

36 b. Loss or change of dependent status under  
37 qualifying previous coverage.

38 c. The attainment by an individual of the age of  
39 majority.

40 15. "Qualifying existing coverage" or "qualifying  
41 previous coverage" means benefits or coverage provided  
42 under any of the following:

43 a. Any group health insurance that provides  
44 benefits similar to or exceeding benefits provided  
45 under the standard health benefit plan, provided that  
46 such policy has been in effect for a period of at  
47 least one year.

48 b. An individual health insurance benefit plan,  
49 including coverage provided under a health maintenance  
50 organization contract, a hospital or medical service

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1 plan contract, or a fraternal benefit society  
2 contract, that provides benefits similar to or  
3 exceeding the benefits provided under the standard  
4 health benefit plan, provided that such policy has  
5 been in effect for a period of at least one year.

6 c. An organized delivery system that provides  
7 benefits similar to or exceeding the benefits provided  
8 under the standard health benefit plan, provided that  
9 the benefits provided by the organized delivery system  
10 have been in effect for a period of at least one year.

11 16. "Rating characteristics" means demographic or  
12 other objective characteristics of individuals which

13 are considered by the carrier in the determination of  
14 premium rates for the individuals and which are  
15 approved by the commissioner.

16 17. "Rating period" means the period for which  
17 premium rates established by a carrier are in effect.

18 18. "Restricted network provision" means a  
19 provision of an individual health benefit plan that  
20 conditions the payment of benefits, in whole or in  
21 part, on the use of health care providers that have  
22 entered into a contractual arrangement with the  
23 carrier or the organized delivery system to provide  
24 health care services to covered individuals.

25 Sec. 15. NEW SECTION. 513C.4 APPLICABILITY AND  
26 SCOPE.

27 This chapter applies to an individual health  
28 benefit plan delivered or issued for delivery to  
29 residents of this state on or after July 1, 1994.

30 1. Except as provided in subsection 2, for  
31 purposes of this chapter, carriers that are affiliated  
32 companies or that are eligible to file a consolidated  
33 tax return shall be treated as one carrier and any  
34 restrictions or limitations imposed by this chapter  
35 shall apply as if all individual health benefit plans  
36 delivered or issued for delivery to residents of this  
37 state by such affiliated carriers were issued by one  
38 carrier.

39 2. An affiliated carrier that is a health  
40 maintenance organization having a certificate of  
41 authority under section 513C.5 shall be considered to  
42 be a separate carrier for the purposes of this  
43 chapter.

44 Sec. 16. NEW SECTION. 513C.5 RESTRICTIONS  
45 RELATING TO PREMIUM RATES.

46 1. Premium rates for any block of individual  
47 health benefit plan business issued on or after July  
48 1, 1994, by a carrier subject to this chapter are  
49 subject to the composite effect of all of the  
50 following:

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1 a. After making actuarial adjustments based upon  
2 benefit design and rating characteristics, the filed  
3 rate for any block of business shall not exceed the  
4 filed rate for any other block of business by more  
5 than twenty percent.

6 b. The filed rate for any block of business shall  
7 not exceed the filed rate for any other block of  
8 business by more than thirty percent due to factors  
9 relating to rating characteristics.

10 c. The filed rate for any block of business shall  
11 not exceed the filed rate for any other block of  
12 business by more than thirty percent due to any other  
13 factors approved by the commissioner.

14 d. Rating characteristics other than age,  
15 geographic area, and family composition shall not be  
16 used by a carrier without the prior approval of the  
17 commissioner.

18 e. Premium rates for individual health benefit  
19 plans shall comply with the requirements of this  
20 section notwithstanding any assessments paid or  
21 payable by the carrier pursuant to any reinsurance  
22 program or risk adjustment mechanism.

23 f. An adjustment, not to exceed fifteen percent  
24 annually due to the claim experience or health status  
25 of a block of business.

26 g. For purposes of this subsection, an individual  
27 health benefit plan that contains a restricted network  
28 provision shall not be considered similar coverage to  
29 an individual health benefit plan that does not  
30 contain such a provision, provided that the  
31 differential in payments made to network providers  
32 results in substantial differences in claim costs.

33 2. Notwithstanding subsection 1, the commissioner,  
34 with the concurrence of the board of the Iowa  
35 individual health benefit reinsurance association  
36 established in section 513C.10, may by order reduce or  
37 eliminate the allowed rating bands provided under  
38 subsection 1, paragraphs "a", "b", "c", and "f", or  
39 otherwise limit or eliminate the use of experience  
40 rating. The commissioner shall also develop a  
41 recommendation for the elimination of age as a rating  
42 characteristic, and shall submit such recommendation  
43 by January 9, 1995.

44 3. A carrier shall not transfer an individual  
45 involuntarily into or out of a block of business.

46 4. The commissioner may suspend for a specified  
47 period the application of subsection 1, paragraph "a",  
48 as to the premium rates applicable to one or more  
49 blocks of business of a carrier for one or more rating  
50 periods upon a filing by the carrier requesting the

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1 suspension and a finding by the commissioner that the  
2 suspension is reasonable in light of the financial  
3 condition of the carrier.

4 5. A carrier shall make a reasonable disclosure at  
5 the time of the offering for sale of any individual  
6 health benefit plan of all of the following:

7 a. The extent to which premium rates for a  
8 specified individual are established or adjusted based  
9 upon rating characteristics.

10 b. The carrier's right to change premium rates,  
11 and the factors, other than claim experience, that  
12 affect changes in premium rates.

13 c. The provisions relating to the renewal of  
14 policies and contracts.

15 d. Any provisions relating to any preexisting  
16 condition.

17 e. All plans offered by the carrier, the prices of  
18 such plans, and the availability of such plans to the  
19 individual.

20 6. A carrier shall maintain at its principal place  
21 of business a complete and detailed description of its  
22 rating practices, including information and  
23 documentation that demonstrate that its rating methods  
24 and practices are based upon commonly accepted  
25 actuarial assumptions and are in accordance with sound  
26 actuarial principles.

27 7. A carrier shall file with the commissioner  
28 annually on or before March 15, an actuarial  
29 certification certifying that the carrier is in  
30 compliance with this chapter and that the rating  
31 methods of the carrier are actuarially sound. The  
32 certification shall be in a form and manner and shall  
33 contain information as specified by the commissioner.  
34 A copy of the certification shall be retained by the  
35 carrier at its principal place of business. Rate  
36 adjustments made in order to comply with this section  
37 are exempt from loss ratio requirements.

38 8. A carrier shall make the information and  
39 documentation maintained pursuant to subsection 5  
40 available to the commissioner upon request. The  
41 information and documentation shall be considered  
42 proprietary and trade secret information and shall not  
43 be subject to disclosure by the commissioner to  
44 persons outside of the division except as agreed to by  
45 the carrier or as ordered by a court of competent  
46 jurisdiction.

47 Sec. 17. NEW SECTION. 513C.6 RENEWAL OF  
48 COVERAGE.

49 1. An individual health benefit plan is renewable  
50 at the option of the individual, except in any of the

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1 following cases:

2 a. Nonpayment of the required premiums.

3 b. Fraud or misrepresentation.

4 c. The insured individual becomes eligible for  
5 medicare coverage under Title XVIII of the federal  
6 Social Security Act.

7 d. The carrier elects not to renew all of its  
8 individual health benefit plans in the state. In such  
9 case, the carrier shall provide notice of the decision  
10 not to renew coverage to all affected individuals and  
11 to the commissioner in each state in which an affected  
12 insured individual is known to reside at least ninety  
13 days prior to the nonrenewal of the health benefit  
14 plan by the carrier. Notice to the commissioner under  
15 this paragraph shall be provided at least three  
16 working days prior to the notice to the affected  
17 individuals.

18 e. The commissioner finds that the continuation of  
19 the coverage would not be in the best interests of the  
20 policyholders or certificate holders, or would impair  
21 the carrier's ability to meet its contractual  
22 obligations.

23 2. A carrier that elects not to renew all of its  
24 individual health benefit plans in this state shall be  
25 prohibited from writing new individual health benefit  
26 plans in this state for a period of five years from  
27 the date of the notice to the commissioner.

28 3. With respect to a carrier doing business in an  
29 established geographic service area of the state, this  
30 section applies only to the carrier's operations in  
31 the service area.

32 **Sec. 18. NEW SECTION. 513C.7 AVAILABILITY OF**  
33 **COVERAGE.**

34 1. A carrier or an organized delivery system  
35 issuing an individual health benefit plan in this  
36 state shall issue a basic or standard health benefit  
37 plan to an eligible individual who applies for a plan  
38 and agrees to make the required premium payments and  
39 to satisfy other reasonable provisions of the basic or  
40 standard health benefit plan. A carrier or an  
41 organized delivery system is not required to issue a  
42 basic or standard health benefit plan to an individual  
43 who meets any of the following criteria:

44 a. The individual is covered or is eligible for  
45 coverage under a health benefit plan provided by the  
46 individual's employer.

47 b. An eligible individual who does not apply for a  
48 basic or standard health benefit plan within thirty  
49 days of a qualifying event or within thirty days upon  
50 becoming ineligible for qualifying existing coverage.



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1 c. The individual is covered or is eligible for  
2 any continued group coverage under section 4980b of  
3 the Internal Revenue Code, sections 601 through 608 of  
4 the federal Employee Retirement Income Security Act of  
5 1974, sections 2201 through 2208 of the federal Public  
6 Health Service Act, or any state-required continued  
7 group coverage. For purposes of this subsection, an  
8 individual who would have been eligible for such  
9 continuation of coverage, but is not eligible solely  
10 because the individual or other responsible party  
11 failed to make the required coverage election during  
12 the applicable time period, is deemed to be eligible  
13 for such group coverage until the date on which the  
14 individual's continuing group coverage would have  
15 expired had an election been made.

16 2. A carrier or an organized delivery system shall  
17 issue the basic or standard health benefit plan to an  
18 individual currently covered by an underwritten  
19 benefit plan issued by that carrier or an organized  
20 delivery system at the option of the individual. This  
21 option must be exercised within thirty days of  
22 notification of a premium rate increase applicable to  
23 the underwritten benefit plan.

24 3. a. A carrier shall file with the commissioner,  
25 in a form and manner prescribed by the commissioner,  
26 the basic or standard health benefit plan to be used  
27 by the carrier. A basic or standard health benefit  
28 plan filed pursuant to this paragraph may be used by a  
29 carrier beginning thirty days after it is filed unless  
30 the commissioner disapproves of its use.

31 The commissioner may at any time, after providing  
32 notice and an opportunity for a hearing to the  
33 carrier, disapprove the continued use by a carrier of  
34 a basic or standard health benefit plan on the grounds  
35 that the plan does not meet the requirements of this  
36 chapter.

37 b. An organized delivery system shall file with  
38 the director, in a form and manner prescribed by the  
39 director, the basic or standard health benefit plan to  
40 be used by the organized delivery system. A basic or  
41 standard health benefit plan filed pursuant to this  
42 paragraph may be used by the organized delivery system  
43 beginning thirty days after it is filed unless the  
44 director disapproves of its use.

45 The director may at any time, after providing  
46 notice and an opportunity for a hearing to the  
47 organized delivery system, disapprove the continued  
48 use by an organized delivery system of a basic or

49 standard health benefit plan on the grounds that the  
50 plan does not meet the requirements of this chapter.

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1 4. a. The individual basic or standard health  
2 benefit plan shall not deny, exclude, or limit  
3 benefits for a covered individual for losses incurred  
4 more than twelve months following the effective date  
5 of the individual's coverage due to a preexisting  
6 condition. A preexisting condition shall not be  
7 defined more restrictively than any of the following:

8 (1) A condition that would cause an ordinarily  
9 prudent person to seek medical advice, diagnosis,  
10 care, or treatment during the twelve months  
11 immediately preceding the effective date of coverage.

12 (2) A condition for which medical advice,  
13 diagnosis, care, or treatment was recommended or  
14 received during the twelve months immediately  
15 preceding the effective date of coverage.

16 (3) A pregnancy existing on the effective date of  
17 coverage.

18 b. A carrier or an organized delivery system shall  
19 waive any time period applicable to a preexisting  
20 condition exclusion or limitation period with respect  
21 to particular services in an individual health benefit  
22 plan for the period of time an individual was  
23 previously covered by qualifying previous coverage  
24 that provided benefits with respect to such services,  
25 provided that the qualifying previous coverage was  
26 continuous to a date not more than thirty days prior  
27 to the effective date of the new coverage.

28 5. A carrier or an organized delivery system is  
29 not required to offer coverage or accept applications  
30 pursuant to subsection 1 from any individual not  
31 residing in the carrier's or the organized delivery  
32 system's established geographic access area.

33 6. A carrier or an organized delivery system shall  
34 not modify a basic or standard health benefit plan  
35 with respect to an individual or dependent through  
36 riders, endorsements, or other means to restrict or  
37 exclude coverage for certain diseases or medical  
38 conditions otherwise covered by the health benefit  
39 plan.

40 Sec. 19. NEW SECTION. 513C.8 HEALTH BENEFIT PLAN  
41 STANDARDS.

42 The commissioner shall adopt by rule the form and  
43 level of coverage of the basic health benefit plan and  
44 the standard health benefit plan for the individual  
45 market which shall be substantially similar to those

46 as provided for under chapter 513B with respect to  
47 small group coverage.

48 Sec. 20. NEW SECTION. 513C.9 STANDARDS TO ASSURE  
49 FAIR MARKETING.

50 1. A carrier or an organized delivery system

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1 issuing individual health benefit plans in this state  
2 shall make available the basic or standard health  
3 benefit plan to residents of this state. If a carrier  
4 or an organized delivery system denies other  
5 individual health benefit plan coverage to an eligible  
6 individual on the basis of the health status or claims  
7 experience of the eligible individual, or the  
8 individual's dependents, the carrier or the organized  
9 delivery system shall offer the individual the  
10 opportunity to purchase a basic or standard health  
11 benefit plan.

12 2. A carrier, or an organized delivery system, or  
13 an agent shall not do either of the following:

14 a. Encourage or direct individuals to refrain from  
15 filing an application for coverage with the carrier or  
16 the organized delivery system because of the health  
17 status, claims experience, industry, occupation, or  
18 geographic location of the individuals.

19 b. Encourage or direct individuals to seek  
20 coverage from another carrier or another organized  
21 delivery system because of the health status, claims  
22 experience, industry, occupation, or geographic  
23 location of the individuals.

24 3. Subsection 2, paragraph "a", shall not apply  
25 with respect to information provided by a carrier or  
26 an organized delivery system or an agent to an  
27 individual regarding the established geographic  
28 service area of the carrier or the organized delivery  
29 system, or the restricted network provision of the  
30 carrier or the organized delivery system.

31 4. A carrier or an organized delivery system shall  
32 not, directly or indirectly, enter into any contract,  
33 agreement, or arrangement with an agent that provides  
34 for, or results in, the compensation paid to an agent  
35 for a sale of a basic or standard health benefit plan  
36 to vary because of the health status or permitted  
37 rating characteristics of the individual or the  
38 individual's dependents.

39 5. Subsection 4 does not apply with respect to the  
40 compensation paid to an agent on the basis of  
41 percentage of premium, provided that the percentage  
42 shall not vary because of the health status or other

43 permitted rating characteristics of the individual or  
44 the individual's dependents.

45 6. Denial by a carrier or an organized delivery  
46 system of an application for coverage from an  
47 individual shall be in writing and shall state the  
48 reason or reasons for the denial.

49 7. A violation of this section by a carrier or an  
50 agent is an unfair trade practice under chapter 507B.

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1 8. If a carrier or an organized delivery system  
2 enters into a contract, agreement, or other  
3 arrangement with a third-party administrator to  
4 provide administrative, marketing, or other services  
5 related to the offering of individual health benefit  
6 plans in this state, the third-party administrator is  
7 subject to this section as if it were a carrier or an  
8 organized delivery system.

9 Sec. 21. NEW SECTION. 513C.10 IOWA INDIVIDUAL  
10 HEALTH BENEFIT REINSURANCE ASSOCIATION.

11 1. A nonprofit corporation is established to be  
12 known as the Iowa individual health benefit  
13 reinsurance association. All persons that provide  
14 health benefit plans in this state including insurers  
15 providing accident and sickness insurance under  
16 chapter 509, 514, or 514A; fraternal benefit societies  
17 providing hospital, medical, or nursing benefits under  
18 chapter 512B; health maintenance organizations,  
19 organized delivery systems, and all other entities  
20 providing health insurance or health benefits subject  
21 to state insurance regulation shall be members of this  
22 association. The association shall be incorporated  
23 under chapter 504A, shall operate under a plan of  
24 operation established and approved pursuant to chapter  
25 504A, and shall exercise its powers through a board of  
26 directors established under this section.

27 2. The initial board of directors of the  
28 association shall consist of seven members appointed  
29 by the commissioner as follows:

30 a. Four members shall be representatives of the  
31 four largest carriers of individual health insurance  
32 in the state, excluding medicare supplement coverage  
33 premiums, as of the calendar year ending December 31,  
34 1993.

35 b. Three members shall be representatives of the  
36 three largest writers of health insurance in the state  
37 which are not otherwise represented.

38 After an initial term, board members shall be  
39 nominated and elected by the members of the

40 association.

41 Members of the board may be reimbursed from the  
42 funds of the association for expenses incurred by them  
43 as members, but shall not otherwise be compensated by  
44 the association for their services.

45 3. The association shall submit to the  
46 commissioner a plan of operation for the association  
47 and any amendments to the association's articles of  
48 incorporation necessary and appropriate to assure the  
49 fair, reasonable, and equitable administration of the  
50 association. The plan shall provide for the sharing

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1 of losses related to basic and standard plans, if any,  
2 on an equitable and proportional basis among the  
3 members of the association. If the association fails  
4 to submit a suitable plan of operation within one  
5 hundred eighty days after the appointment of the board  
6 of directors, the commissioner shall adopt rules  
7 necessary to implement this section. The rules shall  
8 continue in force until modified by the commissioner  
9 or superseded by a plan submitted by the association  
10 and approved by the commissioner. In addition to  
11 other requirements, the plan of operation shall  
12 provide for all of the following:

13 a. The handling and accounting of assets and funds  
14 of the association.

15 b. The amount of and method for reimbursing the  
16 expenses of board members.

17 c. Regular times and places for meetings of the  
18 board of directors.

19 d. Records to be kept relating to all financial  
20 transactions, and annual fiscal reporting to the  
21 commissioner.

22 e. Procedures for selecting the board of  
23 directors.

24 f. Additional provisions necessary or proper for  
25 the execution of the powers and duties of the  
26 association.

27 4. The plan of operation may provide that the  
28 powers and duties of the association may be delegated  
29 to a person who will perform functions similar to  
30 those of the association. A delegation under this  
31 section takes effect only upon the approval of the  
32 board of directors.

33 5. The association has the general powers and  
34 authority enumerated by this section and executed in  
35 accordance with the plan of operation approved by the  
36 commissioner under subsection 3. In addition, the

37 association may do any of the following:

38 a. Enter into contracts as necessary or proper to  
39 administer this chapter.

40 b. Sue or be sued, including taking any legal  
41 action necessary or proper for recovery of any  
42 assessments for, on behalf of, or against members of  
43 the association or other participating persons.

44 c. Appoint from among members appropriate legal,  
45 actuarial, and other committees as necessary to  
46 provide technical assistance in the operation of the  
47 association, including the hiring of independent  
48 consultants as necessary.

49 d. Perform any other functions within the  
50 authority of the association.

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1 6. Rates for basic and standard coverages as  
2 provided in this chapter shall be determined by each  
3 carrier or organized delivery system as the average of  
4 the lowest rate available for issuance by that carrier  
5 or organized delivery system adjusted for rate  
6 characteristics and benefits and the maximum rate  
7 allowable by law after adjustments for rate  
8 characteristics and benefits.

9 7. Following the close of each calendar year, the  
10 association, in conjunction with the commissioner,  
11 shall require each carrier or organized delivery  
12 system to report the amount of earned premiums and the  
13 associated paid losses for all basic and standard  
14 plans issued by the carrier or organized delivery  
15 system. The reporting of these amounts must be  
16 certified by an officer of the carrier or the  
17 organized delivery system.

18 8. The board shall determine the amount of loss,  
19 if any, from all basic and standard plans issued in  
20 the state by all carriers and organized delivery  
21 systems by aggregating the data reported in subsection  
22 7. A loss shall be equal to ninety percent of earned  
23 premiums minus total paid claims.

24 9. The loss plus necessary operating expenses for  
25 the association, plus any additional expenses as  
26 provided by law, shall be assessed by the association  
27 to all members in proportion to their respective  
28 shares of total health insurance premiums or payments  
29 for subscriber contracts received in Iowa during the  
30 second preceding calendar year, or with paid losses in  
31 the year, coinciding with or ending during the  
32 calendar year, or on any other equitable basis as  
33 provided in the plan of operation. In sharing losses,

34 the association may abate or defer any part of the  
35 assessment of a member, if, in the opinion of the  
36 board, payment of the assessment would endanger the  
37 ability of the member to fulfill its contractual  
38 obligations. The association may also provide for an  
39 initial or interim assessment against members of the  
40 association if necessary to assure the financial  
41 viability of the association to meet the operating  
42 expenses of the association until the next calendar  
43 year is completed.

44 10. The collected assessments shall be disbursed  
45 to a carrier or an organized delivery system in  
46 proportion to the loss that carrier or organized  
47 delivery system represented of the aggregate loss as  
48 determined in subsection 8.

49 11. A carrier or an organized delivery system may  
50 petition the association board to seek remedy from

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1 writing a significantly disproportionate share of  
2 basic and standard policies in relation to total  
3 premiums written in the state for health benefit  
4 plans. Upon a finding that a carrier or an organized  
5 delivery system has written a disproportionate share,  
6 the board may agree to compensate the carrier or the  
7 organized delivery system either by paying to the  
8 carrier or the organized delivery system an additional  
9 fee not to exceed two percent of earned premiums from  
10 basic and standard policies for that carrier or  
11 organized delivery system or by petitioning the  
12 commissioner or director, as appropriate, for remedy.

13 12. a. The commissioner, upon a finding that the  
14 acceptance of the offer of basic and standard coverage  
15 by individuals pursuant to this chapter would place  
16 the individual health insurance carrier in a  
17 financially impaired condition, shall not require the  
18 carrier to offer coverage or accept applications for  
19 any period of time the financial impairment is deemed  
20 to exist.

21 b. The director, upon a finding that the  
22 acceptance of the offer of basic and standard coverage  
23 by individuals pursuant to this chapter would place  
24 the organized delivery system in a financially  
25 impaired condition, shall not require the organized  
26 delivery system to offer coverage or accept  
27 applications for any period of time the financial  
28 impairment is deemed to exist.

29 Sec. 22. NEW SECTION. 513C.11 INSURANCE DIVISION  
30 REPORTS.

31 1. The insurance division shall annually provide a  
32 written report to the general assembly beginning  
33 January 1, 1995, which evaluates the effect of this  
34 chapter on providing universal coverage for all  
35 Iowans. This report may be completed in conjunction  
36 with the report required by section 505.21 relating to  
37 the establishment of a requirement that an employer  
38 provide access to health care to the employer's  
39 employees, if enacted by the Seventy-fifth General  
40 Assembly, second regular session.

41 2. The insurance division shall submit an annual  
42 report to the general assembly on or before January 15  
43 of each year concerning the aggregate number of  
44 insureds who have coverage through an individual  
45 health benefit plan issued under this chapter and the  
46 net increase or decrease in the number of insureds  
47 from the previous year.

48 Sec. 23. Section 514B.17, Code 1993, is amended to  
49 read as follows:

50 514B.17 CANCELLATION OF ENROLLEES.

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1 1. An enrollee enrolled in a prepaid individual  
2 plan shall not be canceled except for the failure to  
3 pay the charges permitted under section 514B.10 or for  
4 other reasons stated in the rules ~~promulgated~~ adopted  
5 by the commissioner and subject to review in  
6 accordance with chapter 17A. ~~No~~ Except as provided in  
7 subsection 2 concerning prepaid group plans, notice of  
8 cancellation to an enrollee shall not be effective  
9 unless delivered to the enrollee by the health  
10 maintenance organization in a manner prescribed by the  
11 commissioner and at least thirty days before the  
12 effective date of cancellation and unless accompanied  
13 by a statement of reason for cancellation. At any  
14 time before cancellation of the policy for nonpayment,  
15 the enrollee may pay to the health maintenance  
16 organization the full amount due, including court  
17 costs if any, and from the date of payment by the  
18 enrollee or the collection of the judgment, coverage  
19 shall revive and be in full force and effect.

20 2. The effect of cancellation of a prepaid group  
21 plan providing health care services to enrollees, and  
22 the duty to provide notice and liability for benefits,  
23 is the same as provided under section 509B.5,  
24 subsection 2, for the termination of accident or  
25 health insurance for employees or members.

26 Sec. 24. Section 514C.2, Code 1993, is amended to  
27 read as follows:



## 28 514C.2 SKILLED NURSING CARE COVERED IN HOSPITALS.

29 An insurer, a hospital service corporation, or a  
30 medical service corporation, which covers the costs of  
31 skilled nursing care under an individual or group  
32 policy of accident and health insurance regulated  
33 under chapter 509 or 514A, ~~or under~~ a nonprofit  
34 hospital or medical and surgical service plan  
35 regulated under chapter 514, or a health care service  
36 contract regulated under chapter 514B, shall also  
37 cover the costs of skilled nursing care in a hospital  
38 if the level of care needed by the insured or  
39 subscriber has been reclassified from acute care to  
40 skilled nursing care and no designated skilled nursing  
41 care beds or swing beds are available in the hospital  
42 or in another hospital or health care facility within  
43 a thirty-mile radius of the hospital. The insurer or  
44 corporation shall reimburse the insured or subscriber  
45 based on the skilled nursing care rate.

46 Sec. 25. NEW SECTION. 514C.8 COORDINATION OF  
47 HEALTH CARE BENEFITS WITH STATE MEDICAL ASSISTANCE.

48 1. An insurer, health maintenance organization, or  
49 hospital and medical service plan providing health  
50 care coverage to individuals in this state shall not

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1 consider the availability of or eligibility for  
2 medical assistance under Title XIX of the federal  
3 Social Security Act and chapter 249A, when determining  
4 eligibility of the individual for coverage or  
5 calculating payments to the individual under the  
6 health care coverage plan.

7 2. The state acquires the rights of an individual  
8 to payment from an insurer, health maintenance  
9 organization, or hospital or medical service plan to  
10 the extent payment for covered expenses is made  
11 pursuant to chapter 249A for health care items or  
12 services provided to the individual. Upon  
13 presentation of proof that payment was made pursuant  
14 to chapter 249A for covered expenses, the insurer,  
15 health maintenance organization, or hospital or  
16 medical service plan shall make payment to the state  
17 medical assistance program to the extent of the  
18 coverage provided in the policy or contract.

19 3. An insurer shall not impose requirements on the  
20 state with respect to the assignment of rights  
21 pursuant to this section that are different from the  
22 requirements applicable to an agent or assignee of a  
23 covered individual.

24 4. For purposes of this section, "insurer"

25 includes a group health plan under the federal  
 26 Employee Retirement Income Security Act of 1974.  
 27 Sec. 26. NEW SECTION. 514C.9 MEDICAL SUPPORT --  
 28 INSURANCE REQUIREMENTS.  
 29 1. An insurer shall not deny coverage or  
 30 enrollment of a child under the health plan of the  
 31 child's parent upon any of the following grounds:  
 32 a. The child is born out of wedlock.  
 33 b. The child is not claimed as a dependent on the  
 34 parent's federal tax return.  
 35 c. The child does not reside with the parent or in  
 36 the insurer's service area.  
 37 2. a. An insurer shall not deny coverage of a  
 38 minor under the health plan of the minor's parent for  
 39 performance of a medical procedure defined under  
 40 chapter 146 if the parent has been notified prior to  
 41 the performance of the procedure. For the purposes of  
 42 this subsection, "notification" means that the person  
 43 who will perform the medical procedure provides  
 44 notification in person or by delivering the  
 45 notification by restricted certified mail to the  
 46 parent of the minor at the usual place of abode of the  
 47 parent at least forty-eight hours prior to the  
 48 performance of the procedure. For the purposes of de-  
 49 livery by restricted certified mail, the time of  
 50 delivery is deemed to occur at noon of the next day on

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1 which regular mail delivery takes place, subsequent to  
 2 the day of mailing.  
 3 b. (1) Notwithstanding paragraph "a", the  
 4 notification procedures required under this subsection  
 5 shall also apply to the performance of a medical  
 6 procedure defined under chapter 146 on a minor whether  
 7 or not the minor is covered under any health plan  
 8 unless any of the following conditions apply:  
 9 (a) The attending physician certifies that a  
 10 medical emergency existed. The attending physician  
 11 shall certify in writing the basis for the medical  
 12 judgment that a medical emergency existed and shall  
 13 make written certification available to a parent of  
 14 the minor prior to the abortion, if possible. If it  
 15 is not possible to provide a parent of the minor with  
 16 written certification prior to the abortion, the  
 17 physician shall provide the written certification to a  
 18 parent of the minor within twelve hours following the  
 19 performance of the abortion unless subparagraph  
 20 subdivision (b), (c), or (d) is applicable.  
 21 (b) The abortion is authorized in writing by a

22 parent entitled to notification.

23 (c) The pregnant minor declares that the pregnant  
24 minor is a victim of child abuse pursuant to section  
25 232.68, the person responsible for the care of the  
26 child is a parent of the child, and the abuse has been  
27 reported pursuant to the procedures prescribed in  
28 chapter 232, division III, part 2, or a parent of the  
29 child is named in a report of founded child abuse.  
30 The department of human services shall maintain  
31 confidentiality under chapter 232 regarding the  
32 minor's pregnancy and abortion, if an abortion is  
33 obtained.

34 (d) The pregnant minor elects not to allow  
35 notification of the pregnant minor's parent and a  
36 court authorizes waiver of the notification  
37 requirement following completion of the proceedings  
38 prescribed under subparagraph (2).

39 (2) If a pregnant minor objects to the  
40 notification of a parent prior to the performance of  
41 an abortion on the pregnant minor, the pregnant minor  
42 may petition the court to authorize waiver of the  
43 notification requirement pursuant to this subsection  
44 in accordance with the following procedures:

45 (a) The court shall ensure that the minor is  
46 provided with assistance in preparing and filing the  
47 petition for waiver of notification and shall ensure  
48 that the minor's identity remains confidential.

49 (b) The minor may participate in the court  
50 proceedings on the minor's own behalf and the court

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1 may appoint a guardian ad litem for the minor. The  
2 court shall advise the minor of the minor's right to  
3 court-appointed legal counsel, and shall, upon the  
4 minor's request, provide the minor with court-  
5 appointed legal counsel, at no cost to the minor.

6 (c) The court proceedings shall be conducted in a  
7 manner which protects the anonymity of the minor and  
8 all court documents pertaining to the proceedings  
9 shall remain confidential. Only the minor, the  
10 minor's guardian ad litem, the minor's legal counsel,  
11 and persons whose presence is specifically requested  
12 by the minor, by the minor's guardian ad litem, or by  
13 the minor's legal counsel may attend the hearing on  
14 the petition.

15 (d) The court proceedings under this subsection  
16 shall be given precedence over other pending matters  
17 to ensure that the court reaches a decision  
18 expeditiously.

- 19 (e) Upon petition and following an appropriate  
20 hearing, the court shall waive the notification  
21 requirements if the court determines either of the  
22 following:
- 23 (i) That the minor is mature and capable of  
24 providing informed consent for the performance of an  
25 abortion.
- 26 (ii) That the minor is not mature, or does not  
27 claim to be mature, but that notification is not in  
28 the best interest of the minor.
- 29 (f) The court shall issue specific factual  
30 findings and legal conclusions, in writing, to support  
31 the decision.
- 32 (g) Upon conclusion of the hearing, the court  
33 shall immediately issue a written order which shall be  
34 provided immediately to the minor, the minor's  
35 guardian ad litem, the minor's legal counsel, or any  
36 other person designated by the minor to receive the  
37 order.
- 38 (h) An expedited, anonymous, confidential appeal  
39 shall be available to a minor for whom the court  
40 denies a petition for waiver of notification. An  
41 order granting the minor's application for waiver of  
42 notification is not subject to appeal. Access to the  
43 appellate courts for the purpose of an appeal under  
44 this subsection shall be provided to a minor twenty-  
45 four hours a day, seven days a week.
- 46 (i) The supreme court shall prescribe rules to  
47 ensure that the proceedings under this subsection are  
48 performed in an expeditious, anonymous, and  
49 confidential manner.
- 50 (j) A minor who chooses to utilize the waiver of

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- 1 notification procedures under this subsection shall  
2 not be required to pay a fee at any level of the  
3 proceedings.
- 4 (k) A person performing an abortion on a minor may  
5 inform the parent of the minor of any necessary  
6 treatment resulting from complications of the abortion  
7 procedure if, in the judgment of the person, failure  
8 to inform the parent would seriously jeopardize the  
9 health of the minor.
- 10 (3) A person who performs an abortion in violation  
11 of this subsection is guilty of a serious misdemeanor.
- 12 (4) A person who harasses or interferes with a  
13 minor seeking an abortion is guilty of a serious  
14 misdemeanor.
- 15 (5) Venue for proceedings under this subsection is

16 in any court in the state.

17 (6) For the purposes of this subsection, unless  
18 the context otherwise requires:

19 (a) "Court" means the juvenile court which shall  
20 have exclusive jurisdiction over a medical procedure  
21 defined under chapter 146 when performed on a minor.

22 (b) "Medical emergency" means a condition that,  
23 based on a physician's clinical judgment, so  
24 complicates the medical condition of a pregnant minor  
25 as to necessitate the immediate abortion of the  
26 minor's pregnancy to avert the minor's death, or for  
27 which a delay will create risk of substantial and  
28 irreversible impairment of a major bodily function.

29 (c) "Minor" means minor as defined in chapter 599.

30 (d) "Parent" means one parent of the pregnant  
31 minor or the pregnant minor's guardian or custodian.

32 c. This subsection shall not be construed to  
33 require a health plan, insurer, or employer to provide  
34 benefits or insurance for a medical procedure as  
35 defined pursuant to chapter 146.

36 3. An insurer of a noncustodial parent providing  
37 health care coverage to the child of the noncustodial  
38 parent shall do all of the following:

39 a. Provide information to the custodian of the  
40 child as necessary for the child to obtain benefits  
41 through the coverage of the insurer.

42 b. Allow the custodian, or the provider with the  
43 custodian's approval, to submit claims for covered  
44 services without the approval of the noncustodial  
45 parent.

46 c. Make payment on a claim submitted in paragraph  
47 "b" directly to the custodian, the provider, or the  
48 state medical assistance agency.

49 4. If a parent is required by a court order or  
50 administrative order entered pursuant to chapter 252E

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1 to provide health coverage for a child and the parent  
2 is eligible for family health coverage, the insurer  
3 shall provide for all of the following:

4 a. Allow the parent to enroll under family  
5 coverage a child who is eligible for coverage without  
6 regard to an enrollment season restriction.

7 b. Enroll a child under family coverage upon  
8 application by the child's other parent or by the  
9 department of human services in the event a parent  
10 required by a court order or administrative order  
11 fails to apply for family health coverage.

12 c. Maintain coverage and not cancel the child's

13 enrollment unless the insurer obtains written evidence  
14 of any of the following:

15 (1) The court order or administrative order is no  
16 longer in effect.

17 (2) The child will enroll in health coverage  
18 through an insurer which shall take effect not later  
19 than the effective date of the cancellation of  
20 enrollment.

21 (3) The employer has eliminated family health  
22 coverage for its employees.

23 (4) The parent is no longer paying the required  
24 premium because the employer no longer owes the parent  
25 compensation, or because the parent's employment has  
26 terminated and the parent has not elected to continue  
27 coverage.

28 5. A group health plan shall establish reasonable  
29 procedures to determine whether a child is covered  
30 under a qualified medical support order pursuant to  
31 chapter 252E. The procedures shall be in writing,  
32 provide for prompt notice of each person specified in  
33 a medical support order as eligible to receive  
34 benefits under the plan group health upon receipt by  
35 the plan of the medical support order, and allow a  
36 custodian under chapter 252E to designate a  
37 representative for receipt of copies of notices in  
38 regard to the medical support order that are sent to  
39 the custodian and the department of human services'  
40 child support recovery unit.

41 6. For purposes of this section, unless the  
42 context otherwise requires:

43 a. "Child" means a person who is recognized under  
44 a qualified medical support order as having a right to  
45 enrollment under a group health plan.

46 b. "Court order" or "administrative order" means a  
47 ruling by a court or administrative agency in regard  
48 to the support a parent shall provide to the parent's  
49 child.

50 c. "Qualified medical support order" means an

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1 order which creates or recognizes a child's right to  
2 receive health benefits, describes or determines the  
3 type of coverage to be provided, specifies the length  
4 of time for which the order applies, and specifies the  
5 plan to which the order applies.

6 Sec. 27. NEW SECTION. 514C.10 COVERAGE FOR  
7 ADOPTED CHILD.

8 1. DEFINITIONS. For purposes of this section,  
9 unless the context otherwise requires:

10 a. "Child" means, with respect to an adoption or a  
11 placement for adoption of the child, an individual who  
12 has not attained age eighteen as of the date of the  
13 issuance of a final adoption decree, or upon an  
14 interlocutory adoption decree becoming a final  
15 adoption decree, as provided in chapter 600, or as of  
16 the date of the placement for adoption.

17 b. "Placement for adoption" means the assumption  
18 of a legal obligation for the total or partial support  
19 of the child in anticipation of the adoption of the  
20 child. The child's placement with a person terminates  
21 upon the termination of such legal obligation.

22 2. COVERAGE REQUIRED. A policy or contract  
23 providing for third-party payment or prepayment of  
24 health or medical expenses shall provide coverage  
25 benefits to a dependent child adopted by, or placed  
26 for adoption with, an insured or enrollee under the  
27 same terms and conditions as apply to a natural,  
28 dependent child of the insured or enrollee. The  
29 issuer of the policy or contract shall not restrict  
30 coverage under the policy or contract for a dependent  
31 child adopted by, or placed for adoption with, the  
32 insured or enrollee solely on the basis of a  
33 preexisting condition of such dependent child at the  
34 time that the child would otherwise become eligible  
35 for coverage under the plan, if the adoption or  
36 placement occurs while the insured or enrollee is  
37 eligible for coverage under the policy or contract.  
38 This section applies to the following classes of  
39 third-party payment provider contracts or policies  
40 delivered, issued for delivery, continued, or renewed  
41 in this state on or after July 1, 1994:

42 a. Individual or group accident and sickness  
43 insurance providing coverage on an expense-incurred  
44 basis.

45 b. An individual or group hospital or medical  
46 service contract issued pursuant to chapter 509, 514,  
47 or 514A.

48 c. An individual or group health maintenance  
49 organization contract regulated under chapter 514B.

50 d. An individual or group medicare supplemental

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1 policy, unless coverage pursuant to such policy is  
2 preempted by federal law.

3 Sec. 28. Section 515.8, Code 1993, is amended to  
4 read as follows:

5 515.8 PAID-UP CAPITAL REQUIRED.

6 An insurance company other than a life insurance

7 company shall not be incorporated to transact business  
8 upon the stock plan with less than two million five  
9 hundred thousand dollars capital, the entire amount of  
10 which shall be fully paid up in cash and invested as  
11 provided by law. An insurance company other than a  
12 life insurance company shall not increase its capital  
13 stock unless the amount of the increase is fully paid  
14 up in cash. The stock shall be divided into shares of  
15 not less than one dollar each. A company that  
16 undergoes a change of control as defined in chapter  
17 521A shall maintain the minimum capital requirements  
18 mandated by this section.

19 Sec. 29. Section 515.10, Code 1993, is amended to  
20 read as follows:

21 515.10 SURPLUS REQUIRED.

22 An insurance company other than a life insurance  
23 company shall have, in addition to the required paid-  
24 up capital, a surplus in cash or invested in  
25 securities authorized by law of not less than two  
26 million five hundred thousand dollars. A company that  
27 undergoes a change of control as defined in chapter  
28 521A shall maintain the minimum surplus requirements  
29 mandated by this section.

30 Sec. 30. Section 515.12, subsection 5, Code 1993,  
31 is amended to read as follows:

32 5. The mutual company shall have in cash or in  
33 securities in which insurance companies are authorized  
34 to invest, surplus in an amount not less than five  
35 million dollars. The surplus so required may be  
36 advanced in accordance with section 515.19. A company  
37 that undergoes a change of control as defined in  
38 chapter 521A shall maintain the minimum surplus  
39 requirements mandated by this section.

40 However, the surplus requirements do not apply to a  
41 company which establishes and maintains a guaranty  
42 fund as provided by section 515.20.

43 Sec. 31. Section 518.14, Code 1993, is amended by  
44 striking the section and inserting in lieu thereof the  
45 following:

46 518.14 INVESTMENTS.

47 1. GENERAL CONSIDERATIONS. The following  
48 considerations apply in the interpretation of this  
49 section:

50 a. This section applies to the investments of

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1 county mutual insurance associations.

2 b. The purpose of this section is to protect and  
3 further the interests of policyholders, claimants,



4 creditors, and the public by providing standards for  
5 the development and administration of programs for the  
6 investment of the assets of associations organized  
7 under this chapter. These standards, and the  
8 investment programs developed by companies, shall take  
9 into account the safety of the association's  
10 principal, investment yield and growth, stability in  
11 the value of the investment, and liquidity necessary  
12 to meet the association's expected business needs, and  
13 investment diversification.

14 All investments made pursuant to this section shall  
15 have investment qualities and characteristics such  
16 that the speculative elements are not predominant.

17 c. Financial terms relating to county mutual  
18 insurance associations have the meanings assigned to  
19 them under statutory accounting methods. Financial  
20 terms relating to companies or associations other than  
21 county mutual insurance associations have the meanings  
22 assigned to them under generally accepted accounting  
23 principles.

24 d. Investments shall be valued in accordance with  
25 the valuation procedures established by the national  
26 association of insurance commissioners, unless the  
27 commissioner requires or finds another method of  
28 valuation reasonable under the circumstances.

29 e. If an investment qualifies under more than one  
30 subsection, an association may elect to hold the  
31 investment under the subsection of its choice. This  
32 section does not prevent an association from electing  
33 to hold an investment under a subsection different  
34 from the one under which it previously held the  
35 investment.

36 2. DEFINITIONS. For purposes of this section:

37 a. "Admitted assets", for purposes of computing  
38 percentage limitations on particular types of  
39 investments, means the assets which are authorized to  
40 be shown on the commissioner's annual statement blank  
41 as admitted assets as of the December 31 immediately  
42 preceding the date the association acquires the  
43 investment.

44 b. "Clearing corporation" means as defined in  
45 section 554.8102, subsection 3.

46 c. "Custodian bank" means as defined in section  
47 554.8102, subsection 4.

48 d. "Issuer" means as defined in section 554.8201.

49 e. "Member bank" means a national bank, state  
50 bank, or trust company which is a member of the United

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1 States federal reserve system.

2 f. "National securities exchange" means an  
3 exchange registered under section 6 of the federal  
4 Securities Exchange Act of 1934 or an exchange  
5 regulated under the laws of Canada.

6 g. "Obligations" includes bonds, notes,  
7 debentures, transportation equipment certificates,  
8 domestic repurchase agreements, and obligations for  
9 the payment of money not in default as to payments of  
10 principal and interest on the date of investment,  
11 which constitute general obligations of the issuer or  
12 payable only out of certain revenues or certain funds  
13 pledged or otherwise dedicated for payment of  
14 principal and interest on the obligations. A lease is  
15 an obligation if the lease is assigned to the insurer  
16 and is nonterminable by the lessee upon foreclosure of  
17 any lien upon the leased property, and if rental  
18 payments are sufficient to amortize the investment  
19 over the primary lease term.

20 3. INVESTMENTS IN NAME OF ASSOCIATION OR NOMINEE  
21 AND PROHIBITIONS.

22 a. An association's investments shall be held in  
23 its own name or the name of its nominee, except as  
24 follows:

25 (1) Investments may be held in the name of a  
26 clearing corporation or of a custodian bank or in the  
27 name of the nominee of either on the following  
28 conditions:

29 (a) The clearing corporation, custodian bank, or  
30 nominee must be legally authorized to hold the  
31 particular investment for the account of others.

32 (b) When the investment is evidenced by a  
33 certificate and held in the name of a custodian bank  
34 or the nominee of a custodian bank, a written  
35 agreement shall provide that certificates so deposited  
36 shall at all times be kept separate and apart from  
37 other deposits with the depository, so that at all  
38 times they may be identified as belonging solely to  
39 the association making the deposit.

40 (c) If a clearing corporation is to act as  
41 depository, the investment may be merged or held in  
42 bulk in the name of the clearing corporation or its  
43 nominee with other investments deposited with the  
44 clearing corporation by any other person, if a written  
45 agreement between the clearing corporation and the  
46 association provides that adequate evidence of the  
47 deposit is to be obtained and retained by the  
48 association or a custodian bank.

49 (2) An association may loan stocks or obligations  
50 held by it under this chapter to a broker-dealer

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1 registered under the federal Securities Exchange Act  
2 of 1934 or to a member bank. The loan must be  
3 evidenced by a written agreement which provides all of  
4 the following:

5 (a) That the loan will be fully collateralized by  
6 cash or obligations issued or guaranteed by the United  
7 States or an agency or an instrumentality of the  
8 United States, and that the collateral will be  
9 adjusted as necessary each business day during the  
10 term of the loan to maintain the required  
11 collateralization in the event of market value changes  
12 in the loaned securities or collateral.

13 (b) That the loan may be terminated by the  
14 association at any time, and that the borrower will  
15 return the loaned stocks or obligations within five  
16 business days after termination.

17 (c) That the association has the right to retain  
18 the collateral or use the collateral to purchase  
19 investments equivalent to the loaned securities if the  
20 borrower defaults under the terms of the agreement,  
21 and that the borrower remains liable for any losses  
22 and expenses incurred by the association due to  
23 default that are not covered by the collateral.

24 (3) An association may participate through a  
25 member bank in the United States federal reserve book  
26 entry system, and the records of the member bank shall  
27 at all times show that the investments are held for  
28 the association or for specific accounts of the  
29 association.

30 (4) An investment may consist of an individual  
31 interest in a pool of obligations or a fractional  
32 interest in a single obligation if the certificate of  
33 participation or interest or the confirmation of  
34 participation or interest in the investment is issued  
35 in the name of the association, the name of the  
36 custodian bank, or the nominee of either, and, if the  
37 interest as evidenced by the certificate or  
38 confirmation is, if held by a custodian bank, kept  
39 separate and apart from the investments of others so  
40 that at all times the participation may be identified  
41 as belonging solely to the association making the  
42 investment.

43 (5) Transfers of ownership of investments held as  
44 described in paragraph "a", subparagraph (1),  
45 subparagraph subdivision (c), and subparagraphs (3)

46 and (4), may be evidenced by bookkeeping entry on the  
47 books of the issuer of the investment, its transfer or  
48 recording agent, or the clearing corporation without  
49 physical delivery of a certificate evidencing the  
50 associations's investment.

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1 b. Except as provided in paragraph "a",  
2 subparagraph (5), if an investment is not evidenced by  
3 a certificate, adequate evidence of the association's  
4 investment shall be obtained from the issuer or its  
5 transfer or recording agent and retained by the  
6 association, a custodian bank, or clearing  
7 corporation. Adequate evidence, for purposes of this  
8 paragraph, means a written receipt or other  
9 verification issued by the depository or issuer or a  
10 custodian bank which shows that the investment is held  
11 for the association.

12 4. INVESTMENTS. Except as otherwise permitted by  
13 this section, an association organized under this  
14 chapter shall only invest in the following:

15 a. UNITED STATES GOVERNMENT OBLIGATIONS.

16 Obligations issued or guaranteed by the United States  
17 or an agency or instrumentality of the United States.

18 b. CERTAIN DEVELOPMENT BANK OBLIGATIONS.

19 Obligations issued or guaranteed by the international  
20 bank for reconstruction and development, the Asian  
21 development bank, the inter-American development bank,  
22 the export-import bank, the world bank, or any United  
23 States government-sponsored organization of which the  
24 United States is a member, if the principal and  
25 interest is payable in United States dollars. An  
26 association shall not invest more than five percent of  
27 its total admitted assets in the obligations of any  
28 one of these banks or organizations, and shall not  
29 invest more than a total of ten percent of its total  
30 admitted assets in the obligations authorized by this  
31 paragraph.

32 c. STATE OBLIGATIONS. Obligations issued or  
33 guaranteed by a state, a political subdivision of a  
34 state, or an instrumentality of a state.

35 d. CANADIAN GOVERNMENT OBLIGATIONS. Obligations  
36 issued or guaranteed by Canada, by an agency or  
37 province of Canada, by a political subdivision of such  
38 province, or by an instrumentality of any of those  
39 provinces or political subdivisions.

40 e. CORPORATE AND BUSINESS TRUST OBLIGATIONS.

41 Obligations issued, assumed, or guaranteed by a  
42 corporation or business trust organized under the laws

43 of the United States or a state, or the laws of Canada  
44 or a province of Canada, provided that a company shall  
45 not invest more than five percent of its admitted  
46 assets in the obligations of any one corporation or  
47 business trust. Investments shall be made only in  
48 investment grade bonds.  
49 f. STOCKS. Common stocks, common stock  
50 equivalents, mutual fund shares, securities

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1 convertible into common stocks or common stock  
2 equivalents, or preferred stocks issued or guaranteed  
3 by a corporation incorporated under the laws of the  
4 United States or a state, or the laws of Canada or a  
5 province of Canada. Aggregate investments in  
6 nondividend paying stocks shall not exceed five  
7 percent of surplus.  
8 (1) Stocks purchased under this lettered paragraph  
9 shall not exceed fifty percent of surplus. With the  
10 approval of the commissioner, an association may  
11 invest any amount in common stocks, preferred stocks,  
12 or other securities of one or more subsidiaries  
13 provided that after such investments the insurer's  
14 surplus as regards policyholders will be reasonable in  
15 relation to the insurer's outstanding liabilities and  
16 adequate to its financial needs.  
17 (2) An association shall not invest more than ten  
18 percent of its surplus in the stocks of any one  
19 corporation.  
20 g. HOME OFFICE REAL ESTATE. Funds may be invested  
21 in a home office building, at the direction of the  
22 board of directors and with the prior approval of the  
23 commissioner of insurance. An association shall not  
24 invest more than twenty-five percent of its total  
25 admitted assets in such real estate. With the prior  
26 approval of the commissioner, an association may  
27 exceed the real estate investment limitation to  
28 effectuate a merger with, or the acquisition of,  
29 another association.  
30 Sec. 32. Section 518.16, Code 1993, is amended by  
31 striking the section and inserting in lieu thereof the  
32 following:  
33 518.16 QUALIFICATION OF AGENTS.  
34 A person shall not solicit any application for  
35 insurance for an association in this state without  
36 having procured from the commissioner of insurance a  
37 license authorizing the person to act as an agent  
38 pursuant to chapter 522.  
39 Sec. 33. NEW SECTION. 518.26 LOANS TO OFFICERS

40 PROHIBITED.

41 Assets or other funds shall not be loaned directly  
42 or indirectly to an officer, director, or employee of  
43 the association, or directly or indirectly to a  
44 relative of an officer or director of the association.

45 Sec. 34. NEW SECTION. 518.27 FORM -- APPROVAL.

46 The form of all policies, applications, agreements,  
47 and endorsements modifying the provisions of policies,  
48 and all permits and riders used in this state, issued  
49 or proposed to be issued by a county mutual insurance  
50 association doing business in this state under the

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1 provisions of this chapter, shall first be examined  
2 and approved by the commissioner of insurance.  
3 Sec. 35. NEW SECTION. 518.28 FAILURE TO FILE  
4 COPY.

5 Upon the failure of a county mutual association to  
6 file a copy of its forms of policies or contracts  
7 pursuant to section 518.27, the commissioner of  
8 insurance may suspend its authority to transact  
9 business within the state until such forms of policies  
10 or contracts have been filed and approved.

11 Sec. 36. NEW SECTION. 518.29 DISAPPROVAL OF  
12 FILINGS.

13 If the commissioner finds that a filing does not  
14 meet the requirements of this chapter, written notice  
15 of disapproval shall be sent to the county mutual  
16 insurance association specifying in what respect the  
17 filing fails to meet the requirements of this chapter  
18 and stating that the filing is not effective. If a  
19 filing is disapproved by the commissioner, the  
20 association may request a hearing on the disapproval  
21 within thirty days. The association bears the burden  
22 of proving compliance with the standards established  
23 by this chapter.

24 If, at any time after a form has been approved, the  
25 commissioner finds that the form no longer meets the  
26 requirements of this chapter, the commissioner may  
27 order the discontinuance of the use of the form. The  
28 order of discontinuance may be issued only after a  
29 hearing with at least ten days' prior notice to all  
30 county mutuals affected by the order. The order must  
31 be in writing and state the grounds for the order.  
32 The order shall state when the order of discontinuance  
33 is effective.

34 Sec. 37. NEW SECTION. 518.30 CERTIFICATE REFUSED  
35 -- ADMINISTRATIVE PENALTY.

36 The commissioner of insurance may suspend the

37 commissioner's certificate of authority to do business  
38 from a county mutual insurance association neglecting  
39 or failing to comply with this chapter. In addition,  
40 an association organized or authorized under this  
41 chapter which fails to file the annual statement  
42 referred to in section 518.15 in the time required  
43 shall pay an administrative penalty in an amount of  
44 three hundred dollars to be collected in the name of  
45 the state for deposit in the general fund of the  
46 state. The commissioner may give notice to a county  
47 mutual insurance association which has failed to file  
48 within the time required that the association is in  
49 violation of this section. If the association fails  
50 to file the statement within ten days of the date of

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1 the notice the association shall pay an additional sum  
2 of fifty dollars for each day the failure continues,  
3 to be paid into the general fund of the state.

4 Sec. 38. Section 518A.12, Code 1993, is amended by  
5 striking the section and inserting in lieu thereof the  
6 following:

7 518A.12 INVESTMENTS.

8 1. GENERAL CONSIDERATIONS. The following  
9 considerations apply in the interpretation of this  
10 section:

11 a. This section applies to the investments of  
12 associations.

13 b. The purpose of this section is to protect and  
14 further the interests of policyholders, claimants,  
15 creditors, and the public by providing standards for  
16 the development and administration of programs for the  
17 investment of the assets of associations organized  
18 under this chapter. These standards, and the  
19 investment programs developed by companies, shall take  
20 into account the safety of the association's  
21 principal, investment yield and growth, stability in  
22 the value of the investment, and liquidity necessary  
23 to meet the association's expected business needs, and  
24 investment diversification.

25 All investments made pursuant to this section shall  
26 have investment qualities and characteristics such  
27 that the speculative elements are not predominant.

28 c. Financial terms relating to associations have  
29 the meanings assigned to them under statutory  
30 accounting methods. Financial terms relating to  
31 companies other than associations have the meanings  
32 assigned to them under generally accepted accounting  
33 principles.

34 d. Investments shall be valued in accordance with  
 35 the valuation procedures established by the national  
 36 association of insurance commissioners, unless the  
 37 commissioner requires or finds another method of  
 38 valuation reasonable under the circumstances.

39 e. If an investment qualifies under more than one  
 40 subsection, an association may elect to hold the  
 41 investment under the subsection of its choice. This  
 42 section does not prevent an association from electing  
 43 to hold an investment under a subsection different  
 44 from the one under which it previously held the  
 45 investment.

46 2. DEFINITIONS. For purposes of this section:

47 a. "Admitted assets", for purposes of computing  
 48 percentage limitations on particular types of  
 49 investments, means the assets which are authorized to  
 50 be shown on the national association of insurance

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1 commissioner's annual statement blank as admitted  
 2 assets as of the December 31 immediately preceding the  
 3 date the association acquires the investment.

4 b. "Clearing corporation" means as defined in  
 5 section 554.8102, subsection 3.

6 c. "Custodian bank" means as defined in section  
 7 554.8102, subsection 4.

8 d. "Issuer" means as defined in section 554.8201.

9 e. "Member bank" means a national bank, state  
 10 bank, or trust company which is a member of the United  
 11 States federal reserve system.

12 f. "National securities exchange" means an  
 13 exchange registered under section 6 of the federal  
 14 Securities Exchange Act of 1934 or an exchange  
 15 regulated under the laws of Canada.

16 g. "Obligations" includes bonds, notes,  
 17 debentures, transportation equipment certificates,  
 18 domestic repurchase agreements, and obligations for  
 19 the payment of money not in default as to payments of  
 20 principal and interest on the date of investment,  
 21 which constitute general obligations of the issuer or  
 22 payable only out of certain revenues or certain funds  
 23 pledged or otherwise dedicated for payment of  
 24 principal and interest on the obligations. A lease is  
 25 an obligation if the lease is assigned to the insurer  
 26 and is nonterminable by the lessee upon foreclosure of  
 27 any lien upon the leased property, and if rental  
 28 payments are sufficient to amortize the investment  
 29 over the primary lease term.

30 3. INVESTMENTS IN NAME OF ASSOCIATION OR NOMINEE



## 31 AND PROHIBITIONS.

32 a. An association's investments shall be held in  
33 its own name or the name of its nominee, except as  
34 follows:

35 (1) Investments may be held in the name of a  
36 clearing corporation or of a custodian bank or in the  
37 name of the nominee of either on the following  
38 conditions:

39 (a) The clearing corporation, custodian bank, or  
40 nominee must be legally authorized to hold the  
41 particular investment for the account of others.

42 (b) When the investment is evidenced by a  
43 certificate and held in the name of a custodian bank  
44 or the nominee of a custodian bank, a written  
45 agreement shall provide that certificates so deposited  
46 shall at all times be kept separate and apart from  
47 other deposits with the depository, so that at all  
48 times they may be identified as belonging solely to  
49 the association making the deposit.

50 (c) If a clearing corporation is to act as

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1 depository, the investment may be merged or held in  
2 bulk in the name of the clearing corporation or its  
3 nominee with other investments deposited with the  
4 clearing corporation by any other person, if a written  
5 agreement between the clearing corporation and the  
6 association provides that adequate evidence of the  
7 deposit is to be obtained and retained by the  
8 association or a custodian bank.

9 (2) An association may loan stocks or obligations  
10 held by it under this chapter to a broker-dealer  
11 registered under the federal Securities Exchange Act  
12 of 1934 or to a member bank. The loan must be  
13 evidenced by a written agreement which provides all of  
14 the following:

15 (a) That the loan will be fully collateralized by  
16 cash or obligations issued or guaranteed by the United  
17 States or an agency or an instrumentality of the  
18 United States, and that the collateral will be  
19 adjusted as necessary each business day during the  
20 term of the loan to maintain the required  
21 collateralization in the event of market value changes  
22 in the loaned securities or collateral.

23 (b) That the loan may be terminated by the  
24 association at any time, and that the borrower will  
25 return the loaned stocks or obligations within five  
26 business days after termination.

27 (c) That the association has the right to retain

28 the collateral or use the collateral to purchase  
29 investments equivalent to the loaned securities if the  
30 borrower defaults under the terms of the agreement,  
31 and that the borrower remains liable for any losses  
32 and expenses incurred by the association due to  
33 default that are not covered by the collateral.

34 (3) An association may participate through a  
35 member bank in the United States federal reserve book  
36 entry system, and the records of the member bank shall  
37 at all times show that the investments are held for  
38 the association or for specific accounts of the  
39 association.

40 (4) An investment may consist of an individual  
41 interest in a pool of obligations or a fractional  
42 interest in a single obligation if the certificate of  
43 participation or interest or the confirmation of  
44 participation or interest in the investment is issued  
45 in the name of the association, the name of the  
46 custodian bank, or the nominee of either, and, if the  
47 interest as evidenced by the certificate or  
48 confirmation is, if held by a custodian bank, kept  
49 separate and apart from the investments of others so  
50 that at all times the participation may be identified

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1 as belonging solely to the association making the  
2 investment.

3 (5) Transfers of ownership of investments held as  
4 described in paragraph "a", subparagraph (1),  
5 subparagraph subdivision (c), and subparagraphs (3)  
6 and (4), may be evidenced by bookkeeping entry on the  
7 books of the issuer of the investment, its transfer or  
8 recording agent, or the clearing corporation without  
9 physical delivery of a certificate evidencing the  
10 associations' investment.

11 b. Except as provided in paragraph "a",  
12 subparagraph (5), if an investment is not evidenced by  
13 a certificate, adequate evidence of the association's  
14 investment shall be obtained from the issuer or its  
15 transfer or recording agent and retained by the  
16 association, a custodian bank, or clearing  
17 corporation. Adequate evidence, for purposes of this  
18 paragraph, means a written receipt or other  
19 verification issued by the depository or issuer or a  
20 custodian bank which shows that the investment is held  
21 for the association.

22 4. INVESTMENTS. Except as otherwise permitted by  
23 this section, an association organized under this  
24 chapter shall only invest in the following:

## 25 a. UNITED STATES GOVERNMENT OBLIGATIONS.

26 Obligations issued or guaranteed by the United States  
27 or an agency or instrumentality of the United States.

## 28 b. CERTAIN DEVELOPMENT BANK OBLIGATIONS.

29 Obligations issued or guaranteed by the international  
30 bank for reconstruction and development, the Asian  
31 development bank, the inter-American development bank,  
32 the export-import bank, the world bank, or any United  
33 States government-sponsored organization of which the  
34 United States is a member, if the principal and  
35 interest is payable in United States dollars. An  
36 association shall not invest more than five percent of  
37 its total admitted assets in the obligations of any  
38 one of these banks or organizations, and shall not  
39 invest more than a total of ten percent of its total  
40 admitted assets in the obligations authorized by this  
41 paragraph.

42 c. STATE OBLIGATIONS. Obligations issued or  
43 guaranteed by a state, a political subdivision of a  
44 state, or an instrumentality of a state.

45 d. CANADIAN GOVERNMENT OBLIGATIONS. Obligations  
46 issued or guaranteed by Canada, by an agency or  
47 province of Canada, by a political subdivision of such  
48 province, or by an instrumentality of any of those  
49 provinces or political subdivisions.

## 50 e. CORPORATE AND BUSINESS TRUST OBLIGATIONS.

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1 Obligations issued, assumed, or guaranteed by a  
2 corporation or business trust organized under the laws  
3 of the United States or a state, or the laws of Canada  
4 or a province of Canada, provided that a company shall  
5 not invest more than five percent of its admitted  
6 assets in the obligations of any one corporation or  
7 business trust. Investments shall be made only in  
8 investment grade bonds.

9 f. STOCKS. Common stocks, common stock  
10 equivalents, mutual fund shares, securities  
11 convertible into common stocks or common stock  
12 equivalents, or preferred stocks issued or guaranteed  
13 by a corporation incorporated under the laws of the  
14 United States or a state, or the laws of Canada or a  
15 province of Canada. Aggregate investments in  
16 nondividend paying stocks shall not exceed five  
17 percent of surplus.

18 (1) Stocks purchased under this lettered paragraph  
19 shall not exceed fifty percent of surplus. With the  
20 approval of the commissioner, an association may  
21 invest any amount in common stocks, preferred stocks,

22 or other securities of one or more subsidiaries  
23 provided that after such investments the insurer's  
24 surplus as regards policyholders will be reasonable in  
25 relation to the insurer's outstanding liabilities and  
26 adequate to its financial needs.

27 (2) An association shall not invest more than ten  
28 percent of its surplus in the stocks of any one  
29 corporation.

30 g. HOME OFFICE REAL ESTATE. Funds may be invested  
31 in a home office building, at the direction of the  
32 board of directors and with the prior approval of the  
33 commissioner of insurance. An association shall not  
34 invest more than twenty-five percent of its total  
35 admitted assets in such real estate. With the prior  
36 approval of the commissioner, an association may  
37 exceed the real estate investment limitation to  
38 effectuate a merger with, or the acquisition of,  
39 another association.

40 Sec. 39. Section 518A.17, unnumbered paragraph 3,  
41 Code 1993, is amended to read as follows:

42 Not less than fifty percent of such aggregate  
43 amount of assessments, and other sums paid by the  
44 members shall be returned to the members, either  
45 through the payment of losses or through discounts,  
46 credits, or dividends, to be credited on the  
47 assessments required for the current or succeeding  
48 year, or, at the discretion of the board of directors,  
49 may be set aside in the emergency fund as defined in  
50 section 518A.12, as surplus to policyholders, but no

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1 sum less than forty percent of such aggregate  
2 assessments, and other sums paid by the members, shall  
3 be returned to the members through payment of such  
4 losses or through discounts, credits, or dividends  
5 during the current or succeeding year.

6 Sec. 40. NEW SECTION. 518A.44 LIMITATION ON  
7 RISKS.

8 An association shall not expose itself to loss on  
9 any one risk or hazard to an amount exceeding ten  
10 percent of its surplus to policyholders unless one of  
11 the following applies:

12 1. The excess is reinsured in some other good and  
13 reliable company licensed to sell insurance in this  
14 state.

15 2. The excess is reinsured by a group of  
16 incorporated or individual unincorporated insurers who  
17 are authorized to sell insurance in at least one state  
18 of the United States and who possess assets which are

19 held in trust for the benefit of the American  
20 policyholders in the sum of not less than fifty  
21 million dollars, and a certificate of such reinsurance  
22 shall be furnished to the insured.

23 3. The excess is reinsured with a company which  
24 has, with respect to the ceding insurer, created a  
25 trust fund, made a deposit, or obtained letters of  
26 credit, on terms satisfactory to the commissioner.

27 Sec. 41. NEW SECTION. 518A.51 LOANS TO OFFICERS  
28 PROHIBITED.

29 Assets or other funds shall not be loaned directly  
30 or indirectly to an officer, director, or employee of  
31 the association, or directly or indirectly to a  
32 relative of an officer or director of the association.

33 Sec. 42. NEW SECTION. 518A.52 FORM - APPROVAL.

34 The form of all policies, applications, agreements,  
35 and endorsements modifying the provisions of policies,  
36 and all permits and riders used in this state, issued  
37 or proposed to be issued by an association doing  
38 business in this state under the provisions of this  
39 chapter, shall first be examined and approved by the  
40 commissioner of insurance.

41 Sec. 43. NEW SECTION. 518A.53 FAILURE TO FILE  
42 COPY.

43 Upon the failure of an association to file a copy  
44 of its forms of policies or contracts pursuant to  
45 section 518A.52, the commissioner of insurance may  
46 suspend its authority to transact business within the  
47 state until such forms of policies or contracts have  
48 been filed and approved.

49 Sec. 44. NEW SECTION. 518A.54 DISAPPROVAL OF  
50 FILINGS.

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1 If the commissioner finds that a filing does not  
2 meet the requirements of this chapter, written notice  
3 of disapproval shall be sent to the association  
4 specifying in what respect the filing fails to meet  
5 the requirements of this chapter and stating that the  
6 filing is not effective. If a filing is disapproved  
7 by the commissioner, the association may request a  
8 hearing on the disapproval within thirty days. The  
9 association bears the burden of proving compliance  
10 with the standards established by this chapter.

11 If, at any time after a form has been approved, the  
12 commissioner finds that the form no longer meets the  
13 requirements of this chapter, the commissioner may  
14 order the discontinuance of the use of the form. The  
15 order of discontinuance may be issued only after a

16 hearing with at least ten days' prior notice to all  
 17 associations affected by the order. The order must be  
 18 in writing and state the grounds for the order. The  
 19 order shall state when the order of discontinuance is  
 20 effective.

21 Sec. 45. NEW SECTION. 518A.55 CERTIFICATE  
 22 REFUSED -- ADMINISTRATIVE PENALTY.

23 The commissioner of insurance may suspend the  
 24 commissioner's certificate of authority to do business  
 25 from an association neglecting or failing to comply  
 26 with this chapter. In addition, an association  
 27 organized or authorized under this chapter which fails  
 28 to file the annual statement referred to in section  
 29 518A.18 in the time required shall pay an  
 30 administrative penalty in an amount of three hundred  
 31 dollars to be collected in the name of the state for  
 32 deposit in the general fund of the state. The  
 33 commissioner may give notice to an association which  
 34 has failed to file within the time required that the  
 35 association is in violation of this section. If the  
 36 association fails to file the statement within ten  
 37 days of the date of the notice the association shall  
 38 pay an additional sum of fifty dollars for each day  
 39 the failure continues, to be paid to the general fund  
 40 of the state.

41 Sec. 46. Section 521.1, Code 1993, is amended to  
 42 read as follows:

43 521.1 DEFINITIONS.

44 "Company" or "companies" when used in this chapter  
 45 means a company or association organized under chapter  
 46 508, 511, 515, 518, 518A, or 520; ~~except county~~  
 47 ~~mutuals~~.

48 Sec. 47. Section 521B.2, subsection 4, paragraph  
 49 a, Code 1993, is amended to read as follows:

50 a. Credit is allowed if the reinsurance is ceded

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1 to an assuming insurer which maintains a trust fund in  
 2 a qualified United States financial institution, as  
 3 defined in section 521B.4, subsection 2, for the  
 4 payment of the valid claims of its United States  
 5 policyholders and ceding insurers, their assigns, and  
 6 successors in interest. The assuming insurer shall  
 7 report annually to the commissioner information  
 8 substantially the same as that required to be reported  
 9 on the national association of insurance  
 10 commissioners' annual statement form by licensed  
 11 insurers to enable the commissioner to determine the  
 12 sufficiency of the trust fund. In the case of a

13 single assuming insurer, the trust shall consist of a  
14 trusted account representing the liabilities of the  
15 assuming insurer attributable to business written in  
16 the United States and, in addition, the assuming  
17 insurer shall maintain a trusted surplus of not less  
18 than twenty million dollars. In the case of a group  
19 of including individual unincorporated and  
20 incorporated underwriters, the trust shall consist of  
21 a trusted account representing the liabilities of the  
22 group attributable to business written in the United  
23 States and, in addition, the group shall maintain a  
24 trusted surplus of which one hundred million dollars  
25 shall be held jointly for the benefit of United States  
26 ceding insurers of any member of the group. The  
27 incorporated members of the group shall not engage in  
28 any business other than underwriting as a member of  
29 the group and shall be subject to the same level of  
30 solvency regulation and control by the group's  
31 domiciliary regulator as are the unincorporated  
32 members. The group shall make available to the  
33 commissioner an annual certification of the solvency  
34 of each underwriter by the group's domiciliary  
35 regulator and its independent public accountants.  
36 Sec. 48. Sections 518A.33, 518A.34, and 518A.42,  
37 Code 1993, are repealed.

38 Sec. 49. INSURANCE DIVISION STUDIES. The  
39 insurance division shall review, study, and make  
40 recommendations to the general assembly concerning the  
41 Iowa comprehensive health insurance association  
42 established under chapter 514E, with the intent to  
43 merge the Iowa comprehensive health insurance program  
44 with an individual health reinsurance program. The  
45 division shall submit a written report to the general  
46 assembly no later than January 9, 1995, including the  
47 division's findings and recommendations.  
48 It is the intent of the general assembly that any  
49 merger of the Iowa comprehensive health insurance  
50 program with an individual health reinsurance program

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1 shall only occur if those whom the Iowa comprehensive  
2 health insurance association presently serves or would  
3 serve in the future are able to obtain health coverage  
4 equal to or better than such coverage in terms of  
5 cost, coverage, and plan restrictions than presently  
6 available through the Iowa comprehensive health  
7 insurance association.

8 Sec. 50. INTERIM STUDY REQUEST. The legislative  
9 council is requested to establish an interim study

10 committee to review the potential for adoption of a  
 11 variety of plans which may be formed to enable an  
 12 individual or family to participate in financial  
 13 instruments which provide for accumulation of deposits  
 14 for the potential payment of health care expenditures.  
 15 In particular, the committee should review the  
 16 potential offered by family health accounts and their  
 17 applicability in the provision of health security for  
 18 individuals and families. Issues to be reviewed shall  
 19 include limitations on deposits, extent of usage for  
 20 health care expenditures, tax consequences, extent to  
 21 which deposits can be used, the role of financial  
 22 institutions, withdrawal parameters, and penalties. A  
 23 report with recommendations shall be presented to the  
 24 general assembly no later than January 3, 1995.

25 Sec. 51. STUDY PROPOSAL. The insurance division,  
 26 on or before September 1, 1994, shall provide a  
 27 written proposal to the legislative council of the  
 28 general assembly, and the chairperson, vice  
 29 chairperson, and ranking member of the Senate and  
 30 House committees on human resources detailing a plan  
 31 for the study of all available financing mechanisms  
 32 and cost containment mechanisms which might assist in  
 33 the attainment of universal coverage for all Iowa  
 34 citizens.

35 Sec. 52. DIRECTIONS TO CODE EDITOR -- INSURANCE  
 36 DIVISION.

37 1. The Code editor is directed to strike all  
 38 references in chapter 518A to "state mutual assessment  
 39 association" or variations thereof and to insert in  
 40 lieu thereof the word "association" or variations  
 41 thereof.

42 2. The insurance division shall review chapter  
 43 518A as amended by this Act and include any additional  
 44 recommendations for changes to conform the chapter to  
 45 this Act in the division's legislative recommendations  
 46 to be presented to the general assembly for the 1995  
 47 regular legislative session.

48 Sec. 53. APPLICABILITY. Notwithstanding the  
 49 provisions of sections 513C.4 and 513C.5, chapter  
 50 513C, as enacted in this Act, is not applicable to an

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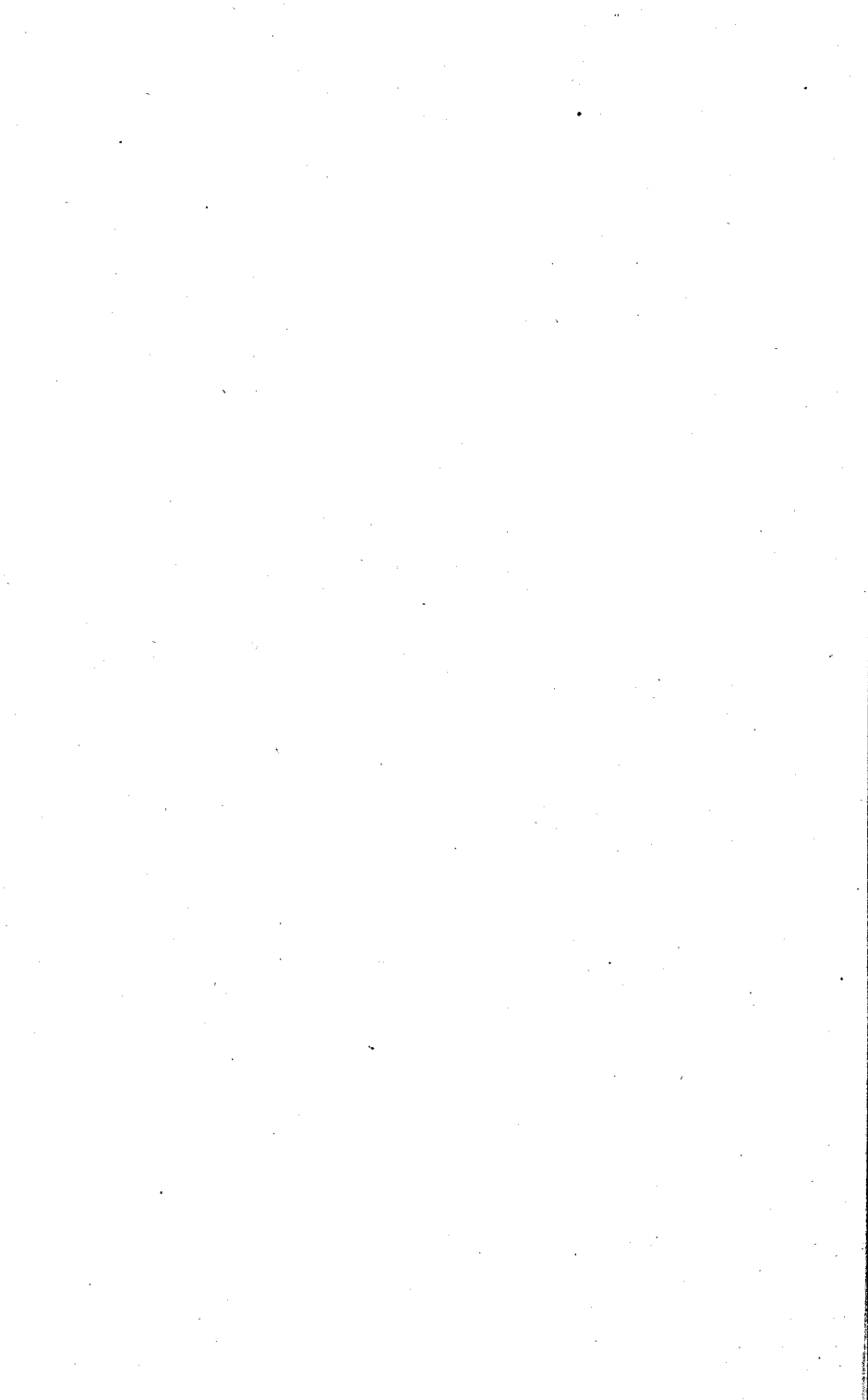
1 individual health benefit plan delivered or issued for  
 2 delivery in this state or to a block of individual  
 3 health benefit plan business until such time as rules  
 4 implementing the chapter have been adopted by the  
 5 insurance division pursuant to chapter 17A.

6 Sec. 54. EFFECTIVE DATE. Section 1 of this Act,



7 which amends section 422.7 by adding a new subsection  
8 29, is effective January 1, 1995, for tax years  
9 beginning on or after that date.”

MERLIN E. BARTZ



**REPORTS OF CONFERENCE COMMITTEES  
(Senate Files)**

**Filed During The  
SEVENTY-FIFTH GENERAL ASSEMBLY  
1994 Regular Session**

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2016**

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 2016, a bill for an Act relating to grain dealer licenses, by providing for minimum financial requirements, and providing an effective date, respectfully make the following report:

1. That the House amendment, S-5270, to Senate File 2016, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking lines 5 through 13.
2. Page 3, by striking lines 20 through 31.
3. By renumbering as necessary.

On the Part of the Senate:

BERL E. PRIEBE, Chair  
BRAD BANKS  
MERLIN E. BARTZ  
ROBERT E. DVORSKY  
EMIL J. HUSAK

On the Part of the House:

CLIFFORD O. BRANSTAD, Chair  
DENNIS MAY  
RICHARD VANDE HOEF

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2038**

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 2038, a bill for an Act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6062.  
2. That the House amendment S-5455, to Senate File 2038, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking lines 3 through 43.
2. By striking page 2, line 23 through page 3, line 20, and inserting the following:  
" — . Title page, by striking lines 2 and 3 and inserting the following:  
"transportation records.""

On the Part of the Senate:

On the Part of the House:

ELAINE SZYMONIAK, Chair  
 RICHARD F. DRAKE  
 WILLIAM FINK  
 H. KAY HEDGE  
 JEAN LLOYD-JONES

GREGORY A. SPENNER, Chair  
 STEVEN E. GRUBBS  
 RICHARD MYERS  
 MARY NEUHAUSER  
 JERRY J. WELTER

REPORT OF THE CONFERENCE COMMITTEE  
 ON SENATE FILE 2089

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 2089, a bill for an Act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5931.
2. That the House amendment, S-5144, to Senate File 2089, as passed by the Senate, is amended as follows:

1. By striking page 1, line 5, through page 13, line 47, and inserting the following:  
 ""Section 1. Section 2.32, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 9. If an appointment subject to senate confirmation is required by statute to be made by an appointing authority other than the governor, the duties assigned under this section to the governor shall be performed by the appointing authority.

Sec. 2. Section 18.3, subsection 5, Code 1993, is amended by striking the subsection.

Sec. 3. Section 18.133, subsections 1, 2, 3, and 4, Code Supplement 1993, are amended to read as follows:

1. "Commission" means the Iowa telecommunications and technology commission established in section 18.133A.

- 1 IA. "Director" means the executive director of the department of general services or the director's designee appointed pursuant to section 18.133B.

2. "Private agency" means an accredited nonpublic schools and school, a nonprofit institutions institution of higher education eligible for tuition grants, or a hospital licensed pursuant to chapter 135B or a physician clinic to the extent provided in section 18.136, subsection 13B.

3. "Public agency" means a state agency, an institution under the control of the board of regents, the judicial department as provided in section 18.136, subsection 13C, a school corporation, a city library, a regional library as provided in chapter 256, and a county library as provided in chapter 336, or a judicial district department of correctional services established in section 905.2, to the extent provided in section 18.136, subsection 13A, an agency of the federal government, or a United States post office which receives a federal grant for pilot and demonstration projects.

4. "State communications" refers to the transmission of voice, data, video, the written word or other visual signals by electronic means to serve the needs of state agencies but does not include communications activities of the state board of regents, radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems under the division of public broadcasting division of the department of education, department of transportation distributed data processing and mobile radio network, or law enforcement communications systems.

Sec. 4. Section 18.133, Code Supplement 1993, is amended by adding the following new subsection:

**NEW SUBSECTION. 1B.** "Network" means the Iowa or state communications network.

Sec. 5. **NEW SECTION. 18.133A IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION — MEMBERS — DUTIES.**

1. **COMMISSION ESTABLISHED.** A telecommunications and technology commission is established with the sole authority to supervise the management, development, and operation of the network and ensure that all components of the network are technically compatible. The commission shall ensure that the network operates in an efficient and responsible manner consistent with the provisions of this chapter for the purpose of providing the best economic service attainable to the network users consistent with the state's financial capacity. The commission shall ensure that educational users and the use, design, and implementation for educational applications be given the highest priority concerning use of the network. The commission shall provide for the centralized, coordinated use and control of the network.

2. **MEMBERS.** The commission is composed of three members appointed by the governor and subject to confirmation by the senate. Members of the commission shall not serve in any manner or be employed by an authorized user of the network or by an entity seeking to do or doing business with the network. The governor shall appoint a member as the chairperson of the commission from the three members appointed by the governor, subject to confirmation by the senate. Members of the commission shall serve six-year staggered terms as designated by the governor and appointments to the commission are subject to the requirements of sections 69.16, 69.16A, and 69.19. Vacancies shall be filled by the governor for the duration of the unexpired term. The salary of the members of the commission shall be twenty thousand dollars per year, except that the salary of the chairperson shall be twenty-five thousand dollars per year. Members of the commission shall also be reimbursed for all actual and necessary expenses incurred in the performance of duties as members. Meetings of the commission shall be held at the call of the chairperson of the commission. In addition to the members appointed by the governor, the auditor of state or the auditor's designee shall serve as a nonvoting, ex officio member of the commission.

The benefits and salary paid to the members of the commission shall be adjusted annually equal to the average of the annual pay adjustments, expense reimbursements, and related benefits provided under collective bargaining agreements negotiated pursuant to chapter 20.

3. **DUTIES.** The commission shall do all of the following:

a. Enter into agreements pursuant to chapter 28E as necessary and appropriate for the purposes of the commission. However, the commission shall not enter into

an agreement with an unauthorized user or any other person pursuant to chapter 28E for the purpose of providing such user or person access to the network.

b. Adopt rules pursuant to chapter 17A as deemed appropriate and necessary, and directly related to the implementation and administration of the duties of the commission. The commission, in consultation with the department of general services, shall also adopt and provide for standard communications procedures and policies relating to the use of the network which recognize, at a minimum, the need for reliable communications services.

c. Establish an appeal process for review by the commission of a scheduling conflict decision, including a scheduling conflict involving an educational user, or the establishment of a fee associated with the network upon the request of a person affected by such decision or fee. A determination made by the commission pursuant to this paragraph shall be final.

d. Review and approve for adoption, rules as proposed and submitted by an authorized user group necessary for the authorized user group's access and use of the network. The commission may refuse to approve and adopt a proposed rule, and upon such refusal, shall return the proposed rule to the respective authorized user group proposing the rule with a statement indicating the commission's reason for refusing to approve and adopt the rule.

e. (1) Develop and issue for response all requests for proposals for any construction, installation, repair, maintenance, or equipment and parts necessary for the network. In preparing the request for proposals, the commission shall do all of the following:

(a) Review existing requests for proposals related to the network.

(b) Consider and evaluate all competing technologies which could be used in any construction, installation, repair, or maintenance project.

(c) Allow flexibility for proposals to be submitted in response to a request for proposals issued by the commission such that any qualified provider may submit a bid on a site-by-site basis, or on a merged area or defined geographic area basis, or both, and by permitting proposals to be submitted for use of competing or alternative technologies in each defined area.

(d) Ensure that rural communities have access to comparable services to the services provided in urban areas resulting from any plans to construct, install, repair, or maintain any part of the network.

(2) In determining which proposal to recommend to the general assembly to accept, consider what is in the long-term best interests of the citizens of the state and the network, and utilize, if possible, the provision of services with existing service providers consistent with those best interests. In determining what is in the long-term best interests of the citizens of the state and the network, the commission, at a minimum, shall consider the cost to taxpayers of the state.

(3) Deliver a written report and all proposals submitted in response to the request for proposals for Part III to the general assembly no later than January 1, 1995. The commission shall not enter into any agreement related to such proposals without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor.

f. Annually prepare a written five-year financial plan for the network which shall be provided to the general assembly and the governor no later than January 15 of each year. The plan shall include estimates for income and expenses for the network for the five-year period and the actual income and expenses for the preceding fiscal year. The plan shall include the amount of general fund appropriations to be requested for the payment of operating expenses and debt

service. The plan shall also include any recommendations of the commission related to changes in the system and other items as deemed appropriate by the commission. The recommendations of the commission contained in the plan shall include a detailed plan for the connection of all public schools to the network, including a discussion and evaluation of all potential financing options, an estimate of all costs incurred in providing such connections, and a schedule for completing such connections, including the anticipated final completion date for such connections.

g. Review existing maintenance contracts and past contracts to determine vendor capability to perform the obligations under such contracts. The commission shall report to the general assembly prior to January 1 of each year as to the performance of all vendors under each contract and shall make recommendations concerning continued funding for the contracts.

h. Pursue available opportunities to cooperate and coordinate with the federal government for the use and potential expansion of the network and for the financing of any such expansion.

i. Evaluate existing and projected rates for use of the system and ensure that rates are sufficient to pay for the operation of the system except to the extent such use is subsidized by general fund appropriations as authorized by the general assembly. The commission shall establish all hourly rates to be charged to all authorized users for the use of the network. A fee established by the commission to be charged to a hospital licensed pursuant to chapter 135B, a physician clinic, or the federal government shall be at an appropriate rate so that, at a minimum, there is no state subsidy related to the costs of the connection or use of the network related to such user.

j. Make recommendations to the general assembly, as deemed appropriate by the commission, concerning the operation of the network.

**Sec. 6. NEW SECTION. 18.133B EXECUTIVE DIRECTOR APPOINTED.**

The commission shall appoint an executive director of the commission, subject to confirmation by the senate. Such individual shall not serve as a member of the commission. The executive director shall serve at the pleasure of the commission. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation. The governor shall establish the salary of the executive director within range nine as established by the general assembly. The salary and support of the executive director shall be paid from funds deposited in the Iowa communications network fund.

**Sec. 7. NEW SECTION. 18.133C EDUCATION TELECOMMUNICATIONS COUNCIL ESTABLISHED — REGIONAL COUNCILS ESTABLISHED.**

1. An education telecommunications council is established. The council consists of eighteen members and shall include the following: two persons appointed by the state board of regents; two persons appointed by the Iowa association of community college trustees; two persons appointed by the area education agency boards; two persons appointed by the Iowa association of school boards; two persons appointed by the school administrators of Iowa; two persons appointed by the Iowa association of independent colleges and universities; two persons appointed by the Iowa state education association; three persons appointed by the director of the department of education including one person representing libraries and one person representing the Iowa association of nonpublic school administrators; and one person appointed by the administrator of the public broadcasting division of the department of education. The council shall establish scheduling and site usage policies for educational users of the network, coordinate the activities of



the regional telecommunications councils, and develop proposed rules and changes to rules for recommendation to the commission. The council shall also recommend long-range plans for enhancements needed for educational applications. Administrative support and staffing for the council shall be provided by the department of education.

2. A regional telecommunications council is established in each of the merged areas established pursuant to chapter 260C consisting of nine members, including one member each to be appointed by each of the appointing authorities under subsection 1. Additional ex officio, nonvoting members may also be appointed to the regional telecommunications councils. The regional telecommunications councils shall advise the education telecommunications council on the assessment of local educational needs, and the coordination of program activities including scheduling. The community college located in the merged area of a regional telecommunications council shall staff and facilitate the activities of the council. The community college and the council may enter into a chapter 28E agreement for such arrangement.

3. The community college in each of the merged areas shall be responsible for switching of Parts II and III of the network and for facilitating the organization and meetings of the regional telecommunications council.

**Sec. 8. NEW SECTION. 18.133D ADVISORY GROUPS ESTABLISHED.**

1. The commission shall establish an advisory group to examine the use of the network for telemedicine applications. The advisory group shall consist of representatives of hospitals and other health care facilities as determined by the commission.

2. The commission may establish other advisory committees as necessary representing authorized users of the network.

**Sec. 9. NEW SECTION. 18.133E TELECOMMUNICATIONS ADVISORY COMMITTEE.**

A telecommunications advisory committee is established to advise the commission on telecommunications matters. The commission shall appoint five members to the advisory committee who shall represent specific telecommunications industries or persons with technical expertise related to the network.

**Sec. 10. NEW SECTION. 18.133F SCHEDULING FOR AUTHORIZED USERS.**

Except as provided in section 18.133C, an authorized user is responsible for all scheduling of the use of the authorized user's facility. A person who disputes a scheduling decision of such user may petition the commission for a review of such decision pursuant to section 18.133A, subsection 3, paragraph "c".

**Sec. 11. NEW SECTION. 18.133G CERTIFICATION OF USE —NETWORK USE BY CERTAIN AUTHORIZED USERS.**

1. A private or public agency, other than a state agency, local school district or nonpublic school, city library, regional library, county library, judicial department, judicial district department of correctional services, agency of the federal government, a hospital or physician clinic, or a post office authorized to be offered access pursuant to this chapter as of the effective date of this Act, shall certify to the commission no later than July 1, 1994, that the agency is a part of or intends to become a part of the network. Upon receiving such certification from an agency not a part of the network on the effective date of this Act, the commission shall provide for the connection of such agency as soon as practical. An agency which does not certify to the commission that the agency is a part

of or intends to become a part of the network as required by this subsection shall be prohibited from using the network.

2. a. A private or public agency which certifies to the commission pursuant to subsection 1 that the agency is a part of or intends to become a part of the network shall use the network for all video, data, and voice requirements of the agency unless the private or public agency petitions the commission for a waiver and one of the following applies:

(1) The cost to the authorized user for services provided on the network are not competitive with the same services provided by another provider.

(2) The authorized user is under contract with another provider for such services, provided the contract was entered into prior to April 1, 1994. The agency shall use the network for video, data, and voice requirements which are not provided pursuant to such contract.

(3) The authorized user has entered into an agreement with the commission to become part of the network prior to June 1, 1994, which does not provide for use of the network for all video, data, and voice requirements of the agency. The commission may enter into an agreement described in this subparagraph upon a determination that the use of the network for all video, data, and voice requirements of the agency would not be in the best interests of the agency.

b. A private or public agency shall petition the commission for a waiver of the requirement to use the network as provided in paragraph "a" if the agency determines that paragraph "a" subparagraph (1) or (2) applies. The commission shall establish by rule a review process for determining, upon application of an authorized user, whether paragraph "a" subparagraph (1) or (2), applies. An authorized user found by the commission to be under contract for such services as provided in paragraph "a" subparagraph (2), shall not enter into another contract upon the expiration of such contract, but shall utilize the network for such services as provided in this section unless paragraph "a" subparagraph (1), applies.

**Sec. 12. NEW SECTION. 18.133H REPORT OF SAVINGS BY STATE AGENCIES.**

A state agency which is a part of the network shall annually provide a written report to the general assembly certifying the identified savings associated with the state agency's use of the network. The report shall be delivered on or before January 15 for the previous fiscal year of the state agency.

Sec. 13. Section 18.134, subsection 1, Code Supplement 1993, is amended to read as follows:

1. The department of general services commission may purchase, lease-purchase, lease, and improve property, equipment, and services for telecommunications for public and private agencies; including the broadcast and narrowcast systems; and may dispose of property and equipment when not necessary for its purposes. However, the department of general services commission shall not enter into a contract for the purchase, lease-purchase, lease, or improvement of property, equipment, or services for telecommunications pursuant to this subsection in an amount greater than five hundred thousand dollars without prior authorization by a constitutional majority of each house of the general assembly, or approval by the legislative council if the general assembly is not in session. The commission shall not issue any bonding or other long-term financing arrangements as defined in section 12.30, subsection 1, paragraph "b". The commission also shall not provide or resell communications services to entities other than public and private agencies. The public or private agency shall not provide communication services of the

network to another entity at a cost greater than that charged to the agency pursuant to section 18.136, subsections 11 and 12 unless otherwise authorized pursuant to this chapter. The department commission may arrange for joint use of available services and facilities, and may enter into leases and agreements with private and public agencies with respect to a state the Iowa communications system network, and public agencies are authorized to enter into leases and agreements with respect to the system network for their use and operation. Rentals and other amounts due under the agreements or leases entered into pursuant to this section by a state agency are payable from funds annually appropriated by the general assembly or from other funds legally available. Other public agencies may pay the rental costs and other amounts due under an agreement or lease from their annual budgeted funds or other funds legally available or to become available. This section comprises a complete and independent authorization and procedure for a public agency, with the approval of the department commission, to enter into a lease or agreement and related security enhancement arrangements and this section is not a qualification of any other powers which a public agency may possess and the authorizations and powers granted under this section are not subject to the terms, requirements, or limitations of any other provisions of law. All moneys received by the department commission from agreements and leases entered into pursuant to this section with private and public agencies shall be deposited in the state Iowa communications network fund.

It is the intent of the general assembly that rental and other costs due under agreements and leases entered into pursuant to this section by state agencies be replaced by supplemental appropriations to the state agencies.

#### Sec. 14. NEW SECTION. 18.134A DISPOSITION OF NETWORK — APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.

Notwithstanding any provision to the contrary, the commission or the department of general services shall not sell, lease, or otherwise dispose of the network without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor.

Sec. 15. Section 18.136, subsections 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, and 14, Code Supplement 1993, are amended to read as follows:

1. Moneys in the state Iowa communications network fund are appropriated to the Iowa public broadcasting board Iowa telecommunications and technology commission for purposes of providing financing for the procurement, operation, and maintenance of a state the Iowa communications network with sufficient capacity to serve the video, data, and voice requirements of state agencies and the educational telecommunications system consisting of Part I, Part II, and Part III, and other public and private agencies. The state communications network consists of Part I, Part II, and Part III of the system:

2. For purposes of this section, unless the context otherwise requires:

a. "Part I of the system" means the communications connections between central switching and institutions under the control of the board of regents, nonprofit institutions of higher education eligible for tuition grants, and the regional switching centers for the remainder of the network.

b. "Part II of the system" means the communications connections between the regional switching centers and the secondary switching centers.

c. "Part III of the system" means the communications connection between the secondary switching centers and the agencies defined in section 18.133, subsections 2 and 4 3, excluding state agencies, institutions under the control of the board

of regents, nonprofit institutions of higher education eligible for tuition grants, and the judicial department, judicial district departments of correctional services, hospitals and physician clinics, agencies of the federal government, and post offices.

3. The financing for the procurement costs for the entirety of Part I of the system except for the communications connections between central switching and institutions under the control of the board of regents, and nonprofit institutions of higher education eligible for tuition grants, and for the video, data, and voice capacity for state agencies and for Part II and Part III of the system, shall be provided by the state. The financing for the procurement costs for Part II of the system shall be provided from the state. The financing for the procurement and maintenance costs for Part III of the system shall be provided eighty percent from by the state and twenty percent from the local school boards of the areas which receive transmissions from the system. A local school board, governing authority of a nonpublic school, or an area education agency board may elect to provide one hundred percent of the financing for the procurement and maintenance costs for Part III to become part of the system network. The local school boards may meet all or part of the match requirements of Part III of the system through a cooperative arrangement with community colleges. The basis for the amount of state match financing is eighty one hundred percent of a single interactive audio and one-way interactive video connection for Part III of the system, and such data and voice capacity as is necessary. The local school boards and community colleges may meet the match requirements for Part III of the system from funds they have already spent for their systems; from funds available in the school budget; or from funds received from other nonstate sources. In the case of existing systems; in order to upgrade facilities to the specifications of the state communications network; the local school boards and community colleges; in lieu of a cash match; may meet the match requirements from funds they have already spent for their systems provided that the state match does not exceed the lesser of eighty percent of the total cost of the upgraded system or eighty percent of the replacement cost of the system. The communications equipment funds used as a match by a community college shall be calculated based on verified expenditures for capital; equipment; hardware; and software for long-distance learning technologies, including both audio and visual transmission. The communications equipment used as a match shall not subsequently be used as a match by another educational entity or for another part of the system. A local school board may request the school budget review committee to adjust the allowable growth for the school district so that the resulting increase in budget could be used for the match. If a school board, governing authority of a nonpublic school, or area education agency board elects to provide one hundred percent of the financing for the leasing costs for Part III, the school district or area education agency may become part of the network as soon as the network can reasonably connect the district or agency. A local school board, governing authority of a nonpublic school, or an area education agency board may also elect not to become part of the system network. Such election shall be made on an annual basis. State matching funds shall not be provided for Part III of the system until Part I and Part II of the system have been completed. Construction of Part III of the system, related to a school board, governing authority of a nonpublic school, or area education agency board which provides one hundred percent of the financing for the leasing costs for Part III, may proceed before Part I and Part II of the system

have been completed as determined by the commission and consistent with the purpose of this chapter.

4. The department of general services commission shall develop the requests for proposals that are needed for a state the Iowa communications network with sufficient capacity to serve the video, data, and voice requirements of state agencies and the for educational telecommunications applications required by the Iowa public broadcasting board. The department commission shall develop a request for proposals for each of the systems that will make up the network. The department commission may develop a request for proposals for each definitive component of Part I; Part II; and Part III of the system the network or the department commission may provide in the request for proposals for each such system that separate contracts may be entered into for each definitive component covered by the request for proposals. The requests for proposals may be for the purchase, lease-purchase, or lease of the component parts of the system network consistent with the provisions of this chapter, may require maintenance costs to be identified, and the resulting contract may provide for maintenance for parts of the system network. The master contract may provide for electronic classrooms, satellite equipment, receiving equipment, studio and production equipment, and other associated equipment as required.

6. Prior to the awarding of a contract under this section, the department shall notify the legislative council and the department of management of the department's intent to award a contract and of the cost to the state. The department of management and the legislative council shall determine if the anticipated financial resources of the state are adequate to fund the expenditure during the fiscal years covered by the contract, and if so, the department of management shall certify the determination to the department. Upon certification, the department may enter into the contract.

7. The department of general services commission shall be responsible for the network system design and shall be responsible for the implementation of each component of the network as it is incorporated into the network system. The final design selected shall optimize the routing for all users in order to assure maximum utilization by all agencies of the state. Efficiencies achieved in the implementation of the network shall be used to fund further implementation and enhancement of the network, and shall be considered part of the operational cost of the network. The department commission shall be responsible for all management, operations, control switching, diagnostics, and maintenance functions of Part I and Part II of the system network operations; except as designated in subsection 8 as provided in this chapter. The performance of these duties is intended to provide optimal utilization of the facilities, and the assurance that future growth requirements will be provided for, and that sufficient network capacity will be available to meet the needs of all users. The telecommunications information management council, created by executive order of the governor, shall provide general oversight for these functions.

8. The Iowa public broadcasting board retains sole authority over the educational telecommunications applications of Part I of the system, and its authority shall include management and operational control, programming, budget, personnel, scheduling, and program switching of educational material carried by Part I of the system. The Iowa public broadcasting board, through its narrowcast system advisory committee, retains coordination authority over the educational telecommunications applications of Part II and Part III of the system. Community

colleges are responsible for scheduling and switching of educational materials carried by Part II and Part III of the system within their respective areas. Such responsibility may be accomplished by a chapter 28E agreement with the department of general services.

The narrowcast system advisory committee education telecommunications council shall review all requests for grants for educational telecommunications applications, if they are a part of the state Iowa communications network, to ensure that the educational telecommunications application is consistent with the telecommunications plan. If the narrowcast system advisory committee finds that a grant request is inconsistent with the telecommunications plan, the grant request shall not be allowed. All other grant requests shall be reviewed as determined by the commission. If the education telecommunications council finds that a grant request is inconsistent with the telecommunications plan, the grant request shall not be allowed.

9. The procurement and maintenance of electronic equipment including, but not limited to, master receiver antenna systems, studio and production equipment, and broadcast system components shall be provided for under department of general services' the commission's contracts. The Iowa public broadcasting board and other educational entities within the state have the option to use their existing or replacement resources and agreements in the operation and maintenance of these systems.

10. In addition to the other evaluation criteria specified in the request for proposals issued pursuant to this section, the department of general services commission, in evaluating proposals, shall base up to two percent of the total possible points on the public benefit that can be derived from a given proposal due to the increased private telecommunications capacity available to Iowa citizens located in rural Iowa. For purposes of this subsection, an area of the state is considered rural if it is not part of a federally designated standard metropolitan statistical area.

12. The Iowa public broadcasting board, in consultation with its narrowcast system advisory committee, shall determine the fee to be charged per course or credit hour by the originating institution, and the fees shall be substantially the same for comparable courses. The commission, on its own or as recommended by an advisory committee of the commission and approved by the commission, shall permit a fee to be charged by a receiving site to the originating site. The fee charged shall be for the purpose of recovering the operating costs of a receiving site. The fee charged shall be reduced by an amount received by the receiving site pursuant to a state appropriation for such costs, or federal assistance received for such costs. Fees established under this subsection shall be paid by the originating site directly to the receiving site. For purposes of this section, "operating costs" include the costs associated with the management or coordination, operations, utilities, classroom, equipment, maintenance, and other costs directly related to providing the receiving site.

14. Notwithstanding chapter 476, the provisions of chapter 476 shall not apply to a public utility in furnishing a telecommunications service or facility to the department of general services commission for the state Iowa communications network or to any authorized user of the Iowa communications network for such authorized user's connection to the network.

Sec. 16. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

**NEW SUBSECTION.** 4A. The state shall lease all fiber optic cable facilities or facilities with DS-3 capacity for Part III connections for which state funding is provided. The state shall lease all fiber optic cable facilities or facilities with DS-3 or DS-1 capacity for the judicial department, judicial district department of correctional services, and state agency connections for which state funding is provided. Such facilities shall be leased from qualified providers. The state shall not own such facilities, except for those facilities owned by the state as of January 1, 1994.

The lease provisions of this subsection do not apply to a school district which elects to provide one hundred percent of the financing for the district's connection.

Sec. 17. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

**NEW SUBSECTION.** 12A. The auditor of state shall, no less than annually, examine the financial condition and transactions of the commission as provided in chapter 11. A copy of the auditor's report concerning such examination shall be provided to the general assembly.

Sec. 18. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

**NEW SUBSECTION.** 13A. Access to the network shall be offered to the judicial district departments of correctional services established in section 905.2, provided that such departments contribute an amount consistent with their share of use for the part of the system in which the departments participate, as determined by the commission.

Sec. 19. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

**NEW SUBSECTION.** 13B. Access shall be offered to hospitals licensed pursuant to chapter 135B and physician clinics for diagnostic, clinical, consultative, data, and educational services for the purpose of developing a comprehensive, statewide telemedicine network, to an agency of the federal government, and to a post office defined as a public agency pursuant to section 18.133, subsection 3. A hospital, physician clinic, an agency of the federal government, or a post office defined as a public agency pursuant to section 18.133, subsection 3, shall be responsible for all costs associated with becoming a part of the network.

Sec. 20. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

**NEW SUBSECTION.** 13C. Access shall be offered to the judicial department provided that the department contributes an amount consistent with the department's share of use for the part of the network in which the department participates, as determined by the commission.

Sec. 21. Section 18.137, Code 1993, is amended to read as follows:

**18.137 STATE IOWA COMMUNICATIONS NETWORK FUND.**

There is created in the office of the treasurer of state a temporary fund to be known as the state Iowa communications network fund under the control of the Iowa telecommunications and technology commission. There is appropriated to the state communications network fund for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the sum of two million one hundred forty-two thousand six hundred twenty-one dollars from the general fund of the state. There is appropriated from the general fund of the state to the state Iowa communications network fund for each fiscal year of the fiscal period beginning July 1, 1991, and ending June 30, 1996, the sum of five million dollars. Notwithstanding section

8.22; unobligated and unencumbered moneys from the appropriation for a fiscal year remaining on June 30 of that fiscal year shall not revert to the general fund of the state but shall remain available for expenditure during the next following fiscal year. There shall also be deposited into the state Iowa communications network fund proceeds from bonds issued for purposes of projects authorized pursuant to section 18.136, matching funds received from the community colleges and the local school boards; funds received from leases pursuant to section 18.134, and other moneys by law credited to or designated by a person for deposit into the fund. Notwithstanding the requirements of section 18.136, subsection 1, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, thirty-one thousand dollars of moneys in the state communications network fund may be expended for the state's share of the cost for the design of a disaster recovery facility to be built in conjunction with the Iowa communications network facility and emergency operation center. The department of general services may increase its fees for data processing in order to collect an additional amount not exceeding two hundred thousand dollars during the fiscal year beginning July 1, 1991; to pay for the state's share of the cost of construction of the disaster recovery facility.

The Iowa public broadcasting board shall use the net increase in the federal match awarded to the Iowa public broadcasting board as a result of this appropriation in order to meet the needs of the educational telecommunications system. These funds shall be deposited in a separate account within the state communications network fund; and shall be administered by the Iowa public broadcasting board for purposes of the fund.

Sec. 22. Section 256.82, subsection 3, Code Supplement 1993, is amended by striking the subsection and inserting in lieu thereof the following:

3. The board shall appoint an advisory committee on journalistic and editorial integrity which has no more than a simple majority of members of the same gender. The division shall be governed by the national principles of editorial integrity developed by the editorial integrity project.

Duties of the advisory committee, and of additional advisory committees the board may from time to time appoint, shall be specified in rules of internal management adopted by the board.

Members of advisory committees shall receive actual expenses incurred in performing their official duties.

Sec. 23. ORGANIZATION OF COMMISSION. Notwithstanding any other provision to the contrary, the Iowa telecommunications and technology commission shall develop a written proposal to be submitted to the governor for the governor's approval relating to the structure and organization of the commission. The commission shall identify existing positions which exist in state departments or agencies directly related to the duties and mission of the commission and shall request in the proposal that those positions be transferred to, and be under the control of, the commission. The request shall be submitted to the governor no later than January 1, 1995, with a copy to be submitted to the house of representatives and the senate at the same time.

Upon approval by the governor, the department of management shall provide for the transfer of funds appropriated for those positions to the commission from the department or agency in which the position was located prior to the transfer. If persons are transferred from employment with a department or agency to employment with the commission, the persons shall not be required to forfeit any accrued seniority or other benefits.



Sec. 24. COMPATIBLE SCHOOL DISTRICT SYSTEMS. Notwithstanding any contrary provisions of this Act, a K-12 school district, on or before July 1, 1994, may certify to the commission in writing that the K-12 school district has a full motion interactive video system which is fully compatible with the network. Upon receipt of such certification and a determination by the commission that the district's system is fully compatible with the network, access to the network shall be permitted as soon as practical. A K-12 school district which provides the certification to the commission as provided in this section may petition the commission for reimbursement of the costs associated with providing the connection incurred by the district.

Sec. 25. COMMISSION EVALUATION. The commission shall evaluate and complete a cost-benefit analysis concerning the use of video conferencing by the area education agencies. The commission shall provide a written report and any recommendations concerning this evaluation to the general assembly by no later than March 15, 1995.

Sec. 26. IOWA UTILITIES BOARD STUDY. The Iowa utilities board shall conduct a study to determine the overall impact of the Iowa communications network on the private telecommunications industry in Iowa. The board shall provide a written report to the general assembly by no later than January 15, 1996, detailing the results of the study.

Sec. 27. TEMPORARY AUTHORITY OF CHIEF EXECUTIVE OFFICER. All duties and responsibilities of the Iowa telecommunications and technology commission shall be performed by the ICN chief executive officer appointed by the governor pursuant to executive order number 46 signed on January 5, 1993, until such time as the initial appointments to the commission have been made and the commission has organized itself.

Sec. 28. INITIAL IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION APPOINTMENTS. The initial members of the Iowa telecommunications and technology commission shall be appointed on or before July 1, 1994, to the following terms:

1. One member shall be appointed for a term of six years.
2. One member shall be appointed for a term of four years.
3. One member shall be appointed for a term of two years.

Sec. 29. CODE EDITOR TRANSFERS. The Code editor shall transfer sections 18.132 through 18.137 to be a new chapter 8D. The Code editor shall correct all internal citations and references consistent with the transfer of Code sections as provided in this section.

Sec. 30. CONTINUATION OF APPLICABILITY OF EXISTING RULES. Rules applicable to the Iowa communications network in effect on the effective date of this Act shall remain effective until the Iowa telecommunications and technology commission modifies or repeals such rules.

Sec. 31. REPEAL. Section 18.135, Code 1993, is repealed.

Sec. 32. EFFECTIVE DATE. This Act, being deemed of immediate importance, is effective upon enactment. ""

On the Part of the Senate:

JOE WELSH, Chair  
 PATRICK J. DELUHERY  
 EMIL HUSAK  
 DERRYL McLAREN  
 DONALD REDFERN

On the Part of the House:

RON CORBETT, Chair  
 BILL BRAND  
 CHUCK GIPP

REPORT OF THE CONFERENCE COMMITTEE  
 ON SENATE FILE 2216

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 2216, a bill for an Act allowing recovery of hazardous substances cleanup costs by governmental subdivisions, respectfully make the following report:

1. That the House recedes from its amendment, S-5578.

On the Part of the Senate:

BILL FINK, Chair  
 PATRICK J. DELUHERY  
 H. KAY HEDGE  
 JAMES B. KERSTEN  
 ALBERT G. SORENSON

On the Part of the House:

CHRISTOPHER RANTS, Chair  
 SANDRA H. GREINER  
 MARK HENDERSON  
 RICHARD MYERS  
 ROBERT L. RAFFERTY

REPORT OF THE SECOND CONFERENCE COMMITTEE  
 ON SENATE FILE 2314

To the President of the Senate and the Speaker of the House of Representatives:  
 We, the undersigned members of the second conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2314, a bill for an Act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6278.
2. That the House recedes from its amendment, S-5654.
3. That Senate File 2314, as amended, passed, and reprinted by the Senate, is amended as follows:
  1. Page 2, line 11, by striking the figure "3,700,175" and inserting the following: "3,715,675".
  2. Page 2, line 12, by striking the figure "121.00" and inserting the following: "122.50".
  3. Page 2, by inserting after line 12 the following:  
 "Of the moneys appropriated and the FTEs allocated pursuant to this lettered paragraph, an additional \$15,500 and 1.5 additional FTEs shall be allocated for

purposes of supporting meat and poultry inspections as provided in chapter 189A."

4. Page 2, by inserting after line 30 the following:

"Of the amount appropriated under this paragraph "a" \$160,000 shall be allocated from the appropriation to Iowa state university for purposes of training commercial pesticide applicators."

5. Page 4, by striking lines 18 through 22.

6. Page 4, by striking lines 29 through 33.

7. Page 5, line 33, by striking the figure "198,750" and inserting the following: "188,750".

8. Page 7, line 8, by striking the figure "1,852,012" and inserting the following: "1,827,012".

9. Page 7, line 32, by striking the figure "1,797,940" and inserting the following: "1,922,940".

10. By striking page 7, line 34 through page 8, line 5.

11. Page 8, line 6, by striking the figure "279,000" and inserting the following: "404,000".

12. Page 11, line 24, by striking the figure "266.39C" and inserting the following: "266.39D".

13. Page 12, line 20, by striking the figure "900,000" and inserting the following: "800,000".

14. Page 13, by inserting after line 7 the following:

"Sec. \_\_\_\_ . TRANSFER — AIR QUALITY. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, the department of natural resources may transfer up to \$281,000 from the hazardous substance remedial fund to support purposes related to carrying out the duties of the commission under section 455B.133, or the director under section 455B.134, or for carrying out the provisions of chapter 455B, division II."

15. Page 13, by inserting after line 8 the following:

"Sec. \_\_\_\_ . DEPARTMENTAL STUDY — COMMERCIAL WEIGHING AND MEASURING DEVICES. The department of agriculture and land stewardship shall study its licensing structure for the inspection of commercial weighing and measuring devices, including fees required to be paid by licensees pursuant to section 214.3. The department shall examine the relationship between fees and the costs incurred in administration, regulation, and enforcement of provisions relating to the licensing of the devices. The department shall submit a report, including findings and recommendations, to the governor and the general assembly by January 9, 1995."

16. Page 13, by inserting after line 20 the following:

"Sec. \_\_\_\_ . WIND EROSION CONTROL FUND. The department of agriculture and land stewardship shall use all unencumbered or unobligated moneys appropriated to the wind erosion control fund, and any moneys which have been credited to the division of soil conservation of the department of agriculture and land stewardship for purposes of planting and maintaining wind erosion control barriers, as originally provided in 1978 Iowa Acts, chapter 1108, section 7, and subsequently amended, in order to carry out the original purposes. The department shall submit a report to the secretary of the senate and chief clerk of the house not later than January 2, 1995. The report shall explain actual and planned expenditures of the moneys."

17. Page 13, by striking lines 22 through 35 and inserting the following: "revenue and finance in cooperation with each appropriate agency shall track receipts to

the general fund which under law were previously collected to be used for specific purposes, or to be credited to, or be deposited to a particular account or fund, as provided in section 8.60.

The department of revenue and finance and each appropriate agency shall prepare”.

18. Page 14, by inserting after line 4 the following:

“Sec. \_\_\_\_ . STUDY REQUESTED. The legislative council is requested to establish a study committee to examine animal agriculture in this state, and its impact upon the environment and nonagricultural uses of land.”

19. Page 16, by inserting after line 16 the following:

“Sec. \_\_\_\_ . LEASE-PURCHASE — BUDGET SUBMISSION. This section applies to each state agency receiving an appropriation in this Act. The departmental estimate required under section 8.23 for the fiscal period beginning July 1, 1995, which includes the state agency, shall provide an itemized list indicating the nature and amount of each lease-purchase contract payment included in the estimate for proposed contracts which have not been reported by the state agency to the legislative fiscal committee of the legislative council pursuant to section 8.46 prior to the submission of the estimate. The governor shall include in the governor’s budget for the fiscal year beginning July 1, 1995, a listing indicating the nature and amount of each lease-purchase contract which was itemized in a departmental estimate in accordance with this section and is included in the governor’s budget. A state agency receiving an appropriation in this Act shall not enter into a lease-purchase contract during the fiscal year beginning July 1, 1995, unless the contract was itemized in a departmental estimate and included in the governor’s budget in accordance with this section.”

20. By striking page 16, line 17 through page 17, line 13, and inserting the following:

“Sec. 200. SOIL CONSERVATION ASSISTANCE. There is appropriated from the unobligated and unencumbered moneys deposited or required to be deposited in the water protection practices account of the water protection fund established in section 161C.4 to the division of soil conservation within the department of agriculture and land stewardship for the fiscal period beginning July 1, 1993, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of providing interest-free loans to persons who receive assistance from the United States department of agriculture under the emergency conservation program:

..... \$ 500,000

The loans shall be made in order to provide any matching moneys required to be contributed by a person receiving assistance under the federal program. The division shall seek to cooperate with the soil conservation service in implementing this section. The moneys must be repaid to the water protection practices account within five years from the date that the moneys are loaned. Moneys which are unobligated or unencumbered on June 30, 1995, shall be credited back to the account. In administering these moneys, the department may contract, sue, and be sued, and adopt rules necessary to carry out the provisions of this section. However, the division shall not in any manner directly or indirectly pledge the credit of this state.”

21. Page 18, by striking lines 13 through 33.

22. Page 20, by inserting after line 21 the following:

" \_\_\_\_ . The division shall maintain records regarding each award of financial incentives under this section, including the name of the person; the amount of the award; the location of the livestock manure management system established with financial incentive moneys; and whether the person is a family farm corporation, family farm limited partnership, family trust, or a family farm limited liability company."

23. Page 21, by striking line 9 and inserting the following:

"A person, including a corporation, limited liability company, or partnership, established on or after the effective date of this Act, other than either a"

24. Page 21, line 10, by striking the figure "496C," and inserting the following: "496C".

25. Page 21, line 14, by inserting after the word "chapter." the following: "However, this section shall not prohibit a person from owning an interest in real property or a building where a clinic is located, if veterinary medical services or a practice is conducted by the clinic by a professional corporation or a veterinarian licensed under this chapter."

26. Page 22, by inserting after line 27 the following:

"Sec. \_\_\_\_ . Section 200.22, subsection 1, paragraph a, as enacted by 1994 Iowa Acts, Senate File 94, section 1, is amended to read as follows:

a. "Local governmental entity" means any political subdivision, or any state authority which is not the general assembly or under the direction of a principal central department as enumerated in section 7E.5, including a city as defined in section 362.2, a county as provided in chapter ~~359~~ 331, or any special purpose district.

Sec. \_\_\_\_ . Section 206.34, subsection 1, paragraph a, as enacted by 1994 Iowa Acts, Senate File 94, section 2, is amended to read as follows:

a. "Local governmental entity" means any political subdivision, or any state authority which is not the general assembly or under the direction of a principal central department as enumerated in section 7E.5, including a city as defined in section 362.2, a county as provided in chapter ~~359~~ 331, or any special purpose district.

Sec. \_\_\_\_ . NEW SECTION. 214.4 TAGGING OF EQUIPMENT.

1. If the department does not receive payment of the license fee required pursuant to section 214.3 within one month from the due date, the department shall send a notice to the owner or operator of the device. The notice shall be delivered by certified mail. The notice shall state all of the following:

a. The owner or operator is delinquent in the payment of the required fee.

b. The owner or operator has fifteen days after receipt of the notice to pay the license fee required pursuant to section 214.3.

c. If the department does not receive payment of the license fee as required, the department may summarily tag and remove from service the commercial weighing and measuring device.

2. If the license fee is not received by the department within fifteen days after receipt of the notice by the owner or operator of the commercial weighing and measuring device, the department may tag and remove from service the device for which the license fee has not been paid."

27. Page 23, by inserting after line 7 the following:

"Sec. \_\_\_\_ . Section 321.453, Code 1993, as amended by 1994 Iowa Acts, Senate File 2080, section 3, is amended by striking the section and inserting in lieu thereof the following:

**321.453 EXCEPTIONS.**

The provisions of this chapter governing size, weight, and load, and the permit requirements of chapter 321E do not apply to fire apparatus, to road maintenance equipment owned by or under lease to any state or local authority, to implements of husbandry temporarily moved upon a highway, to implements moved from farm site to farm site or between the retail seller and a farm purchaser within a one hundred mile radius from the retail seller's place of business, to indivisible implements of husbandry temporarily moved between the place of manufacture and a retail seller or a farm purchaser, to implements received and moved by a retail seller of implements of husbandry in exchange for an implement purchased, or to implements of husbandry moved for repairs, except on any part of the interstate highway system. A vehicle, carrying an implement of husbandry, which is exempted from the permit requirements under this section shall be equipped with an amber flashing light under section 321.423, shall be equipped with warning flags on that portion of the vehicle which protrudes into oncoming traffic, and shall only operate from thirty minutes prior to sunrise to thirty minutes following sunset.

Sec. \_\_\_\_ . Section 455A.18, Code Supplement 1993, is amended by adding the following new subsection:

**NEW SUBSECTION.** 4. Notwithstanding section 12C.7, interest or earnings on investments or time deposits of the moneys in the Iowa resources enhancement and protection fund or any of its accounts shall be credited to the Iowa resources enhancement and protection fund."

28. Page 23, by striking lines 8 through 16.

29. Page 24, by striking lines 5 through 33 and inserting the following:

"2. The commission shall adopt fees as required pursuant to section 455B.105 for permits required for public water supply systems as provided in sections 455B.174 and 455B.183. Fees paid pursuant to this section shall not be subject to the sales or services tax. The fees shall be for each of the following:

a. The construction, installation, or modification of a public water supply system. The amount of the fees may be based on the type of system being constructed, installed, or modified.

b. The operation of a public water supply system, including any part of the system. The fees may be based on the type and size of community served by the system. The commission shall adopt a fee schedule. The commission shall calculate all fees in the schedule to produce total revenues equaling four hundred seventy-five thousand dollars for the fiscal year beginning July 1, 1994, and ending June 30, 1995, seven hundred thousand dollars for the fiscal year beginning July 1, 1995, and ending June 30, 1996, nine hundred thousand dollars for the fiscal year beginning July 1, 1996, and ending June 30, 1997, and one million two hundred thousand dollars for each subsequent fiscal year. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, twenty-five thousand dollars shall be deposited in the administration account and four hundred fifty thousand dollars shall be deposited in the public water supply system account. For each subsequent fiscal year, one-half of the fees shall be deposited into the administration account and one-half of the fees shall be deposited into the public water supply system account. By May 1 of each year, the department shall estimate the total revenue expected to be collected from the overpayment of fees, which are all fees in excess of the amount of the total revenues which are expected to be collected under the current fee schedule, and the total revenue expected to be collected from the

payment of fees during the next fiscal year. The commission shall adjust the fees if the estimate exceeds the amount of revenue required to be deposited in the fund pursuant to this paragraph."

30. Page 27, by striking line 2 and inserting the following:

"Sec. \_\_\_\_ . EFFECTIVE DATE. Sections 2, 22, 200, 25, 26, 39, 40, 41, 42,".

31. Title page, line 3, by inserting after the word "fees" the following: "and effective dates"."

32. By renumbering and relettering as necessary.

On the Part of the Senate:

LARRY MURPHY, Chair  
BRAD BANKS  
EMIL J. HUSAK  
DERRYL McLAREN  
BERL E. PRIEBE

On the Part of the House:

RON CORBETT, Chair  
SANDY GREINER  
JAMES HAHN  
DON SHOULTZ

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2319

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 2319, a bill for an Act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the

acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations, respectfully make the following report:

1. That House recedes from its amendment, S-5609.

2. That Senate File 2319, 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 80B.11, Code Supplement 1993, is amended by adding the following new subsection:

**NEW SUBSECTION. 3A.** Within the existing curriculum, expand training regarding racial and cultural awareness and dealing with gang-affected youth.

Sec. 2. Section 123.47, Code 1993, is amended to read as follows:

**123.47 PERSONS UNDER THE AGE OF EIGHTEEN.**

A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that person to be under the age of eighteen, and a person or persons under the age of eighteen shall not purchase or attempt to purchase, or individually or jointly have alcoholic liquor, wine, or beer in their possession or control; except in the case of liquor, wine, or beer given or dispensed to a person under the age of eighteen within a private home and with the knowledge, presence, and consent of the parent or guardian, or with the signed, written consent of the parent or guardian specifying the date and place for the consumption and displayed by the person upon demand, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under the age of eighteen may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under this chapter. A person, other than a licensee or permittee, who violates this section regarding the purchase or attempt to purchase of alcoholic liquor, wine, or beer shall pay a twenty-five dollar penalty.

Sec. 3. Section 123.47A, Code 1993, is amended to read as follows:

**123.47A PERSONS AGE EIGHTEEN, NINETEEN, AND TWENTY — PENALTY.**

1. A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that the person is age eighteen, nineteen, or twenty. A person age eighteen, nineteen, or twenty shall not purchase or possess alcoholic liquor, wine, or beer. However, a person age eighteen, nineteen, or twenty may possess alcoholic liquor, wine, or beer given to the person within a private home with the knowledge, presence, and consent of the person's parent or guardian, or with the signed, written consent of the parent or guardian specifying the date and place for the consumption and displayed by the person upon demand, and a person age eighteen, nineteen, or twenty may handle alcoholic liquor, wine, and beer during the course of the person's employment by a liquor control licensee, or wine or beer permittee. A person, other than a licensee or permittee, who commits a first offense under this section commits a scheduled violation of section 805.8, subsection 10. A person, other than a licensee or permittee, who commits a second or subsequent violation of this section, commits a simple misdemeanor. A licensee or permittee who violates this section with respect to a person who is age nineteen or twenty is guilty of a simple misdemeanor.



punishable by a fine of not more than fifty dollars. The penalty provided under this section against a licensee or permittee who violates this section with respect to a person who is age nineteen or twenty is the only penalty which shall be imposed against a licensee or permittee who violates this section. A licensee or permittee who violates this section with respect to a person who is age eighteen commits a simple misdemeanor, and is subject to the criminal and civil penalties provided pursuant to sections 123.49 and 123.50 with respect to selling, giving, or otherwise supplying alcoholic beverages, liquor, wine, or beer to persons under legal age.

2. For the purpose of determining if a violation charged is a second or subsequent offense, a conviction or plea of guilty to a violation of this section shall be counted as a previous offense.

Sec. 4. Section 123.49, subsection 2, paragraph h, Code 1993, is amended to read as follows:

h. Sell, give, or otherwise supply any alcoholic beverage, wine, or beer to any person, knowing or ~~having reasonable cause to believe the person to be failing to exercise reasonable care to ascertain whether the person is~~ under legal age, or permit any person, knowing or ~~having reasonable cause to believe the person to be failing to exercise reasonable care to ascertain whether the person is~~ under legal age, to consume any alcoholic beverage, wine, or beer.

Sec. 5. Section 123.50, subsection 1, Code Supplement 1993, is amended to read as follows:

1. Any person who violates any of the provisions of section 123.49, except subsection 2, paragraph "h" shall be guilty of a simple misdemeanor. A person who violates section 123.49, subsection 2, paragraph "h" commits a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 10, paragraph "b".

Sec. 6. Section 124.401A, Code 1993, is amended to read as follows:

**124.401A ENHANCED PENALTY FOR DISTRIBUTION TO PERSONS ON CERTAIN REAL PROPERTY.**

In addition to any other penalties provided in this chapter, a person who is eighteen years of age or older who unlawfully distributes or possesses with intent to distribute a substance or counterfeit substance listed in schedule I, ~~or II~~ which is a narcotic or cocaine, or III, or a simulated controlled substance represented to be a narcotic or cocaine controlled substance classified in schedule I, ~~or II, or III~~, to another person who is eighteen years of age or older in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, or in or on the real property comprising a public park, public swimming pool, public recreation center, or on a marked school bus, may, at the judge's discretion, be sentenced up to an additional term of confinement of five years.

**Sec. 7. NEW SECTION. 124.401B POSSESSION OF CONTROLLED SUBSTANCES ON CERTAIN REAL PROPERTY — ADDITIONAL PENALTY.**

In addition to any other penalties provided in this chapter or another chapter, a person who unlawfully possesses a substance listed in schedule I, II, or III, or a simulated controlled substance represented to be a controlled substance classified in schedule I, II, or III, in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, or in or on the real property comprising a public park, public swimming pool, public recreation center, or on a marked school bus, may be sentenced to one hundred

hours of community service work for a public agency or a nonprofit charitable organization. The court shall provide the offender with a written statement of the terms and monitoring provisions of the community service.

Sec. 8. Section 124.406, subsection 1, paragraphs a and b, Code 1993, are amended to read as follows:

a. Unlawfully distributes or possesses with intent to distribute a substance listed in schedule I or II; ~~which is a narcotic or cocaine~~, to a person under eighteen years of age commits a class "B" felony and shall serve a minimum term of confinement of five years. However, if the substance was distributed in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, or in or on the real property comprising a public park, public swimming pool, public recreation center, or on a marked school bus, the person shall serve a minimum term of confinement of ten years.

b. Unlawfully distributes or possesses with the intent to distribute a controlled substance ~~other than a narcotic or cocaine~~ listed in schedule I, H, or III to a person under eighteen years of age who is at least three years younger than the violator commits a class "C" felony.

Sec. 9. Section 124.406, subsection 2, paragraphs a and b, Code 1993, are amended to read as follows:

a. Unlawfully distributes or possesses with the intent to distribute a counterfeit substance listed in schedule I or II ~~which is a narcotic or cocaine~~, or a simulated controlled substance represented to be a ~~narcotic or cocaine~~ substance classified in schedule I or II, to a person under eighteen years of age commits a class "B" felony. However, if the substance was distributed in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, or in or on the real property comprising a public park, public swimming pool, public recreation center, or on a marked school bus, the person shall serve a minimum term of confinement of ten years.

b. Unlawfully distributes or possesses with intent to distribute a counterfeit substance ~~other than a narcotic or cocaine~~ listed in schedule I, H, or III, or a simulated controlled substance represented to be any substance listed in schedule I, H, or III, to a person under eighteen years of age who is at least three years younger than the violator commits a class "C" felony.

Sec. 10. NEW SECTION. 124.406A USE OF PERSONS UNDER AGE EIGHTEEN IN THE DRUG TRADE.

It is unlawful for a person who is eighteen years of age or older to conspire with or recruit a person under the age of eighteen for the purpose of delivering or manufacturing a controlled substance classified in schedule I through IV. A person violating this section commits a class "C" felony.

Sec. 11. Section 124.415, Code 1993, is amended to read as follows:

124.415 PARENTAL AND SCHOOL NOTIFICATION — PERSONS UNDER EIGHTEEN YEARS OF AGE.

A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered to be in possession of a controlled substance, counterfeit substance, or simulated controlled substance in violation of this chapter, and if the person is not referred to juvenile court the law enforcement agency of which the peace officer is an employee shall make a reasonable attempt to notify the person's custodial parent or legal guardian of such possession, whether or not the person is arrested, unless the officer has reasonable grounds to believe that such notification is not in the best interests of the person or will endanger that

person. If the person is taken into custody, the peace officer shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district, the superintendent's designee, or the authorities in charge of the nonpublic school of the taking into custody. A juvenile court officer may also notify the superintendent of the school district, the superintendent's designee, or the authorities in charge of the nonpublic school of the taking into custody. A reasonable attempt to notify the person includes but is not limited to a telephone call or notice by first class mail.

Sec. 12. Section 232.2, subsection 22, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Unless otherwise enlarged or circumscribed by a court or juvenile court having jurisdiction over the child or by operation of law, the duties of a guardian ad litem with respect to a child shall include the following:

- a. Conducting in-person interviews with the child and each parent, guardian, or other person having custody of the child.
- b. Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child.
- c. Interviewing any person providing medical, social, educational, or other services to the child.
- d. Obtaining first-hand knowledge, if possible, of the facts, circumstances, and parties involved in the matter in which the person is appointed guardian ad litem.
- e. Attending any hearings in the matter in which the person is appointed as the guardian ad litem.

Sec. 13. Section 232.19, subsection 2, Code 1993, is amended to read as follows:

2. When a child is taken into custody as provided in subsection 1 the person taking the child into custody shall notify the child's parent, guardian or custodian as soon as possible and shall not place bodily restraints, such as handcuffs, on the child unless the child physically resists or threatens physical violence when being taken into custody. However, if the child is thirteen years of age or older, the child may be restrained by metal handcuffs only, for the purpose of transportation in a vehicle which is not equipped with a rear seat cage for prisoner transport and if the child is being taken into custody for an alleged delinquent act of violence against a person. The child may also be restrained by handcuffs or other restraints at any time after the child is taken into custody if the child has a known history of physical violence to others. Unless the child is placed in shelter care or detention in accordance with the provisions of section 232.21 or 232.22, the child shall be released to the child's parent, guardian, custodian, responsible adult relative, or other adult approved by the court upon the promise of such person to produce the child in court at such time as the court may direct.

Sec. 14. Section 232.29, subsection 2, Code 1993, is amended to read as follows:

2. An informal adjustment agreement may prohibit a child from driving a motor vehicle for a specified period of time or under specific circumstances, require the child to perform a work assignment of value to the state or to the public, or require the child to make restitution consisting of a monetary payment to the victim or a work assignment directly of value to the victim. The juvenile court officer shall notify the state department of transportation of the informal adjustment prohibiting the child from driving.

Sec. 15. Section 232.42, Code 1993, is amended by adding the following new subsection:

**NEW SUBSECTION. 3.** Proceedings may be continued for up to one year upon the request of the county attorney and the child to permit the making of probation arrangements prior to the adjudicatory hearing. If either the child or the county attorney requests that the adjudicatory hearing be held at any time during the period of the continuance, the court shall set the matter for hearing.

Sec. 16. Section 232.44, subsection 1, Code 1993, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** If the child is placed in a detention facility in a county other than the county in which the child resides or in which the delinquent act allegedly occurred but which is within the same judicial district, the hearing may take place in the county in which the detention facility is located. The child shall appear in person at the hearing required by this subsection.

Sec. 17. Section 232.44, subsection 7, Code 1993, is amended to read as follows:

7. If a child held in shelter care or detention by court order has not been released after a detention hearing or has not appeared at an adjudicatory hearing before the expiration of the order of detention, an additional hearing shall automatically be scheduled for the next court day following the expiration of the order. The child, the child's counsel, the child's guardian ad litem, and the child's parent, guardian or custodian shall be notified of this hearing not less than twenty-four hours before the hearing is scheduled to take place. The hearing required by this section may be held by telephone conference call.

Sec. 18. Section 232.45A, subsections 2 and 3, Code 1993, are amended to read as follows:

2. Once a child sixteen years of age or older has been waived to and convicted of a forcible felony or a felony violation of section 124.401 or chapter 707 by the district court, all criminal proceedings against the child for any forcible felony or a felony violation of section 124.401 or chapter 707 occurring subsequent to the date of the conviction of the child shall begin in district court, notwithstanding sections 232.8 and 232.45. A copy of the findings required by section 232.45, subsection 8, shall be made a part of the record in the district court proceedings.

3. If proceedings against a child for a forcible felony or a felony violation of section 124.401 or chapter 707 who has previously been waived to and convicted of such an offense by the district court are mistakenly begun in the juvenile court, the matter shall be transferred to district court upon the discovery of the prior waiver and conviction, notwithstanding sections 232.8 and 232.45.

Sec. 19. Section 232.46, subsection 1, Code 1993, is amended to read as follows:

1. At any time after the filing of a petition and prior to entry of an order of adjudication pursuant to section 232.47, the court may suspend the proceedings on motion of the county attorney or the child's counsel, enter a consent decree, and continue the case under terms and conditions established by the court. These terms and conditions may include prohibiting a child from driving a motor vehicle for a specified period of time or under specific circumstances, or the supervision of the child by a juvenile court officer or other agency or person designated by the court, and may include the requirement that the child perform a work assignment of value to the state or to the public or make restitution consisting of a monetary payment to the victim or a work assignment directly of value to the victim. The court shall notify the state department of transportation of an order prohibiting the child from driving.

Sec. 20. Section 232.47, Code 1993, is amended by adding the following subsection:

**NEW SUBSECTION. 12.** A juvenile court officer shall notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school which the child attends of the child's adjudication for a delinquent act which would be an indictable offense if committed by an adult.

Sec. 21. Section 232.52, subsection 2, paragraph a, Code 1993, is amended by adding the following new subparagraph:

**NEW SUBPARAGRAPH.** (4) The suspension of the motor vehicle license or operating privilege of the child for the commission of one or more delinquent acts which are a violation of section 123.46, section 123.47 regarding the purchase or attempt to purchase of alcoholic beverages, or chapter 124, or two or more delinquent acts which are a violation of section 123.47 regarding the possession of alcoholic beverages for a period of one year. The child may be issued a temporary restricted license or school license if the child is otherwise eligible.

Sec. 22. Section 232.52, subsection 2, paragraph c, Code 1993, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** A parent or guardian may be required by the juvenile court to participate in educational or treatment programs as part of a probation plan if the court determines it to be in the best interest of the child. A parent or guardian who does not participate in the probation plan when required to do so by the court may be held in contempt.

Sec. 23. Section 232.78, subsection 1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The juvenile court may enter an ex parte order directing a peace officer or a juvenile court officer to take custody of a child before or after the filing of a petition under this chapter provided all of the following apply:

Sec. 24. Section 232.79, subsection 1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

A peace officer or juvenile court officer may take a child into custody, or a physician treating a child may keep the child in custody, or a juvenile court officer may authorize a peace officer, physician, or medical security personnel to take a child into custody, without a court order as required under section 232.78 and without the consent of a parent, guardian, or custodian provided that both of the following apply:

Sec. 25. Section 232.148, Code 1993, is amended to read as follows:

**232.148 FINGERPRINTS — PHOTOGRAPHS.**

1. Except as provided in this section, a child shall not be fingerprinted or photographed by a criminal justice agency after the child is taken into custody.

2. Fingerprints and photographs of a child who has been taken into custody and who is fourteen years of age or older may be taken and filed by a criminal justice agency investigating the commission of a public offense constituting a felony other than a simple or serious misdemeanor. However, fingerprint and photograph files of a child who enters into an informal adjustment or consent decree shall be retained only if the child is notified at the time of entering into the informal adjustment or consent decree that the files will be permanently retained by the criminal justice agency. The criminal justice agency shall forward the fingerprints to the department of public safety for inclusion in the automated fingerprint identification system. However, unless otherwise authorized pursuant to section 232.45A or 690.4, or as otherwise authorized by law, a criminal history record shall not be created for inclusion in an automated system due to the retention of fingerprints pursuant to this section.

3. If a peace officer has reasonable grounds to believe that latent fingerprints found during the investigation of the commission of a public offense are those of a particular child, fingerprints of the child may be taken for immediate comparison with the latent fingerprints regardless of the nature of the offense. If the comparison is negative the fingerprint card and other copies of the fingerprints taken shall be immediately destroyed. If the comparison is positive and the child is referred to the court, the fingerprint card and other copies of the fingerprints taken shall be delivered to the court for disposition division of criminal investigation of the department of public safety in the manner and on the forms prescribed by the commissioner of public safety within two working days after the fingerprints are taken. If the child is not referred to the court After notification by the child or the child's representative that the child has not had a delinquency petition filed against the child or has not entered into an informal adjustment agreement, the fingerprint card and copies of the fingerprints shall be immediately destroyed.

4. Fingerprint and photograph files of children shall be kept separate from those of adults. Copies of fingerprints and photographs of a child shall not be placed in any data storage system established and maintained by the department of public safety pursuant to chapter 692, or in any federal depository for fingerprints.

5 4. Fingerprint and photograph files of children may be inspected by peace officers when necessary for the discharge of their official duties. The juvenile court may authorize other inspections of such files in individual cases upon a showing that inspection is necessary in the public interest.

6 5. Fingerprints and photographs of a child shall be removed from the file and destroyed if upon notification by the child's guardian ad litem or legal counsel to the department of public safety that any of the following situations apply:

a. A petition alleging the child to be delinquent is not filed and the child has not entered into an informal adjustment, admitting involvement in a delinquent act alleged in the complaint.

b. After a petition is filed, the petition is dismissed or the proceedings are suspended and the child has not entered into a consent decree and has not been adjudicated delinquent on the basis of a delinquent act other than one alleged in the petition in question.

c. Upon petition by the child when the child reaches twenty-one years of age and the child has not been adjudicated a delinquent nor convicted of committing an aggravated misdemeanor or a felony after reaching sixteen years of age.

Sec. 26. Section 232.149, Code 1993, is amended by adding the following new subsection:

**NEW SUBSECTION. 2A.** Information regarding a child taken into custody for a violation of chapter 124 involving the possession of a controlled substance, counterfeit substance, or simulated controlled substance shall be disclosed in accordance with section 124.415.

Sec. 27. **NEW SECTION. 232.190 COMMUNITY GRANT FUND.**

1. A community grant fund is established in the state treasury under the control of the division of criminal and juvenile justice planning of the department of human rights for the purposes of awarding grants under this section. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall assist the division in administering grants awarded under this section. The department of human services shall advise the division on programs which meet

the criteria established for grant recipients. Not more than one percent of the moneys appropriated to the fund shall be used for administrative purposes.

2. A city, county, or entity organized under chapter 28E may apply to the department for a grant on a matching basis to fund juvenile crime prevention programs. The match may come from funds provided to the city, county, or entity organized under chapter 28E from private sources, other state programs, or federal programs. A city, county, or entity organized under chapter 28E applying for a grant under this section is encouraged to seek matching funds from, but not limited to, the Iowa finance authority, the governor's alliance on substance abuse, and under the state and federal community reinvestment Acts. Applications shall state specific outcomes sought to be obtained under a program funded by a grant under this section.

3. Programs awarded moneys from the community grant fund shall involve a collaborative effort by all children and family support service providers to provide services and shall reflect a community-wide consensus in how to remediate community problems and may include programs dealing with truancy which involve school district and community partnerships, and programs involving judicial district community-based corrections programs. Services provided under the programs shall be comprehensive and utilize flexible delivery systems. The department of human services shall establish a point system for determining eligibility for grants from the fund based upon the nature and breadth of the community juvenile crime prevention programs and the extent to which a community has sought to obtain additional public and private funding sources for all or parts of the community's program.

4. This section is repealed effective June 30, 1998. The division of criminal and juvenile justice planning and the department of human services shall submit a report to the general assembly by January 15, 1998, regarding the effectiveness of the programs funded under this section in meeting the objectives contained in subsection 3.

**Sec. 28. NEW SECTION. 232.191 EARLY INTERVENTION AND FOLLOW-UP PROGRAMS.**

Contingent on a specific appropriation for these purposes, the department shall do the following:

1. Develop or expand programs providing specific life skills and interpersonal skills training for adjudicated delinquent youth who pose a low or moderate risk to the community.

2. Develop or expand a school-based program addressing truancy and school behavioral problems for youth ages twelve through seventeen.

3. Develop or expand an intensive tracking and supervision program for adjudicated delinquent youth at risk for placement who have been released from resident facilities, which shall include telephonic or electronic tracking and monitoring and intervention by juvenile authorities.

4. Develop or expand supervised community treatment for adjudicated delinquent youth who experience significant problems and who constitute a moderate community risk.

**Sec. 29. NEW SECTION. 280.9B VIOLENCE PREVENTION CURRICULUM.**

The department of education shall develop a statewide violence prevention program based on law-related education. The department shall contract with a law-related education agency that serves the state and provides a comprehensive plan to develop violence prevention curricula for grades K through twelve, provide

training to teachers and school administrators on violence prevention, and develop school-community partnerships for violence prevention.

Sec. 30. Section 280.19A, Code 1993, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** If a district has not adopted a plan as required in this section and implemented the plan by January 15, 1996, the area education agency serving the district shall assist the district with developing a plan and an alternative options education program for the pupil. When a plan is developed, the district shall be responsible for the operation of the program and shall reimburse the area education agency for the actual costs incurred by the area education agency under this section.

Sec. 31. Section 294A.14, unnumbered paragraphs 9 and 10, Code Supplement 1993, are amended to read as follows:

For school districts, additional instructional work assignments may include but are not limited to general curriculum planning and development, vertical articulation of curriculum, horizontal curriculum coordination, development of educational measurement practices for the school district, participation in assessment activities leading to certification by the national board for professional teaching standards, attendance at workshops and other programs for service as cooperating teachers for student teachers, development of plans for assisting beginning teachers during their first year of teaching, attendance at summer staff development programs, development of staff development programs for other teachers to be presented during the school year, participation in family support programs, development of programs which provide instruction in conflict resolution and mediation techniques for staff and students, development of anger management instructional programs for students, and other plans locally determined in the manner specified in section 294A.15 and approved by the department of education under section 294A.16 that are of equal importance or more appropriately meet the educational needs of the school district.

For area education agencies, additional instructional work assignments may include but are not limited to providing assistance and support to school districts in general curriculum planning and development, providing assistance to school districts in vertical articulation of curriculum and horizontal curriculum coordination, development of educational measurement practices for school districts in the area education agency, development of plans for assisting beginning teachers during their first year of teaching, attendance or instruction at summer staff development programs, development of staff development programs for school district teachers to be presented during the school year, participation in family support programs, development of staff development programs which provide instruction in conflict resolution and mediation techniques, assisting school district teachers in the development of anger management instructional programs for students, and other plans determined in the manner specified in section 294A.15 and approved by the department of education under section 294A.16 that are of equal importance or more appropriately meet the educational needs of the area education agency.

Sec. 32. **NEW SECTION.** 299.1B FAILURE TO ATTEND — LOSS OF DRIVER'S LICENSE.

A person who does not attend a public school, an accredited nonpublic school, competent private instruction in accordance with the provisions of chapter 299A, an alternative school, adult education classes, or who is not employed at least



twenty hours per week shall not receive a motor vehicle operator's license until age eighteen. A person under age eighteen who has been issued a motor vehicle operator's license who does not attend a public school, an accredited nonpublic school, competent private instruction in accordance with the provisions of chapter 299A, an alternative school, or adult education classes, shall surrender the license and be issued a temporary restricted license under section 321.215.

Sec. 33. Section 299.5A, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The mediator may refer a truant to the juvenile court if mediation breaks down without an agreement being reached.

Sec. 34. NEW SECTION. 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

Upon the entering of an order at the conclusion of a dispositional hearing under section 232.50, where the child has been adjudicated to have committed a delinquent act, which would be a first or subsequent violation of section 123.46, section 123.47 involving the purchase or attempt to purchase alcoholic beverages, or chapter 124, or a second or subsequent violation of section 123.47 regarding the possession of alcoholic beverages, the clerk of the juvenile court in the dispositional hearing shall forward a copy of the adjudication and dispositional order to the department. The department shall suspend the license or operating privilege of the child for one year. The child may receive a temporary restricted license as provided in section 321.215.

Sec. 35. NEW SECTION. 321.213B REVOCATION FOR FAILURE TO ATTEND.

The department shall establish procedures by rule for revoking the license of a juvenile who is in violation of section 299.1B or issuing the juvenile a temporary restricted license under section 321.215 if the juvenile is employed at least twenty hours per week.

Sec. 36. Section 321A.17, subsection 5, Code Supplement 1993, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation under section 321.209, subsection 8, section 321.210, subsection 1, paragraph "d" or section 321.210A, 321.213B, 321.216B, or 321.513, or following a period of suspension under section 321.194, is not required to maintain proof of financial responsibility under this section.

Sec. 37. Section 453A.2, Code 1993, is amended to read as follows:

453A.2 PERSONS UNDER LEGAL AGE.

1. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, or cigarettes to any person under eighteen years of age ~~and a~~.

2. A person under eighteen years of age shall not smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, or cigarettes.

~~2~~ 3. The Iowa department of public health, a county health department, a city health department, or a city may directly enforce this section in district court and initiate proceedings pursuant to section 453A.22 before a permit-issuing authority against a permit holder violating this section.

~~3~~ 4. Payment and distribution of court costs, fees, and fines in a prosecution initiated by a city or county shall be made as provided in chapter 602 for violation of a city or county ordinance.

Sec. 38. Section 453A.3, Code 1993, is amended to read as follows:

## 453A.3 PENALTY.

A person who violates section 453A.2, subsection 1 or 453A.39 is guilty of a simple misdemeanor.

A person who violates section 453A.2, subsection 2, shall pay a civil penalty pursuant to section 805.8, subsection 11. Failure to pay the civil penalty imposed for a violation of section 453A.2, subsection 2, is a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 11.

Sec. 39. Section 602.7103, subsection 3, Code 1993, is amended to read as follows:

3. The parties to a ~~termination of parental rights~~ proceeding heard by an associate juvenile judge are entitled to appeal the order, finding, or decision of an associate juvenile judge, in the manner of an appeal from orders, findings, or decisions of district court judges. ~~The parties to any other proceeding heard by an associate juvenile judge are entitled to appeal the order, finding, or decision of an associate juvenile judge, to the district court.~~ An appeal does not automatically stay the order, finding, or decision of an associate juvenile judge.

Sec. 40. Section 613.16, subsection 2, Code 1993, is amended to read as follows:

2. The legal obligation of the parent or parents of an unemancipated minor child under the age of eighteen years to pay damages shall be limited as follows:

a. Not more than ~~one~~ two thousand dollars for any one act.

b. Not more than ~~two~~ five thousand dollars, payable to the same claimant, for two or more acts.

Sec. 41. Section 702.18, Code 1993 is amended to read as follows:

## 702.18 SERIOUS INJURY.

"Serious injury" means disabling mental illness, or bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ, and includes but is not limited to skull fractures, rib fractures, and metaphyseal fractures of the long bones of children under the age of four years.

Sec. 42. Section 707.2, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The person kills a child while committing child endangerment under section 726.6, subsection 1, paragraph "b" or while committing assault under section 708.1 upon the child, and the death occurs under circumstances manifesting an extreme indifference to human life.

Sec. 43. NEW SECTION. 709C.1 SEXUALLY VIOLENT PREDATOR ACT.

This chapter shall be known as the "Sexually Violent Predator Act".

Sec. 44. NEW SECTION. 709C.2 DEFINITIONS.

As used in this chapter, unless the context clearly requires otherwise:

1. "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.

2. "Predatory" means acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization.

3. "Sexually violent offense" means an act which is at least one of the following:

a. A public offense under section 709.2, 709.3, 709.4, 709.8, 709.11, 709.12, or 709.14.

b. Murder in the first degree or second degree under section 707.2 or 707.3, assault under section 708.1, domestic abuse assault under section 708.2A.

kidnapping in the first degree or in the second degree under section 710.2 or 710.3, burglary or attempted burglary in the first degree under section 713.3 or 713.4, which is determined beyond a reasonable doubt at the time of sentencing or during civil commitment proceedings subsequent to the offense to have been sexually motivated.

c. A felony offense under federal law or the law of another state which is equivalent to one of the offenses listed in paragraph "a" or "b".

d. A violation of chapter 705 or 706 regarding an offense listed in paragraph "a" "b" or "c".

4. "Sexually violent predator" means a person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence.

#### Sec. 45. NEW SECTION. 709C.3 SEXUALLY VIOLENT PREDATOR PETITION.

1. The county attorney or the attorney general at the request of the county attorney, may file a petition alleging that a person is a sexually violent predator. The petition shall state sufficient facts to support the allegation.

2. A petition may be filed in the following circumstances:

a. The person has been convicted of, pled guilty to, or been adjudicated delinquent for committing a sexually violent offense.

b. The person has been found not guilty of a sexually violent offense by reason of insanity, or has been found incompetent to stand trial for allegedly committing a sexually violent offense.

c. The person is within ninety days of release from a facility to which the person was committed pursuant to the determination made in either paragraph "a" or "b".

#### Sec. 46. NEW SECTION. 709C.4 JUDICIAL DETERMINATION — TRANSFER FOR EVALUATION.

Upon the filing of a petition under section 709C.3, if the court determines that probable cause exists to believe that the person named in the petition is a sexually violent predator the court shall transfer a person to an appropriate facility for evaluation as to whether the person is a sexually violent predator. The evaluation shall be conducted by a person deemed to be professionally qualified to conduct the examination pursuant to rules adopted by the department of corrections in consultation with the department of human services and the criminal and juvenile justice planning division of the department of human rights.

#### Sec. 47. NEW SECTION. 709C.5 TRIAL — RIGHTS OF PARTIES.

Not later than forty-five days after the filing of a petition pursuant to section 709C.3, the court shall conduct a trial to determine whether the person is a sexually violent predator. At all stages of the proceedings under this chapter, any person subject to this chapter shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist the person. If a person is subjected to an examination under this chapter, the person may retain experts or professional persons to perform an examination on the person's behalf. The person may be examined by a qualified expert or professional person of the person's choosing, and the expert or professional shall have reasonable access to the person for the purpose of the examination, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall, upon the person's request, assist the person in obtaining an expert

or professional person to perform an examination or participate in the trial on the person's behalf. The person, the county attorney or the attorney general, or the judge shall have the right to demand that the trial be before a jury, if the person is an adult or a juvenile who has been waived to the district court. If no demand is made, or if the person is a juvenile who has not been waived to the district court, the trial shall be to the court or the juvenile court as applicable.

**Sec. 48. NEW SECTION. 709C.6 TRIAL — DETERMINATION — COMMITMENT PROCEDURES.**

1. The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated, the state shall prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated. If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of human services in a secure facility for control, care, and treatment until such time as the person's mental abnormality of personality disorder has so changed that the person is safe to be at large. This control, care, and treatment shall be provided at a facility operated by the department of human services, however, adults and juveniles shall not be sent to the same facility. If the court or jury does not find beyond a reasonable doubt that the person is a sexually violent predator, the court shall order the person to be released in accordance with the terms of the person's sentence.

2. If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to or has been released and the person's commitment is sought pursuant to subsection 1, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal due to incompetence that the person committed the act or acts charged. The hearing on this issue shall comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on the person's own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on the issue, the court finds beyond a reasonable doubt that the person did commit the act charged, the court shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

**Sec. 49. NEW SECTION. 709C.7 ANNUAL EXAMINATIONS.**

Each person committed under this chapter shall have a current examination of the person's mental condition made at least once every year. The person may retain, or if the person is indigent and so requests, the court may appoint, a qualified expert or a professional person to examine the person, and the expert or professional person shall have access to all records concerning the person. The periodic report shall be provided to the court that committed the person under this chapter.

**Sec. 50. NEW SECTION. 709C.8 PETITION FOR RELEASE —**

## PROCEDURES.

1. If the director of the department of human services determines that the person's mental abnormality or personality disorder has so changed that the person is not likely to engage in predatory acts of sexual violence if released, the director shall authorize the person to petition the court for release. The petition shall be served upon the court and the county attorney. The court, upon receipt of the petition for release, shall order a hearing on the petition to be held not later than forty-five days after the date of service of the petition. The county attorney or the attorney general, if requested by the county attorney, shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of the county attorney's or attorney general's choice. The hearing shall be before a jury if demanded by either the petitioner or the state's counsel. The burden of proof shall be upon the county attorney or attorney general to show beyond a reasonable doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and that if discharged is likely to engage in predatory acts of sexual violence.

2. Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for discharge without the approval of the director of the department of human services. The director shall provide the committed person with an annual written notice of the person's right to petition the court for release over the director's objection. The notice shall contain a waiver of rights. The director shall forward the notice and waiver form to the court with the annual report. If the person does not affirmatively waive the right to petition, the court shall set a show cause hearing to determine whether facts exist that warrant a hearing on whether the person's condition has so changed that the person is safe to be at large. The committed person shall have a right to have an attorney represent the person at the show cause hearing but the person is not entitled to be present at the show cause hearing. If the court at the show cause hearing determines that probable cause exists to believe that the person's mental abnormality or personality disorder has so changed that the person is safe to be at large and is not likely to engage in predatory acts of sexual violence if discharged, the court shall set a hearing on the issue. At the hearing the committed person shall be entitled to be present and to the benefit of all constitutional protections that were afforded to the person at the initial commitment proceeding. The county attorney or attorney general shall represent the state and shall have a right to request a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person shall also have the right to have experts evaluate the person on the person's behalf and the court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing shall be upon the state to prove beyond a reasonable doubt that the committed person's mental abnormality or personality disorder remains such that the person is not safe to be at large and if released is likely to engage in predatory acts of sexual violence.

### Sec. 51. NEW SECTION. 709C.9 SUBSEQUENT PETITIONS.

Nothing in this chapter shall prohibit a person from filing a petition for discharge pursuant to this chapter. However, if a person has previously filed a petition for discharge without the approval of the director of the department of human services and the court has determined, either upon review of the petition or following a hearing, that the petitioner's petition was frivolous or that the petitioner's condition had not so changed that the petitioner was safe to be at large, the court

shall deny the subsequent petition unless the petition contains facts upon which a court could find that the condition of the petitioner has so changed that a hearing is warranted. Upon receipt of a first or subsequent petition from a committed person without the director's approval, the court shall review the petition and determine if the petition is based upon frivolous grounds and if so shall deny the petition without a hearing.

**Sec. 52. NEW SECTION. 709C.10 RELEASE OF INFORMATION AUTHORIZED.**

Notwithstanding any other provision to the contrary, the director of the department of human services is authorized to release relevant information that is necessary to protect the public, concerning a specific sexually violent predator committed under this chapter.

**Sec. 53. NEW SECTION. 724.4A WEAPONS FREE ZONES — ENHANCED PENALTIES.**

1. As used in this section, "weapons free zone" means the area in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, or in or on the real property comprising a public park. A weapons free zone shall not include that portion of a public park designated as a hunting area under section 461A.42.

2. Notwithstanding sections 902.9 and 903.1, a person who commits a public offense involving a firearm or offensive weapon, within a weapons free zone, in violation of this or any other chapter shall be subject to a fine of twice the maximum amount which may otherwise be imposed for the public offense.

**Sec. 54. Section 724.16, subsection 1, Code 1993, is amended to read as follows:**

1. Except as otherwise provided in section 724.15, subsection 2, a person who acquires ownership of a pistol or revolver without a valid annual permit to acquire pistols or revolvers or a person who transfers ownership of a pistol or revolver to a person who does not have in the person's possession a valid annual permit to acquire pistols or revolvers is guilty of a simple an aggravated misdemeanor.

**Sec. 55. NEW SECTION. 724.16A TRAFFICKING IN STOLEN WEAPONS.**

A person who knowingly transfers or acquires possession, or who facilitates the transfer, of a stolen firearm commits a class "D" felony for a first offense and a class "C" felony for second and subsequent offenses or if the weapon is used in the commission of a public offense. However, this section shall not apply to a person purchasing stolen firearms through a buy-back program sponsored by a law enforcement agency if the firearms are returned to their rightful owners or destroyed.

**Sec. 56. Section 724.22, subsections 1 and 2, Code 1993, are amended to read as follows:**

1. Except as provided in subsection 3, a person who sells, loans, gives, or makes available a rifle or shotgun or ammunition for a rifle or shotgun to a minor commits a simple serious misdemeanor for a first offense and a class "D" felony for second and subsequent offenses.

2. Except as provided in subsections 4 and 5, a person who sells, loans, gives, or makes available a pistol or revolver or ammunition for a pistol or revolver to a person below the age of twenty-one commits a simple serious misdemeanor for a first offense and a class "D" felony for second and subsequent offenses.

**Sec. 57. Section 724.27, Code 1993, is amended to read as follows:**

**724.27 EXCEPTION TO SECTIONS 724-8; SUBSECTION 2, 724-15; SUBSECTION 1, AND 724-26 OFFENDERS' RIGHTS RESTORED.**

The provisions of sections 724.8, subsection 2, 724.15, subsection 1, paragraphs "b" and "e" and 724.26 shall not apply to a person who is eligible to have the person's civil rights regarding firearms restored under section 914.7 and who is pardoned or has had the person's civil rights restored by the President of the United States or the chief executive of a state and who is expressly authorized by the President of the United States or such chief executive to receive, transport, or possess firearms or destructive devices.

**Sec. 58. NEW SECTION. 724.30 RECKLESS USE OF A FIREARM.**

A person who intentionally discharges a firearm in a reckless manner commits the following:

1. A class "C" felony if a serious injury occurs.
2. A class "D" felony if a bodily injury which is not a serious injury occurs.
3. An aggravated misdemeanor if property damage occurs without a serious injury or bodily injury occurring.
4. A simple misdemeanor if no injury to a person or damage to property occurs.

**Sec. 59. NEW SECTION. 726.6B MULTIPLE ACTS OF CHILD ENDANGERMENT — PENALTY.**

A person who engages in a course of conduct including three or more acts of child endangerment as defined in section 726.6 within a period of twelve months involving the same child or a mentally or physically handicapped minor, where one or more of the acts results in serious injury to the child or minor or results in a skeletal injury to a child under the age of four years, is guilty of a class "B" felony. Notwithstanding section 902.9, subsection 1, a person convicted of a violation of this section shall be confined for no more than fifty years.

Sec. 60. Section 805.8, subsection 10, Code Supplement 1993, is amended to read as follows:

**10. ALCOHOLIC BEVERAGE VIOLATIONS.**

a. For violations of section 123.47A, which constitute first offenses as provided in that section, the scheduled fine is fifteen dollars.

b. For violations of section 123.49, subsection 2, paragraph "h" the scheduled fine is one hundred dollars.

Sec. 61. Section 805.8, subsection 11, Code Supplement 1993, is amended to read as follows:

**11. SMOKING VIOLATIONS.** For violations of section 142B.6 or 453A.2, subsection 2, the scheduled fine is twenty-five dollars, and is a civil penalty, and the criminal penalty surcharge under section 911.2 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed. If the civil fine penalty assessed for a violation of section 142B.6 is not paid in a timely manner, a citation shall be issued for the violation in the manner provided in section 804.1. However, a person under age eighteen shall not be detained in a secure facility for failure to pay the civil penalty. The complainant shall not be charged a filing fee.

For failing to pay the civil penalty under section 453A.2, the scheduled fine is twenty-five dollars. Failure to pay the scheduled fine shall not result in the person being detained in a secure facility. The complainant shall not be charged a filing fee.

Sec. 62. Section 808A.2, Code 1993, is amended by adding the following new subsection:

**NEW SUBSECTION. 4.** If a search pursuant to subsection 1 of a school locker, desk, or other facility or space issued or assigned to, or chosen by a student, reveals

a violation of the law or the rules of the school regarding a dangerous weapon or controlled substance, the violation shall constitute reasonable grounds for future searches without advance notice to the student of the student's school locker, desk, or other facility or space issued or assigned to, or chosen by the student.

Sec. 63. Section 808B.9, Code 1993, is amended to read as follows:  
808B.9 REPEAL.

This chapter is repealed effective July 1, 1994 1999.

Sec. 64. Section 914.7, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of this chapter, a person seventeen years of age or younger who commits a public offense involving a firearm which is an aggravated misdemeanor against a person or a felony shall not have the person's rights of citizenship restored to the extent of allowing the person to receive, transport, or possess firearms.

Sec. 65. JUVENILE DETENTION HOMES — ADDITIONAL APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1994, and ending June 30, 1995, in addition to other appropriations made to the department for that fiscal year, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For additional reimbursement of counties for juvenile detention homes in accordance with the provisions of this section, and in order to effectuate the purposes of this Act pertaining to the detention of children who habitually and substantially violate the conditions of probation:

..... \$ 362,500

If the funds designated in this section, in addition to any other appropriation to the department of human services for reimbursement of counties for juvenile detention homes in the fiscal year beginning July 1, 1994, are insufficient to pay ten percent of the total cost of the homes, notwithstanding section 232.142, subsection 3, the state payment shall be less than ten percent and the department shall prorate the state payment as necessary to keep expenditures within the funds designated in this section and in any other provision appropriating moneys to the department for reimbursement of counties for juvenile detention homes in the same fiscal year.

Sec. 66. APPROPRIATION — TRANSFER. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, \$362,500 shall be appropriated from the general fund to the governor's alliance on substance abuse to provide one-time grants to community-based correctional programs for replication of the youthful offender program established in Polk county. The governor's alliance on substance abuse may provide a one-time grant of up to \$100,000 to each eligible community-based correctional program, which applies for a grant for a proposal for replication of the youthful offender program to the governor's alliance on substance abuse by September 1, 1994. The governor's alliance on substance abuse shall submit a report to the general assembly regarding the distribution of these funds by January 15, 1995.

Sec. 67. APPROPRIATION — TRUANCY AND SCHOOL BEHAVIORAL PROBLEMS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:



For school-based programs addressing truancy and school behavioral problems pursuant to section 232.192, subsection 2, as enacted in this Act:

..... \$ 200,000

**Sec. 68. APPROPRIATION — VIOLENCE PREVENTION CURRICULUM.** There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the following purpose:

For implementation of a statewide violence prevention program pursuant to section 280.9B, as enacted in this Act:

..... \$ 75,000

**Sec. 69. APPROPRIATION — HIGHLY STRUCTURED JUVENILE PROGRAMS.** The department of human services and the division of criminal and juvenile justice planning of the department of human rights shall develop two 25-bed highly structured treatment-oriented programs for youths who are adjudicated delinquent, one of which shall be at an existing facility. The programs shall include a resident phase and follow-up services. Each program shall include goals for the functioning of youths following completion of the resident portion of the program, follow-up tracking, and evaluation activities during the resident and follow-up phases. At least one program shall include in its resident phase a regimen stressing discipline and physical activities. The department shall develop criteria for the resident phase and for admission to the program and for providing follow-up services to a child who successfully completes the resident phase. Follow-up services shall be community-based and designed to assist the child to live without supervision after the provision of follow-up services ends.

Funding for the program to be started at a new facility shall be provided from the appropriation to the department of human services for child and family services by the Seventy-fifth General Assembly, 1994 Session. This funding shall be contingent on the receipt of medical assistance funding for program participants.

**Sec. 70. APPROPRIATION.** There is appropriated from the general fund of the state in the community grant fund for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount or so much thereof as is necessary, to be used for the purposes of the community grant fund established in this Act:

..... \$1,800,000

**Sec. 71. APPROPRIATION.** There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, and maintenance, for the following additional juvenile court officers, and for not more than the following full-time equivalent positions:

..... \$ 190,000

..... FTEs 6.00

The judicial department shall determine the location at which the additional juvenile court officers are to be placed.

**Sec. 72. TRUANCY JUVENILE COURT OFFICERS.** Contingent on a specific appropriation being made for this purpose, the judicial department shall add one additional juvenile court officer per judicial district for the purpose of handling truancy cases referred to the juvenile court under section 299.5A, as amended in this Act.

Sec. 73. STUDY. The division of criminal and juvenile justice planning of the department of human rights shall study and compare rates of recidivism and rehabilitation for similar offenses in juveniles adjudicated delinquent versus juveniles waived to and convicted of an offense in the district court and the frequency and severity of sanctions imposed upon juveniles by the juvenile court versus those imposed by the district court for juveniles waived to the district court for similar offenses. The division shall report the results of its study to the general assembly by January 15, 1995.

Sec. 74. EFFECTIVE DATES. Sections 43 through 52 take effect July 1, 1995. Section 63 of this Act takes effect June 30, 1994."

2. Title page, by striking page 1, line 1, through Title page 2, line 19 and inserting the following: "An Act relating to juvenile justice by establishing or enhancing penalties for delinquent acts which may be committed by juveniles, establishing or enhancing penalties for public offenses relating to juvenile justice, authorizing searches of student lockers in a school without advance notice under certain circumstances, delaying the repeal of the interception of communications law, providing for the commitment of persons determined to be sexually violent predators, and making related appropriations and providing effective dates."

On the Part of the Senate:

RALPH ROSENBERG, Chair  
ROBERT DVORSKY  
MICHAEL GRONSTAL  
O. GENE MADDOX  
MAGGIE TINSMAN

On the Part of the House:

CLARK McNEAL, Chair  
PHIL BRAMMER  
MONA MARTIN  
WAYNE McKINNEY  
BOB RAFFERTY

**SENATE RESOLUTIONS AND  
CONCURRENT RESOLUTIONS**

**Adopted by the Senate and not  
Previously Printed During the**

**SEVENTY-FIFTH GENERAL ASSEMBLY**

**1994 Regular Session**

## 1                   SENATE RESOLUTION 101

2                   By: Committee on Agriculture

3                   (SUCCESSOR TO SSB 2023)

4 A Senate Resolution supporting ethanol and requesting  
5 that the United States Environmental Protection  
6 Agency adopt and implement the proposed renewable  
7 oxygenate standard.

8 WHEREAS, the production and processing of  
9 agricultural commodities and products represents the  
10 foundation of this nation's economy, and the economic  
11 viability of this nation is contingent upon the  
12 production of wealth generated primarily from  
13 materials, including food and fiber, produced on farms  
14 and ranches; and

15 WHEREAS, it is increasingly necessary to support  
16 industries in this nation which rely upon agricultural  
17 commodities to manufacture value-added products; and

18 WHEREAS, this nation is dependent upon the  
19 consumption of rapidly depleting domestic oil  
20 reserves, with the United States annually importing  
21 foreign petroleum products which have been valued at  
22 more than 25 percent of this nation's trade deficit;  
23 and

24 WHEREAS, more than 40 percent of this nation's air  
25 pollution is caused by vehicles emitting a variety of  
26 petroleum-based pollutants which endanger the public's  
27 health, including carcinogenic organic vapors, benzene  
28 and other aromatics, nitrogen oxides, particulate  
29 matter in the form of smoke and soot, carbon monoxide,  
30 and carbon dioxide; and

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1 WHEREAS, the United States Congress, in supporting  
2 the need to reduce this nation's dependence upon  
3 foreign oil, to provide additional markets for  
4 domestic corn and other grains, to protect the public  
5 health, and to preserve the nation's environment, has  
6 encouraged ethanol production and consumption; and

7 WHEREAS, one acre of corn produces an amount of  
8 ethanol equivalent to 10 barrels of oil; and

9 WHEREAS, 1.15 billion gallons of ethanol produced  
10 in the United States in 1992 reduced foreign oil  
11 imports by more than 58 million barrels; and

12 WHEREAS, motor vehicle fuel which includes a blend  
13 of 10 percent ethanol enhances octane levels and  
14 provides more oxygen for fuel combustion resulting in  
15 reduced levels of carbon monoxide; and

16 WHEREAS, more than 416,000 bushels of corn  
17 representing the average harvest of more than 3,400

18 Iowa crop acres are processed each day into ethanol;  
19 and  
20 WHEREAS, at current stock levels corn utilization  
21 by the Iowa corn processing industry provides a 15 to  
22 20 cent per bushel support to the national average  
23 price of corn; and  
24 WHEREAS, blending 10 percent ethanol with all  
25 gasoline sold in the United States would require four  
26 billion bushels of corn; and  
27 WHEREAS, coproducts derived from ethanol production  
28 provide a valuable high protein feed for livestock;  
29 and  
30 WHEREAS, the corn milling and ethanol production

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1 industries are high-quality employers of skilled labor  
2 which is a critical component of state rural  
3 revitalization efforts; and  
4 WHEREAS, more than 12,000 Iowa jobs are affected by  
5 Iowa ethanol production, including 2,500 in the corn  
6 processing industry associated with ethanol  
7 production, with the average annual wage for persons  
8 employed in the wet corn milling industry in Iowa  
9 equaling \$37,000; and  
10 WHEREAS, in 1990 the United States Congress enacted  
11 and the President of the United States signed into law  
12 Pub. L. No. 101-549, including major amendments to the  
13 federal Clean Air Act, 42 U.S.C. § 7401 et seq., which  
14 represents a landmark effort to protect this nation's  
15 atmosphere from contamination by hazardous pollutants  
16 in part caused by vehicle emissions; and  
17 WHEREAS, the United States Environmental Protection  
18 Agency in implementing amendments to the federal Clean  
19 Air Act has conducted tests of oxygenates including  
20 organic and petroleum-based products for purposes of  
21 establishing standards for reformulating motor vehicle  
22 fuel used in nonattainment areas designated in the  
23 United States; and  
24 WHEREAS, the United States Environmental Protection  
25 Agency has proposed a renewable oxygenate standard  
26 which requires the use of renewable oxygenates in  
27 reformulated gasoline; and  
28 WHEREAS, ethanol is a renewable oxygenate and the  
29 proposed standard could mean an increased demand for  
30 Iowa corn used in ethanol production; and

## Page 4

1 WHEREAS, ethanol's full market potential can be  
2 realized under the renewable oxygenate standard if the  
3 rules are finalized, as scheduled, in June 1994; NOW  
4 THEREFORE,  
5 BE IT RESOLVED BY THE SENATE, That the Iowa Senate  
6 urges the United States Environmental Protection  
7 Agency to adopt the proposed renewable oxygenate  
8 standard in a manner and form which allows ethanol to  
9 fully compete in the marketplace; and  
10 BE IT FURTHER RESOLVED, That the Iowa Senate  
11 supports the efforts of the Honorable Terry E.  
12 Branstad, Governor of the State of Iowa, in presenting  
13 the case for ethanol at hearings sponsored by the  
14 United States Environmental Protection Agency and held  
15 in Crystal City, Virginia; and  
16 BE IT FURTHER RESOLVED, That copies of this  
17 Resolution be delivered to the Governor; and  
18 BE IT FURTHER RESOLVED, That a copy of this  
19 Resolution be delivered to the Environmental  
20 Protection Agency for inclusion within the record,  
21 Docket A-93-49; and  
22 BE IT FURTHER RESOLVED, That copies of this  
23 Resolution be delivered to the President of the United  
24 States, the Administrator of the United States  
25 Environmental Protection Agency, the President of the  
26 United States Senate, the Speaker of the United States  
27 House of Representatives, the Chairperson of the  
28 Committee on Agriculture, Nutrition, and Forestry of  
29 the United States Senate, the Chairperson of the  
30 Committee on Agriculture of the United States House of

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1 Representatives, and members of Iowa's congressional  
2 delegation.

1 SENATE RESOLUTION 103  
2 By: Committee on Rules and Administration  
3 (SUCCESSOR TO LSB 3632SC)  
4 A Resolution relating to gubernatorial appointments  
5 requiring Senate confirmation.  
6 WHEREAS, section 2.32, subsection 7, requires the  
7 Governor to provide the Secretary of the Senate with a  
8 list of all gubernatorial appointments requiring  
9 Senate confirmation during this session by February 1;  
10 and  
11 WHEREAS, this information has been submitted and is  
12 on file in the office of the Secretary of the Senate;

13 and

- 14 WHEREAS, that subsection also requires that the  
15 Senate by resolution approve the list or request  
16 corrections by February 15; NOW THEREFORE,  
17 BE IT RESOLVED BY THE SENATE, That the following  
18 list of appointments submitted by the Governor  
19 pursuant to section 2.32, subsection 7, and on file  
20 with the Secretary of the Senate is approved:  
21 Accountancy Examining Board  
22 1 term commencing 5-1-93 and ending 4-30-96  
23 3 terms commencing 5-1-94 and ending 4-30-97  
24 African-Americans, Commission on the Status of  
25 1 vacancy for a term ending 4-30-94  
26 1 vacancy for a term ending 4-30-96  
27 3 terms commencing 5-1-94 and ending 4-30-98  
28 Agricultural Development Authority  
29 1 term commencing 5-20-93 and ending 4-30-98  
30 3 terms commencing 5-1-94 and ending 4-30-2000

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- 1 Alcoholic Beverages Commission  
2 1 vacancy for a term ending 4-30-97  
3 1 term commencing 5-1-94 and ending 4-30-99  
4 Alcoholic Beverages Division, Administrator of the  
5 1 vacancy for a term ending 4-30-94  
6 1 vacancy for a term ending 4-30-98  
7 Architectural Examining Board  
8 2 terms commencing 5-1-94 and ending 4-30-97  
9 Barber Examiners, State Board of  
10 2 terms commencing 5-1-94 and ending 4-30-97  
11 Behavioral Science Examiners, State Board of  
12 1 vacancy for a term ending 4-30-95  
13 3 terms commencing 5-1-94 and ending 4-30-97  
14 Commission for the Blind  
15 1 term commencing 5-1-94 and ending 4-30-97  
16 Chiropractic Examiners, State Board of  
17 1 term commencing 12-20-93 and ending 4-30-96  
18 3 terms commencing 5-1-94 and ending 4-30-97  
19 City Development Board  
20 1 term commencing 5-1-94 and ending 4-30-2000  
21 Civil Rights Commission, Director of the Iowa State  
22 1 term served at the pleasure of the Governor  
23 Commission on Community Action Agencies  
24 2 vacancies for terms ending 4-30-94  
25 1 term commencing 5-1-94 and ending 4-30-97  
26 Corrections, Board of  
27 1 term commencing 5-1-94 and ending 4-30-98  
28 Cosmetology Examiners, State Board of

- 29 2 terms commencing 5-1-94 and ending 4-30-97
- 30 County Finance Committee

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- 1 1 vacancy for a term ending 4-30-95
- 2 Credit Union Review Board
- 3 3 terms commencing 5-1-94 and ending 4-30-97
- 4 Criminal and Juvenile Justice Planning Advisory Council
- 5 1 vacancy for a term ending 4-30-94
- 6 6 terms commencing 5-1-94 and ending 4-30-98
- 7 Deaf, Commission on the
- 8 2 terms commencing 5-1-94 and ending 4-30-97
- 9 Deaf Services, Administrator of the Division of
- 10 1 term served at the pleasure of the Governor
- 11 Dental Examiners, State Board of
- 12 3 terms commencing 5-1-94 and ending 4-30-97
- 13 Dietetic Examiners, State Board of
- 14 3 terms commencing 5-1-94 and ending 4-30-97
- 15 Drug Enforcement and Abuse Prevention Coordinator
- 16 1 vacancy for a term served at the pleasure of the
- 17 Governor
- 18 Economic Development Board, Iowa
- 19 1 term commencing 4-22-93 and ending 4-30-95
- 20 2 terms commencing 5-1-94 and ending 4-30-98
- 21 Education, State Board of
- 22 1 term commencing 11-15-93 and ending 4-30-96
- 23 1 term commencing 12-3-93 and ending 4-30-94
- 24 3 terms commencing 5-1-94 and ending 4-30-2000
- 25 Education, Director of the Department of
- 26 1 term served at the pleasure of the Governor
- 27 Emergency Response Commission, Iowa
- 28 1 term commencing 10-20-93 and ending 4-30-94
- 29 1 term commencing 5-1-94 and ending 4-30-97
- 30 Employment Appeal Board

**Page 4**

- 1 1 term commencing 5-1-94 and ending 4-30-2000
- 2 Employment Services, Director of the Department of
- 3 1 term served at the pleasure of the Governor
- 4 Engineering and Land Surveying Examining Board
- 5 1 vacancy for a term ending 4-30-95
- 6 2 terms commencing 5-1-94 and ending 4-30-97
- 7 Environmental Protection Commission
- 8 1 vacancy for a term ending 4-30-97
- 9 Ethics and Campaign Disclosure Board, Iowa
- 10 2 terms commencing 7-9-93 and ending 4-30-98
- 11 1 term commencing 7-9-93 and ending 4-30-99
- 12 First in the Nation in Education Foundation



- 13 Governing Board
- 14 1 vacancy for a term ending 4-30-95
- 15 Foster Care Review Board, State Citizen
- 16 2 terms commencing 5-1-94 and ending 4-30-98
- 17 Hearing Aid Dealers, Board of Examiners for the
- 18 Licensing and Regulation of
- 19 1 vacancy for a term ending 4-30-95
- 20 1 term commencing 5-1-94 and ending 4-30-97
- 21 Higher Education Loan Authority, Iowa
- 22 1 term commencing 1-24-94 and ending 4-30-96
- 23 1 term commencing 5-1-94 and ending 4-30-2000
- 24 Higher Education Strategic Planning Council
- 25 1 term commencing 12-3-93 and ending 4-30-94
- 26 2 terms commencing 1-24-94 and ending 4-30-94
- 27 7 terms commencing 5-1-94 and ending 4-30-98
- 28 Human Investment, Iowa Council on
- 29 3 terms commencing 11-22-93 and ending 4-30-94
- 30 2 terms commencing 11-22-93 and ending 4-30-95

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- 1 2 terms commencing 11-22-93 and ending 4-30-96
- 2 1 term commencing 1-7-94 and ending 4-30-95
- 3 3 terms commencing 5-1-94 and ending 4-30-97
- 4 Human Rights, Department Coordinator of the
- 5 Department of
- 6 1 term served at the pleasure of the Governor
- 7 Indigent Defense Advisory Commission
- 8 1 vacancy for a term ending 4-30-93
- 9 1 vacancy for a term ending 4-30-94
- 10 1 term commencing 5-1-94 and ending 4-30-97
- 11 IPERS, Investment Board of the
- 12 1 term commencing 8-5-93 and ending 4-30-98
- 13 Judicial Nominating Commission, State
- 14 1 term commencing 5-1-93 and ending 4-30-99
- 15 Landscape Architectural Examining Board
- 16 2 terms commencing 5-1-94 and ending 4-30-97
- 17 Law Enforcement Academy Council, Iowa
- 18 1 vacancy for a term ending 4-30-94
- 19 1 term commencing 5-1-94 and ending 4-30-98
- 20 Lottery Board
- 21 2 terms served at the pleasure of the Governor
- 22 Medical Examiners, State Board of
- 23 3 terms commencing 5-1-94 and ending 4-30-97
- 24 Mental Health and Mental Retardation Commission
- 25 1 vacancy for a term ending 4-30-95
- 26 1 vacancy for a term ending 4-30-96
- 27 6 terms commencing 5-1-94 and ending 4-30-97
- 28 Mortuary Science Examiners, State Board of

- 29 2 terms commencing 5-1-94 and ending 4-30-97
- 30 Nursing Examiners, State Board of

**Page 6**

- 1 2 terms commencing 5-1-94 and ending 4-30-97
- 2 Nursing Home Administrators, State Board of
- 3 Examiners for
- 4 5 terms commencing 5-1-94 and ending 4-30-97
- 5 Optometry Examiners, State Board of
- 6 3 terms commencing 5-1-94 and ending 4-30-97
- 7 Personnel Commission
- 8 2 vacancies for terms ending 4-30-99
- 9 1 term commencing 10-22-93 and ending 4-30-99
- 10 Petroleum Underground Storage Tank Fund Board, Iowa
- 11 Comprehensive
- 12 1 term commencing 4-28-93 and ending 4-30-97
- 13 Pharmacy Examiners, State Board of
- 14 2 terms commencing 5-1-94 and ending 4-30-97
- 15 1 vacancy for a term ending 4-30-95
- 16 Physical and Occupational Therapy Examiners, State
- 17 Board of
- 18 1 vacancy for a term ending 4-30-94
- 19 2 terms commencing 5-1-94 and ending 4-30-97
- 20 Physician Assistant Examiners, State Board of
- 21 3 terms commencing 5-1-94 and ending 4-30-97
- 22 Podiatry Examiners, State Board of
- 23 2 terms commencing 5-1-94 and ending 4-30-97
- 24 Prevention of Disabilities Policy Council
- 25 2 vacancies for terms ending 4-30-94
- 26 3 terms commencing 5-1-94 and ending 4-30-97
- 27 Product Development Corporation, Iowa
- 28 1 term commencing 12-16-93 and ending 4-30-95
- 29 Professional Licensing and Regulation, Administrator of
- 30 1 term commencing 5-1-94 and ending 4-30-98

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- 1 Psychology Examiners, State Board of
- 2 1 vacancy for a term ending 4-30-94
- 3 2 terms commencing 5-1-94 and ending 4-30-97
- 4 Public Employment Relations Board
- 5 1 term commencing 5-1-94 and ending 4-30-98
- 6 Public Safety, Commissioner of
- 7 1 term served at the pleasure of the Governor
- 8 Racing and Gaming Commission, State
- 9 2 terms commencing 5-1-94 and ending 4-30-97
- 10 Railway Finance Authority, Iowa
- 11 2 terms commencing 5-1-94 and ending 4-30-2000
- 12 Real Estate Appraiser Examining Board

- 13 1 vacancy for a term ending 4-30-95
- 14 2 terms commencing 5-1-94 and ending 4-30-97
- 15 Real Estate Commission
- 16 2 terms commencing 5-1-94 and ending 4-30-97
- 17 Regents, State Board of
- 18 1 term commencing 7-2-93 and ending 4-30-99
- 19 Renewable Fuel Advisory Committee
- 20 1 term commencing 9-24-93 and ending 4-30-96
- 21 2 terms commencing 5-1-94 and ending 4-30-97
- 22 Respiratory Care Advisory Committee
- 23 2 terms commencing 5-1-94 and ending 4-30-97
- 24 School Budget Review Committee
- 25 1 term commencing 5-1-94 and ending 4-30-97
- 26 Small Business Advisory Council
- 27 1 vacancy for a term ending 4-30-97
- 28 2 terms commencing 5-1-94 and ending 4-30-98
- 29 Social Work Examiners, State Board of
- 30 1 vacancy for a term ending 4-30-95

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- 1 1 term commencing 5-1-94 and ending 4-30-97
- 2 Speech Pathology and Audiology Examiners, State
- 3 Board of
- 4 1 vacancy for a term ending 4-30-94
- 5 1 vacancy for a term ending 4-30-96
- 6 3 terms commencing 5-1-94 and ending 4-30-97
- 7 Transportation Commission, State
- 8 2 terms commencing 5-1-94 and ending 4-30-98
- 9 Title Guaranty Division Board
- 10 1 vacancy for a term ending 4-30-95
- 11 Veterans Affairs, Commission of
- 12 1 term commencing 11-29-93 and ending 6-30-95
- 13 Veterans Affairs, Executive Director of the
- 14 Commission of
- 15 1 term served at the pleasure of the Governor
- 16 Veterans Home, Commandant of the Iowa
- 17 1 term served at the pleasure of the Governor
- 18 Veterinary Medicine, Iowa Board of
- 19 2 terms commencing 5-1-94 and ending 4-30-97
- 20 Wallace Technology Transfer Foundation of Iowa
- 21 2 terms commencing 5-1-93 and ending 4-30-94
- 22 3 terms commencing 5-1-93 and ending 4-30-95
- 23 3 terms commencing 5-1-93 and ending 4-30-96
- 24 1 term commencing 5-1-94 and ending 4-30-97
- 25 Women, Commission on the Status of
- 26 4 terms commencing 5-1-94 and ending 4-30-98

1                   SENATE RESOLUTION 105

2                   By: Committee on Natural Resources

3 A Senate Resolution expressing appreciation and thanks  
4 to United States Air Force cadets who assisted with  
5 flood cleanup efforts at Ledges State Park  
6 and Dolliver State Park.

7 WHEREAS, the state of Iowa received record levels  
8 of rainfall and flooding during the spring and summer  
9 of 1993; and

10 WHEREAS, the flooding caused millions of dollars of  
11 damage to private as well as public property  
12 throughout the state of Iowa; and

13 WHEREAS, the plight of the flood victims brought  
14 help in the form of materials and volunteers from  
15 across the nation; and

16 WHEREAS, Ledges State Park and Dolliver State Park  
17 are important historic natural resources in Iowa's  
18 park system and were heavily damaged by floodwaters;  
19 and

20 WHEREAS, one hundred cadets from the United States  
21 Air Force Academy located at Colorado Springs,  
22 Colorado, participated in a massive cleanup effort  
23 from October 15 through October 17, 1993, at Ledges  
24 State Park and Dolliver State Park under the direction  
25 of the Department of Natural Resources; NOW THEREFORE,

26 BE IT RESOLVED BY THE SENATE, That the State of  
27 Iowa thanks the cadet volunteers from the United  
28 States Air Force Academy for their time and efforts as  
29 participants in the Ledges State Park and Dolliver  
30 State Park flood cleanup, from October 15 through

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1 October 17, 1993; and

2 BE IT FURTHER RESOLVED, That, upon passage, the  
3 Secretary of the Senate shall send copies of this  
4 Resolution to the Superintendent and the Cadet Wing  
5 Commander, United States Air Force Academy, Colorado  
6 Springs, Colorado.

1                   SENATE RESOLUTION 106

2                   By: Husak, Giannetto, Pate, Dieleman, Jensen,

3 Kibbie, Boswell, Fraise, Gettings, Fink, Hester,

4                   and Vilsack

5 A Senate Resolution urging additional federal action to  
6 diagnose and treat a mysterious illness of veterans  
7 of the Persian Gulf hostilities.

8 WHEREAS, more than 2,800 Iowa National Guard  
9 soldiers and reservists served in the United States  
10 armed forces deployed in the Persian Gulf area during

11 the Desert Shield and Desert Storm military  
12 operations; and  
13 WHEREAS, approximately 100 Iowa National Guard  
14 soldiers and reservists of the Persian Gulf War  
15 returned home following the cessation of hostilities  
16 with an unexplained illness which has not been  
17 accurately diagnosed or treated; and  
18 WHEREAS, there are approximately 8,000 United  
19 States veterans of the Persian Gulf War who share the  
20 strange, debilitating illness with many forms and  
21 symptoms including constant fatigue, memory loss,  
22 blurred vision, severe allergies, and chronic  
23 respiratory problems; and  
24 WHEREAS, in some cases, the illness of the veterans  
25 has progressed to stages where the veterans are no  
26 longer employable and, in some cases, even death; and  
27 WHEREAS, multiple accounts by soldiers and military  
28 documents of the United States', Czechoslovakian, and  
29 other coalition forces indicate that there was present  
30 in the Persian Gulf Theater, harmful levels of

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1 chemical and biological material such as mustard gas  
2 and other nerve gases, contrary to official Department  
3 of Defense statements declaring otherwise; and  
4 WHEREAS, there are instances where the symptoms  
5 being experienced by the Persian Gulf War veterans are  
6 being experienced by their spouses, children, and  
7 other close relatives; NOW THEREFORE,  
8 BE IT RESOLVED BY THE SENATE, That the President of  
9 the United States and the Congress of the United  
10 States investigate these allegations of the presence  
11 and or use of chemical, biological, and nuclear  
12 weapons and or fall-out in the Persian Gulf Theater  
13 and the relationship, if any, that the alleged  
14 presence of these weapons had with the illnesses  
15 contracted by many of the Gulf War Veterans; and  
16 BE IT FURTHER RESOLVED, That the President of the  
17 United States and the Congress investigate the exact  
18 nature of these illnesses and their communicability to  
19 determine accurate diagnoses and treatments for those  
20 who are ill; and  
21 BE IT FURTHER RESOLVED, That the President of The  
22 United States and the Congress place a moratorium on  
23 the donation of blood by veterans of the Gulf War  
24 until a determination regarding the communicability of  
25 these illnesses has been made; and  
26 BE IT FURTHER RESOLVED, That the President of the  
27 United States and the Congress provide for priority

28 health care and treatment at Department of Defense and  
 29 Civilian Veterans' Administration Hospitals to be  
 30 given to the Gulf War veterans and their families; and

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1 BE IT FURTHER RESOLVED, That the Secretary of the  
 2 senate send a copy of this resolution to the President  
 3 of the United States, the Secretary of Defense, the  
 4 Secretary of Veterans' Affairs, the Chairman of the  
 5 Joint Chiefs of Staff, the Executive Director of  
 6 Veterans' Affairs for Iowa, the Adjutant General of  
 7 the Iowa National Guard, and to each member of Iowa's  
 8 congressional delegation.

1 SENATE RESOLUTION 115

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; and

8 WHEREAS, the Senate necessarily incurs substantial  
 9 expenses for its daily operations; and

10 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; and

14 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, 1994 and ending June 30, 1995, 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 \$2,653,700.

27 2. Interim expenses including members' and staff  
 28 compensation and other current expenses in an amount  
 29 not to exceed \$270,100.

30 3. Fixed expenses, including permanent employees'

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1 compensation and equipment in an amount not to exceed  
 2 \$1,618,769.

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 \$50,000.

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.

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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 RESOLUTION 118

2 By: Horn and Rife

3 A Resolution honoring Johnny Orr upon his retirement as  
4 Men's Basketball Coach at Iowa State University.

5 WHEREAS, Johnny Orr has announced his retirement  
6 from coaching after a successful 43-year coaching  
7 career; and

8 WHEREAS, Coach Orr has established a solid record  
9 of achievement in the coaching profession, retiring as  
10 the winningest coach in both University of Michigan  
11 and Iowa State University history, winning the Big Ten  
12 conference title and making several National  
13 Collegiate Athletic Association tournament appearances  
14 including a second place finish in 1976, garnering

15 several coach of the year honors, and leaving coaching  
 16 with an overall career basketball record of 466 wins  
 17 and 346 losses; and  
 18 WHEREAS, the coaching profession has recognized the  
 19 abilities of Coach Orr as an able coaching competitor  
 20 and as an ambassador of good will for the profession  
 21 and for basketball, electing him as president of the  
 22 National Association of Basketball Coaches during the  
 23 1992-1993 season; and  
 24 WHEREAS, Johnny Orr has devoted countless hours to  
 25 charity work during his tenure at Iowa State,  
 26 including active involvement with, among others, the  
 27 Variety Club of Iowa, Muscular Dystrophy Association,  
 28 American Diabetes Association, and the Multiple  
 29 Sclerosis Society; and  
 30 WHEREAS, the strains of "Here's Johnny" and shouts

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1 of "Who-ee" will no longer be heard in Hilton  
 2 Coliseum with Johnny Orr as coach, and the memories of  
 3 his accomplishments as coach and the love affair  
 4 between Coach Orr and his players, fans, Iowa State  
 5 University, and Iowans will continue for many years to  
 6 come;  
 7 NOW THEREFORE, BE IT RESOLVED BY THE SENATE, That  
 8 the Senate congratulate Coach Johnny Orr upon his  
 9 retirement as Men's Basketball Coach at Iowa State  
 10 University and acknowledge his record of achievement  
 11 as a coach of young men and as a continuing ambassador  
 12 of good will to Iowa State University and this State.

1 SENATE CONCURRENT RESOLUTION 102  
 2 By: Boswell, McLaren, Bartz, Jensen, Taylor,  
 3 Horn, Fraise, Gronstal, Rittmer, Murphy,  
 4 Gettings, Husak, Priebe, Szymoniak, Sorensen,  
 5 Giannetto, Judge, Drake, Vilsack, Rosenberg,  
 6 Riordan, Fink, Dieleman, and Kibbie  
 7 A Concurrent Resolution supporting the termination of a  
 8 contract to sell the WOI-TV station.  
 9 WHEREAS, the Iowa State Board of Regents can ter-  
 10 minate its contract to sell the WOI-TV station legally  
 11 and without penalty through exercising certain  
 12 provisions of the contract; and  
 13 WHEREAS, the value of the station as provided in  
 14 the contract is much less than its present value; and  
 15 WHEREAS, the annual profit of the station this year  
 16 will be almost double that of the previous year,  
 17 making the station an even more profitable enterprise  
 18 for the state; and



19 WHEREAS, the Board of Regents may have incurred an  
 20 increased income tax liability to the federal govern-  
 21 ment through corporate reorganization and control of  
 22 the station; and

23 WHEREAS, Boston University has recently acquired  
 24 two commercial television stations in the Boston  
 25 metropolitan area, anticipating further development of  
 26 television as a means of education and information  
 27 transfer, and no university has sold its commercial  
 28 television station; and

29 WHEREAS, the sale of the WOI-TV station is opposed  
 30 by the president, the faculty, and the students of

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1 Iowa State University and has not received the consent  
 2 of the General Assembly; and

3 WHEREAS, thirteen former members of the Board of  
 4 Regents have voiced their opposition to the sale of  
 5 the WOI-TV station; and

6 WHEREAS, a conversion to high-definition television  
 7 transmission is well within the financial capacity of  
 8 the station; and

9 WHEREAS, sale of the station, a self-supporting  
 10 broadcast laboratory, which Iowa State University  
 11 built and has operated since 1950, will do irreparable  
 12 damage to the educational programs in  
 13 telecommunication arts, broadcast journalism,  
 14 electronic media studies, meteorological education,  
 15 domestic extension services, international outreach  
 16 via satellite, and communications research; and

17 WHEREAS, the New York media investment firm con-  
 18 tracting for the purchase of the WOI-TV station has a  
 19 record in its acquisitions of restructuring,  
 20 downsizing, and eliminating jobs and public service  
 21 programming in order to maximize return; NOW  
 22 THEREFORE,

23 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 24 REPRESENTATIVES CONCURRING, That it is the intent of  
 25 the Iowa General Assembly that the WOI-TV station  
 26 should not be sold and that the preliminary contract  
 27 to sell the station to the New York media investment  
 28 firm is not in the best interests of the state of Iowa  
 29 and should be terminated under its own terms.

1 SENATE CONCURRENT RESOLUTION 104

2 By: Bartz and Borlaug

3 A Concurrent Resolution encouraging the United States  
 4 Drug Enforcement Agency to provide for adequate  
 5 supplies of the drug methylphenidate sold under the

6 brand name Ritalin, for therapeutic purposes for  
 7 America's children.  
 8 WHEREAS, a number of America's children require the  
 9 drug methylphenidate for the treatment of attention  
 10 deficit disorder; and  
 11 WHEREAS, those children suffering from attention  
 12 deficit disorder may encounter major obstacles to  
 13 academic achievement; and  
 14 WHEREAS, the therapeutic use of methylphenidate on  
 15 an on-going basis is the most frequently prescribed  
 16 medication for treatment of attention deficit  
 17 disorder; and  
 18 WHEREAS, the successful treatment of attention  
 19 deficit disorder may make dramatic differences in  
 20 children's school performance; and  
 21 WHEREAS, the quotas imposed by the United States  
 22 Drug Enforcement Agency have had a negative impact on  
 23 the availability of the drug; and  
 24 WHEREAS, the General Assembly of the state of Iowa  
 25 is concerned about the well-being of its citizens,  
 26 particularly its children; NOW THEREFORE,  
 27 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 28 REPRESENTATIVES CONCURRING, That the General Assembly  
 29 of the state of Iowa encourages the United States Drug  
 30 Enforcement Agency to closely monitor the need for

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1 methylphenidate and to ensure that adequate supplies  
 2 are available.  
 3 BE IT FURTHER RESOLVED, That copies of this  
 4 resolution be transmitted to the Honorable Bill  
 5 Clinton, President of the United States; the Honorable  
 6 Albert Gore, Vice President of the United States and  
 7 President of the United States Senate; the Honorable  
 8 Thomas Foley, Speaker of the United States House of  
 9 Representatives; Donna Shalala, Secretary of the  
 10 United States Department of Health and Human Services;  
 11 Stephen Greene, Acting Administrator of the United  
 12 States Drug Enforcement Agency; and members of Iowa's  
 13 congressional delegation.

**SENATE CONCURRENT RESOLUTION 108**

By: Committee on Transportation

(SUCCESSOR TO SSB 2144)

4 A Concurrent Resolution relating to state and federal  
 5 fuel tax collections.  
 6 WHEREAS, federal and state fuel tax collections  
 7 total approximately \$50 billion per year; and  
 8 WHEREAS, theft of fuel tax collections is estimated

9 at up to \$2 billion per year; and  
10 WHEREAS, the federal Intermodal Surface  
11 Transportation Efficiency Act authorized \$7.5 million  
12 per year to finance a cooperative effort between the  
13 Federal Highway Administration and the Internal  
14 Revenue Service to recover stolen and unpaid fuel tax  
15 collections and deter theft, but the Federal Highway  
16 Administration has been permitted to spend only \$5  
17 million of the amount authorized; and  
18 WHEREAS, the audits conducted with these limited  
19 funds have recouped more than \$200 million in diesel  
20 fuel tax collections alone and recovered an average of  
21 \$38,000 per audit; and  
22 WHEREAS, actual experience shows a return of an  
23 additional \$39 in tax receipts for each additional  
24 dollar spent on auditing; and  
25 WHEREAS, state actions such as moving the point of  
26 fuel tax collection have brought substantial increases  
27 in fuel tax collection; NOW THEREFORE,  
28 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
29 REPRESENTATIVES CONCURRING, That the American  
30 Association of State Highway and Transportation

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1 Officials' (AASHTO) Committee on Boards and  
2 Commissions recommends that state transportation  
3 boards and commissions and chief administrative  
4 officers take action adopting resolutions addressed to  
5 United States Department of Transportation Secretary  
6 Federico Pena, and to Iowa's congressional delegation  
7 urging that the entire \$7.5 million authorized for the  
8 joint Federal Highway Administration and the Internal  
9 Revenue Service audit effort be made available.  
10 BE IT FURTHER RESOLVED, That copies of this  
11 resolution be sent to Mr. Darrel Rensink, Director of  
12 the State Department of Transportation, and to the  
13 members of the State Transportation Commission to be  
14 distributed to the appropriate state transportation  
15 officials; and  
16 BE IT FURTHER RESOLVED, That copies of this  
17 resolution be sent to Iowa's congressional delegation,  
18 Senators Tom Harkin and Charles Grassley and  
19 Representatives Neal Smith, Jim Leach, Jim Ross  
20 Lightfoot, Fred Grandy, and Jim Nussle; and  
21 BE IT FURTHER RESOLVED, That copies of this  
22 resolution be sent to the Secretary of the United  
23 States Department of Transportation, Federico Pena.

## 1 SENATE CONCURRENT RESOLUTION 111

2 By: Committee on Ways and Means

3 (SUCCESSOR TO SSB 2254)

4 A Concurrent Resolution urging the passage by the United  
5 States Congress of S-1825, the Tax Fairness for Main Street  
6 Business Act of 1994 or similar legislation.

7 WHEREAS, in 1967, the United States Supreme Court  
8 ruled in the case commonly referred to as the Bellas  
9 Hess case that mail order companies without a physical  
10 presence in a particular state could not be required  
11 to collect that state's sales or use tax on sales made  
12 to that state's residents because such state action  
13 violated both the Due Process clause and the  
14 Interstate Commerce clause of the United States  
15 Constitution; and

16 WHEREAS, the Interstate Commerce clause makes  
17 regulation of interstate commerce the exclusive domain  
18 of Congress, the Due Process clause is not subject to  
19 congressional discretion thus preventing Congress from  
20 reacting to the Bellas Hess ruling; and

21 WHEREAS, in 1992 the Supreme Court in the Quill  
22 case reconsidered the issue of requiring mail order  
23 companies to collect state sales or use tax and by  
24 applying a more modern due process analysis ruled that  
25 such state action does not violate the Constitution's  
26 Due Process clause although it still was a burden on  
27 interstate commerce and the Supreme Court commented  
28 that the Congress was free to decide whether and to  
29 what extent to allow states to burden mail order  
30 companies with the duty to collect sales or use tax;

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1 and

2 WHEREAS, there has been introduced in the United  
3 States Senate, S-1825, the Tax Fairness for Main  
4 Street Business Act of 1994 which authorizes states to  
5 require certain mail order companies to collect the  
6 state's sales or use tax on sales to its residents  
7 which will result in better enforcement of the state's  
8 sales and use taxes, equalizing the burden of  
9 collecting those taxes between instate and out-of-  
10 state business, and increasing revenues from those  
11 taxes; NOW THEREFORE,

12 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
13 REPRESENTATIVES CONCURRING, That all members of the  
14 Iowa delegation to the United States Congress are  
15 respectfully requested to seek passage of S-1825 or  
16 similar legislation; and

17 BE IT FURTHER RESOLVED, That the Secretary of the

18 Iowa Senate, by a copy of this resolution, advise each  
19 member of the Iowa congressional delegation of this  
20 request and of the General Assembly's hopeful  
21 anticipation of the passage of S-1825 or similar  
22 legislation.

1           **SENATE CONCURRENT RESOLUTION 116**

2           By: Committee on Rules and Administration

3 A Senate Concurrent Resolution to provide for

4 adjournment sine die.

5 **BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,**

6 That when adjournment is had on Wednesday, April 20,

7 1994, it be the final adjournment of the 1994 Regular

8 Session of the Seventy-fifth General Assembly.

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Welcomed the foreign exchange students who were present in the Senate  
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Bills introduced—360

Amendments filed—421, 528, 552, 629, 675, 686, 696, 726, 777, 945, 952,  
958, 977, 1004, 1036, 1144, 1157, 1186, 1187, 1195, 1313, 1324

Amendments offered—454, 552, 1009, 1010, 1103, 1186, 1319

Amendments withdrawn—1009, 1188, 1195, 1324

Committee appointments—805

Resolutions offered—68, 108, 1000

**FREEMAN, MARY LOU**—Senator Fifth District

Amendments filed—634, 655, 676, 685, 959, 1054, 1071, 1302

Committee appointments—805

Oath of office—412-413

Resolutions offered—587

Standing committees and subcommittees appointed to—416

**FUHRMAN, LINN**—Senator Fifth District

Bills introduced—68, 92

Committee appointments—52

Tribute to—108

**GENERAL ASSEMBLY** (See Resolutions relating to)—Senate Concurrent Resolution 116 - Final adjournment Wednesday,  
April 20, 1994 Second Session of the seventy-fifth General  
Assembly. S.J. 1388, 1389, 1401 adopted, 1402 msgd. - H.J. 2016  
adopted & msgd. S.J. 1407Senate Resolution 102 - Honor Senator Richard J. Varn. S.J. 184,  
200, 201 adoptedSenate Resolution 103 - Gubernatorial appointments require Senate  
confirmation. S.J. 289, 290, 292 adoptedSenate Resolution 107 - Honor Senator William W. Dieleman & present  
his chair. S.J. 1206, 1208, 1275-1276, 1276 adoptedSenate Resolution 108 - Honor Senator Florence Buhr. S.J. 1206, 1209,  
1284-1285, 1285 adopted

- Senate Resolution 109 - Honor Senator Jean Lloyd-Jones. S.J. 1206, 1209, 1254, 1255 adopted
- Senate Resolution 110 - Honor Senator Ralph Rosenberg. S.J. 1207, 1209, 1355 adopted
- Senate Resolution 111 - Honor Senator William W. Dieleman. S.J. 1207, 1209, 1274-1275, 1275 adopted
- Senate Resolution 112 - Honor Senator Ray Taylor. S.J. 1207, 1209, 1258, 1259 adopted
- Senate Resolution 113 - Honor Senator Al Sturgeon. S.J. 1207, 1209, 1280, 1376 adopted
- Senate Resolution 114 - Honor Senator James B. Kersten. S.J. 1208, 1209, 1269-1270, 1270 adopted
- Senate Resolution 115 - Daily operations of the Senate. S.J. 1182, 1185 adopted
- Senate Resolution 116 - Honor Senator James R. Riordan. S.J. 1208, 1209, 1282-1283, 1283 adopted
- Senate Resolution 117 - Honor Senator Jack W. Hester. S.J. 1208, 1210, 1242 adopted
- Senate Resolution 119 - Defer action on confirmation of Mitchell L. O'Neel, Executive Director of Veteran Affairs. S.J. 1282, 1312, 1353 withdrawn
- Senate Resolution 120 - Honor Senator Joe J. Welsh. S.J. 1306-1307, 1307 adopted
- House Concurrent Resolution 101 - Joint convention, Tuesday, January 11, 1994, 11:00 a.m.; Governor Terry E. Branstad deliver his condition of the state and budget message. H.J. 6-7 adopted & msgd. - S.J. 27 adopted, 29 msgd. - H.J. 27
- House Concurrent Resolution 102 - Joint convention, Wednesday January 12, 1994, at 1:30 p.m.; Chief Justice McGiverin present his message of the condition of the judicial department. H.J. 7 adopted & msgd. - S.J. 27, 28 adopted, 29 msgd. H.J. 27
- House Concurrent Resolution 105 - General Assembly appreciates the contributions the Maytag Corporation has made to Iowa and urges continued expansion in Newton. H.J. 64 adopted & msgd. - S.J. 85 adopted & msgd. - H.J. 73

#### GETTINGS, DONALD E.—Senator Forty-seventh District

- Amendments filed—552, 629, 655, 676, 685, 945, 1024, 1157, 1314, 1324
- Amendments offered—655, 848, 1320, 1324
- Committee appointments—1406
- Escorted Senator Rosenberg to the Senate well—1356
- Resolutions offered—68, 108, 1000

#### GIANNETTO, RANDAL JOHN—Senator Thirty-Second District

- Bills introduced—243
- Amendments filed—559, 598, 616, 652, 705, 726, 777, 828, 880, 915, 932, 945, 963, 984, 1004, 1036, 1055, 1071, 1144, 1302
- Amendments offered—679, 792, 866, 932, 963, 967, 984, 1025, 1063, 1064
- Amendments withdrawn—643, 963
- Committee appointments—7, 14, 51, 445

Conference committee reports—499  
 Escorted Senator Rosenberg to the Senate well—1356  
 Presided at sessions of the Senate—1055, 1065, 1117, 1213  
 Resolutions offered—68, 1000  
 Rulings—1056, 1060, 1065, 1066

**GOVERNOR BRANSTAD, TERRY E.—**

Addressed joint convention—31-37  
 Bills signed by—178, 226, 278, 279, 822, 1003, 1201-1202, 1202-1203, 1203, 1232  
 Bills signed after session—1410-1414  
 Condition of the State and Budget Message—31-37  
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 Committees to escort—30, 51  
 Communications from—160-165, 165, 166, 714-724, 724-725, 740, 853, 1131, 1231  
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 Veto messages—1417-1418  
 Resolution relating to Condition of the State & Budget Message, HCR 101  
 - H.J. 6-7 adopted & msgd. - S.J. 27 adopted, 29 msgd. - H.J. 27  
 Closing message—1407-1408

**GRONSTAL, MICHAEL E.—Senator Forty-second District**

Amendments filed—173, 370, 503, 528, 552, 583, 598, 629, 630, 632, 645, 660, 661, 675, 734, 743, 777, 945, 984, 1036, 1071, 1089, 1090, 1119, 1133, 1157, 1169, 1186, 1187, 1195, 1280, 1293, 1295, 1313, 1318, 1319, 1354, 1370, 1390  
 Amendments offered—370, 552, 583, 611, 632, 645, 648, 668, 679, 697, 734, 984, 1026, 1119, 1169, 1187, 1195, 1293, 1294, 1295, 1318, 1319, 1353, 1364, 1376  
 Amendments withdrawn—697, 1119, 1195, 1364  
 Committee appointments—9, 1216, 1254  
 Conference committee reports—1261, 1342  
 Escorted Senator Riordan to the Senate well—1283  
 Escorted Senator Sturgeon to the Senate well—1376  
 Presided at sessions of the Senate—394, 1261  
 Resolutions offered—68

**HEDGE, H. KAY—Senator Forty-eighth District, Assistant Minority Leader**

Bills introduced—264, 337, 469  
 Amendments filed—121, 632, 669, 752, 899, 994, 1055, 1123, 1144, 1302  
 Amendments offered—669  
 Committee appointments—1189, 1200  
 Conference committee reports—1239, 1253  
 Petitions presented—279, 1001  
 Presided at sessions of the Senate—219  
 Resolutions offered—108

**HESTER, JACK W.—Senator Forty-first District**

Bills introduced—264, 337

Amendments filed—362, 363, 932, 1210, 1334  
 Amendments offered—1294  
 Addressed the Senate with brief remarks and sang “May the Good Lord  
 Bless and Keep You”—1243  
 Committee appointments—7, 423  
 Conference committee reports—1260  
 Escorted Senators Dvorsky and Freeman to the Senate well—412  
 Resolutions offered—108, 292, 1000

**HORN, WALLY E.**—Senator Twenty-seventh District, Majority Leader

Amendments filed—945, 1302  
 Called up appointees on En Bloc Confirmation Calendar—507, 766, 883-  
 884, 916-918, 947-949, 1007-1009, 1039-1040, 1084-1085, 1096-1097,  
 1128-1129, 1145-1146, 1176-1177, 1213-1214, 1265  
 Escorted Senator Welsh to the Senate well—1307  
 Escorted Senators Dvorsky and Freeman to the Senate well—412-413  
 Introduced Bob Connor, state Senator from Delaware and President of the  
 National Conference of State Legislatures—1076  
 Presented the Honorable Tom Harkin, U.S. Senator—103  
 Resolutions offered—68, 1281  
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 Standing committees and subcommittees appointed to—349, 416, 424

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Appointees, investigation of—175, 755, 1068  
 Bills introduced—145, 244, 264, 389, 390, 407, 408, 446, 489, 491, 497, 510,  
 526, 527, 573  
 Amendments filed—198, 246, 306, 480, 704, 742, 743, 799, 836, 837, 857  
 Investigating committee reports—306, 391, 823, 859, 877, 914, 941, 974, 1002-  
 1003, 1123  
 Referred to—876  
 Standing committees and subcommittees appointed to—349, 1093

**HUSAK, EMIL J.—Senator Thirtieth District, Assistant Majority Leader**

Bills introduced—283, 332, 337, 415, 430, 469

Amendments filed—366, 528, 629, 632, 752, 899, 932, 945, 952, 958, 1055,  
1304, 1322, 1324, 1334, 1358, 1390

Amendments offered—592, 752, 1322, 1334

Committee appointments—423, 805, 1104, 1179, 1346, 1353, 1381, 1406

Conference committee reports—1260, 1287, 1289, 1381, 1399

Escorted Senator Dieleman to the Senate well—1275

Resolutions offered—68, 108, 1000

**INDIVIDUAL CONFIRMATION CALENDAR, Senate Rule 59—**

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(See Legislative Council and/or Study Committees)

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(See Appointments - Governor's)

**JENSEN, JOHN W.—Senator Eleventh District**

Bills introduced—68, 171, 243, 264, 285, 291, 303, 308, 317, 337, 352, 360

Amendments filed—121, 362, 363, 496, 503, 528, 548, 598, 628, 631, 661,  
675, 696, 777, 945, 952, 959, 977, 994, 1003, 1036, 1055, 1077, 1233,  
1358

Amendments offered—677

Committee appointments—7, 9, 1406

Committee reports—7

Escorted Senator Hester to the Senate well—1242

Recognized Svend A. Christensen, Senate Doorkeeper, for his part in helping  
the Jews in Denmark during the Holocaust—1074

Resolutions offered—68, 108, 1000

Welcomed the Honorable Charles Grassley, U.S. Senator—26

**JOINT CONVENTIONS—**Condition of the State and Budget Message of Governor Terry E. Branstad—  
30-37

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27 adopted, 29 msgd. - H.J. 27Condition of the Iowa Judiciary Message of Chief Justice Arthur A.  
McGiverin—51-58

Resolution relating to:

House Concurrent Resolution 102 - H.J. 7 adopted & msgd. - S.J.  
27, 28 adopted, 29 msgd. - H.J. 27**JUDGE, PATTY—Senator Forty-Sixth District**

Bills introduced—124, 148, 184



Amendments filed—528, 630, 631, 661, 696, 791, 945, 958, 1070, 1071, 1111,  
1162, 1181, 1189, 1193, 1210, 1304, 1358  
Amendments offered—599, 1111, 1181, 1189, 1304  
Amendments withdrawn—534  
Called up appointees on Individual Confirmation Calendar—1158  
Resolutions offered—68, 587

#### JUDICIARY, COMMITTEE ON—

Appointees, investigation of—175, 755  
Bills introduced—199, 243, 408, 455, 467, 468, 474, 490, 492, 497, 498, 502,  
527, 542, 557  
Amendments filed—421, 481, 552, 704, 705  
Investigating committee reports—344, 914, 974-975  
Referred to—215

#### KERSTEN, JIM—Senator Seventh District

Bills introduced—43, 68, 69, 389, 407  
Amendments filed—362, 363, 365, 370, 377, 528, 552, 582, 617, 629, 660,  
661, 675, 705, 768, 777, 801, 874, 930, 945, 946, 952, 1036, 1058, 1089,  
1091, 1144, 1211, 1256, 1302, 1323, 1336, 1358  
Amendments offered—365, 582, 874, 930, 1089, 1091, 1256, 1323  
Amendments withdrawn—370, 554, 1256, 1336  
Committee appointments—51, 131, 1200, 1346, 1351  
Conference committee report—1253  
Presided at sessions of the Senate—43, 1243  
Resolutions offered—108

#### KIBBIE, JOHN P.—Senator Fourth District

Bills introduced—12, 69, 125, 146, 186, 229, 243, 303  
Amendments filed—345, 364, 441, 528, 552, 598, 616, 629, 632, 652, 655,  
899, 945, 952, 958, 983, 1031, 1036, 1048, 1054, 1055, 1060, 1071, 1089,  
1090, 1144, 1157, 1187, 1224, 1314, 1319, 1324, 1363  
Amendments offered—364, 454, 540, 552, 671, 689, 952, 1031, 1059, 1060,  
1089, 1090, 1224, 1321  
Amendments withdrawn—959, 1066, 1187  
Called up appointees on Individual Confirmation Calendar—1243  
Committee appointments—6, 411, 805, 1216  
Conference committee reports—1261  
Escorted Senator Riordan to the Senate well—1283  
Introduced Miss Shamrock of 1994, Lisa Kliegl and her parents from  
Laurens, Iowa—708  
Introduced the Honorable Jim Higgins, member of the Irish Parliament,  
who was accompanied by his wife Marion—708  
Petitions presented—418, 1001  
Presided at sessions of the Senate—584  
Reports—6  
Resolutions offered—68, 108, 1000, 1282

#### KRAMER, MARY E.—Senator Thirty-seventh District, Assistant Minority Leader

Bills introduced—12, 68, 116, 154, 264, 348

Amendments filed—121, 580, 628, 633, 634, 655, 660, 828, 946, 1017, 1036,  
1070, 1071, 1077, 1123, 1167, 1210, 1245, 1302, 1358  
Amendments offered—121, 951, 959, 1109, 1167  
Amendments withdrawn—959, 1166  
Escorted Senator Hester to the Senate well—1242  
Escorted Senator Kersten to the Senate well—1270  
Petitions presented—1001  
Welcomed Lynn Martin, former U.S. Secretary of Labor—133

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honored—1374

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Senators appointed to—597

## LIND, JIM—Senator Thirteenth District, Assistant Minority Leader

Bills introduced—68, 264, 282, 283, 348, 374, 446  
Amendments filed—121, 173, 408, 552, 559, 597, 601, 660, 938, 978, 1010,  
1059, 1060, 1108, 1119, 1124, 1245, 1302, 1314, 1338, 1354, 1358, 1384,  
1390  
Amendments offered—121, 599, 601, 938, 1060, 1108, 1302, 1376, 1384, 1397  
Amendments withdrawn—713, 958  
Committee appointments—805  
Escorted Senator Kersten to the Senate well—1270  
Petitions presented—418, 545, 960  
Resolutions offered—587

## LLOYD-JONES, JEAN—Senator Twenty-third District

Bills introduced—68, 148, 154  
Amendments filed—218, 466, 503, 551, 587, 598, 617, 630, 631, 652, 660,  
661, 675, 859, 932, 945, 978, 1004, 1015, 1211, 1321, 1322  
Amendments offered—698, 733, 843, 874, 908, 964, 990, 1015, 1226, 1321,  
1322  
Amendments withdrawn—1015  
Committee appointments—7, 52, 1189  
Conference committee reports—1239  
Presented students attending Iowa colleges through the 1993-94 Iowa Peace  
Institute International Fellows program—544  
Introduced members of a delegation from the Japanese Women NGO  
Observation Tour—897  
Introduced the mayor of Zheleznovopsk and member of the Stravropol  
Legislature—1205  
Presided at sessions of the Senate—1088, 1367, 1374  
Resolution offered—587  
Rulings—1090, 1091

**LOCAL GOVERNMENT, COMMITTEE ON—**

Bills introduced—125, 284, 374, 378, 446, 449, 449-450, 467, 490  
Amendments filed—450, 800  
Appointees, investigation of—756, 1068, 1123  
Investigating committee reports—807-808

**MADDOX, O. GENE—Senator Thirty-eighth District**

Bills introduced—45, 92, 264, 285, 348, 352  
Amendments filed—121, 580, 652, 977, 981, 984, 992, 1003, 1004, 1036, 1060,  
1150, 1251, 1302  
Amendments offered—1060, 1062, 1150  
Amendments withdrawn—1060  
Committee appointments—6, 411, 1254  
Conference committee reports—1342  
Reports—6  
Resolutions offered—108  
Standing committees and subcommittees appointed to—416

**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—**

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Claims approved—See House Journal Pages 82-99  
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**McKEAN, ANDREW J., (ANDY)—Senator Twenty-eighth District**

Bills introduced—11, 68, 69, 132, 225, 264, 275, 282, 303, 348  
Amendments filed—362, 363, 364, 575, 616, 629, 661, 676, 685, 705, 879,  
880, 899, 915, 927, 932, 1036, 1071, 1157, 1162, 1186, 1187  
Amendments offered—364, 700, 701, 711, 927, 930, 986, 1162, 1164, 1186,  
1187  
Amendments withdrawn—668, 700  
Committee appointments—6  
Investigating committee reports—411, 412  
Reports—6

**MCLAREN, DERRYL—Senator Forty-third District**

Bills introduced—68, 125, 337, 469  
Amendments filed—528, 551, 559, 678, 679, 685, 752, 777, 801, 924, 934,  
936, 937, 946, 983, 1004, 1055, 1119, 1190, 1211, 1302, 1384, 1390, 1397  
Amendments offered—934, 936, 937, 1190, 1222  
Amendments withdrawn—952, 1190, 1222, 1384  
Committee appointments—1104, 1353, 1381  
Conference committee reports—1287, 1381, 1399  
Resolutions offered—68, 108  
Standing committees and subcommittees appointed to—349

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## MINORITY FLOOR LEADER, Jack Rife—Senator Twentieth District

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Deferred:

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Senate File 2313—1159  
Senate File 2313, S. 5511—1160  
Senate File 2319, S. 5430—994  
Senate File 2330—1395-1396  
Senate File 2330, S. 5759 as amended—1396  
Senate File 2330, S. 5778 to S. 5759—1397  
House File 181, S. 5613—1234  
House File 542—1224-1225  
House File 2155—1166  
House File 2181, S. 5040—371  
House File 2181—413  
House File 2204, S. 5753—1366  
House File 2358, S. 5531—1114  
House File 2377, S. 5478 to S. 5306—1079  
House File 2377, S. 5512 as amended(2)—1086-1087  
House File 2387—1013  
House File 2410, S. 5301—1043  
House File 2410, S. 5381 to S. 5301—1044  
House File 2430, S. 5724—1362

Deferred:

House File 2180—389

Failed:

Senate File 414—1402  
House File 455—1402

Lost:

Senate File 2217, S. 5093—554  
House File 2179—934  
House File 2180, S. 5038—366  
House File 2418, S. 5527—1091

Ruled out of order (motions to reconsider filed):

Senate File 2010—604  
Senate File 2319, S. 5430—994  
House File 542—1226  
House File 2179—934  
House File 2410, S. 5381 to S. 5301—1043  
House File 2418, S. 5527—1091

Withdrawn:

Senate File 2064—612-613  
Senate File 2064—624  
Senate File 2089—229  
Senate File 2089, S. 5378—953  
Senate File 2092—533  
Senate File 2222, S. 5153—632  
Senate File 2310—876  
House File 606—778-779  
House File 2337, S. 5619—1192

House File 2377, S. 5521 to S. 5510A—1078

House File 2377, S. 5478 to S. 5308—1078

House File 2410, S. 5301—1043

House File 2410, S. 5407, S. 5371—1056

**MURPHY, LARRY—Senator Fourteenth District**

Bills introduced—59, 243, 283, 292, 390, 446

Amendments filed—370, 496, 528, 540, 552, 598, 653, 655, 859, 915, 924,  
946, 952, 1017, 1030, 1048, 1053, 1054, 1059, 1060, 1071, 1075, 1076,  
1119, 1175, 1187, 1195, 1210, 1280, 1302, 1314, 1318, 1319, 1321, 1328,  
1332, 1384, 1397

Amendments offered—496, 540, 552, 653, 895, 952, 1030, 1059, 1060, 1075,  
1119, 1187, 1210, 1222, 1317, 1319, 1321, 1323, 1332, 1384, 1397

Amendments withdrawn—950, 1075, 1076, 1078, 1079, 1086, 1195, 1318

Committee appointments—1351, 1381, 1418

Conference committee reports—1390, 1399

Petitions presented—418

Resolutions offered—68

**NATURAL RESOURCES, COMMITTEE ON—**

Bills introduced—200, 407

Amendments filed—203, 393, 814

Referred to—347, 1033

Resolutions offered—332

**OATH OF OFFICE—**

By newly elected Senators—5-6, 412-413

By Pages—8-9

By Employees—7-8

**PAGES—**

Appointment of—8-9

Special presentation to—475, 1234

**PALMER, WILLIAM D.—Senator Thirty-third District, President Pro Tempore**

Bills introduced—125, 174

Amendments filed—652, 661, 696, 945, 1004, 1054, 1058, 1071, 1091, 1144,  
1210, 1211, 1312, 1314, 1338, 1348

Amendments offered—664, 862, 1058, 1107, 1222, 1317, 1360

Amendments withdrawn—1240

Committee appointments—14, 805, 1418

Escorted Senator Buhr to the Senate well—1285

Presided at sessions of the Senate—85, 145, 183, 224, 556, 670, 711, 713,  
882, 937, 966, 993, 1146, 1149, 1158, 1180, 1181, 1182, 1188, 1193

Reports—805

Resolutions offered—108

Rulings—672, 967

**PATE, PAUL D.—Senator Twenty-sixth District**

Bills introduced—264, 348, 352, 468

Amendments filed—362, 363, 364, 598, 655, 656, 945, 982, 1314  
 Amendments offered—655, 982  
 Resolutions offered—108, 264, 1000

## POINTS OF ORDER RAISED AND RULINGS—

(Rulings on germaneness unless otherwise indicated)

Senate File 2010, S. 5115 - Senator Murphy—582  
 Senate File 2041, S. 5002 - Senator Connolly—120  
 Senate File 2041, Senate Rule 39, subsection 7, wherein a crmte. meeting being held while Senate in session - Senator Lind—120  
 Senate File 2041, S. 5004 - Senator Connolly—121  
 Senate File 2041, S. 5017 to S. 5011—241  
 Senate File 2063, S. 5282 - Senator Bartz—1046  
 Senate File 2089, S. 5378 - Senator Welsh—950  
 Senate File 2217, S. 5081 - Senator Fraise—551  
 Senate File 2217, S. 5074 - Senator Fraise—552  
 Senate File 2218, S. 5404 - Senator Vilsack—986  
 Senate File 2220, S. 5245 - Senator Rosenberg—731  
 Senate File 2222, S. 5155 to S. 5152 - Senator Rosenberg—630  
 Senate File 2272, S. 5128 - Senator Deluhery—601  
 Senate File 2272, S. 5141 - Senator Deluhery—621  
 Senate File 2313, S. 5182 - Senator Murphy—655  
 Senate File 2313, S. 5201 - Senator Gronstal—656  
 Senate File 2319, S. 5413 - Senator Rosenberg—981  
 Senate File 2319, S. 5418 - Senator Sturgeon—983  
 Senate File 2319, S. 5415 - Senator Rosenberg—984  
 Senate File 2319, S. 5436 - Senator Taylor—993  
 Senate File 2319, S. 5439 - Senator Rosenberg—994  
 Senate File 2330, S. 5691 - Senator McLaren—1320  
 Senate File 2330, S. 5712 - Senator Murphy—1322  
 Senate File 2330, S. 5719 - Senator Sturgeon—1324  
 Confirmation of Mitchell L. O'Neel was untimely - Senator Lind—1308  
 Senate Concurrent Resolution 103, Senate Rules 38 & 52, should be referred to Judiciary - Senator Sturgeon—215  
 House File 121, S. 5486 - Senator Sturgeon—1065  
 House File 542, S. 5314 - Senator Szymoniak—908  
 House File 542, S. 5303 - Senator Lloyd-Jones—908  
 House File 2149, S. 5335 - Senator Szymoniak—1296  
 House File 2179, S. 5356 - Senator Lind—919  
 House File 2179, S. 5352 - Senator Welsh—930  
 House File 2180, S. 5030C - Senator Bartz—370  
 House File 2256, S. 5213 - Senator Connolly—698  
 House File 2352, S. 5328 - Senator Vilsack—1164  
 House File 2352, S. 5309 - Senator Vilsack—1164  
 House File 2352, S. 5327 - Senator Rosenberg—1165  
 House File 2352, S. 5310 as amended - Senator Rosenberg—1165  
 House File 2374, S. 5736 - Senator Dieleman—1354  
 House File 2374, S. 5738 - Senator Sturgeon—1354  
 House File 2375, S. 5520 - Senator Gronstal—1136



House File 2376, S. 5490 - Senator Buhr—1048  
 House File 2377, S. 5306B - Senator Vilsack—1079  
 House File 2403, S. 5388 - Senator Hedge—965  
 House File 2410, S. 5406 - Senator Rife—1015  
 House File 2410, Motion to reconsider filed was out of order, not filed  
 on same or next leg. day, after adoption of S. 5301 - Senator  
 Priebe— 1043  
 House File 2411, S. 5495 - Senator Connolly—1060  
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 House File 2418, S. 5522 - Senator Palmer—1089  
 House File 2418, S. 5533 - Senator Drake—1090  
 House File 2418, S. 5536 - Senator Kibbie—1091  
 House File 2429, S. 5642 - Senator Gronstal—1256  
 House File 2430, S. 5740 - Senator Hedge—1360  
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Senate File 2010, S. 5115—582  
 Senate File 2063, S. 5063—1046  
 Senate File 2089, S. 5378—950  
 Senate File 2319, S. 5413—981  
 Senate File 2319, S. 5418—984  
 Senate File 2319, S. 5436—993  
 Senate File 2330, S. 5691—1321  
 Senate File 2330, S. 5712—1322  
 House File 2180, S. 5030C—370  
 House File 2256, S. 5213—698  
 House File 2374, S. 5736—1354  
 House File 2374, S. 5738—1354  
 House File 2418, S. 5536—1091  
 House File 2430, S. 5724—1360

## Ruled out of order:

Senate File 2041, S. 5002—120  
 Senate File 2041, S. 5004—121  
 Senate File 2041, S. 5018—242  
 Senate File 2218, S. 5404—986  
 Senate File 2220, S. 5245—731  
 Senate File 2222, S. 5155—630  
 Senate File 2271, S. 5074 as amended—552  
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 Senate File 2313, S. 5201—656  
 Senate File 2319, S. 5415—984  
 Senate File 2319, S. 5439—994  
 Senate File 2330, S. 5719—1324  
 House File 121, S. 5486—1065  
 House File 542, S. 5303—908  
 House File 2149, S. 5335—1296  
 House File 2179, S. 5352—930  
 House File 2352, S. 5309—1164

House File 2352, S. 5310—1165  
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 House File 2418, S. 5533—1090  
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Ruled not well taken:

Senate File 2041, Senate Rule 39, subsection 7, cmte. meeting not standing cmte.—120  
 Confirmation of Mitchell L. O'Neel in order—1308  
 House File 2179, S. 5356—919  
 House File 2410, Applies to main bill, does not have limit on amendments as long as bill is in possession of Senate—1043

Withdrawn:

Senate Concurrent Resolution 103—215  
 House File 542, S. 5314—908  
 House File 2352, S. 5328 to S. 5309—1164  
 House File 2352, S. 5327 to S. 5310—1165  
 House File 2403, S. 5388—965  
 House File 2429, S. 5642—1256

PRESENTATIONS—

(See also Addressed the Senate)

Senator Jensen welcomed the Honorable Charles Grassley, United States Senator—26  
 Senator Horn presented the Honorable Tom Harkin, United States Senator—103  
 Senator Riordan welcomed visitors from the Asian Foundation—112  
 Senator Kramer welcomed Lynn Martin, former U.S. Secretary of Labor—133  
 Senator Riordan introduced students and sponsors from the Academic Homestay Program of Cultural Homestay International who are spending the year living with Iowa families to learn about the state's culture—205  
 Senator Welsh presented the situational drama group "Whispers"—256  
 Senator Rittmer presented Brian Feldpausch, the 1993-94 Iowa FFA President from DeWitt, Iowa—295  
 Senator Redfern introduced Jim and Mary Slife, son and daughter-in-law of the late Senator and Mrs. Harry Slife—478  
 Senator Lloyd-Jones presented students who represented 52 participants from 30 countries attending colleges through the 1993-94 Iowa Peace Institute International Fellows program—897  
 Senator Deluhery introduced guests from the U.S. Department of Health and Human Services in Kansas City, Missouri—596  
 Senator Drake introduced Iowa's Junior Miss, Kelly Stineman of Grandview, Iowa—621

- Senator Drake presented a group of exchange students from Japan, Spain and Germany—685
- Senator Kibbie introduced Miss Shamrock of 1994, Lisa Kliegl from Laurens, Iowa—708
- Senator Kibbie introduced the Honorable Jim Higgins, member of the Irish Parliament who was accompanied by his wife Marion—708
- Senator Riordan presented the Kyrgyzstan Parliament Delegation and their host, Tony Sageen, the Executive Director of the Lawyers Alliance for World Security—760
- Senator Bennett introduced a group of young people from around the world with the "Up With People" organization—789
- Senator Boswell welcomed the Honorable John Soorholtz, former member of the Senate—815
- Senator Borlaug introduced his cousin, Dr. Norman E. Borlaug—817
- Senator Lloyd-Jones introduced members of a delegation from the Japanese Women NGO Observation Tour—897
- Senator Deluhery introduced Ms. Andred Kondar, Editor in Chief of the Soproni Hirlap weekly newspaper, from Sopron, Hungary—942
- Senator Dieleman introduced the Pella Tulip Queen and her court—979
- Senator Szymoniak introduced Gregory Allen Williams, former Iowan who has been recognized nationally for his heroic efforts during the 1992 Los Angeles riots—1035
- President Boswell welcomed the Honorable Edgar H. Holden, former member of the House and Senate—1070
- Senator Horn introduced Bob Connor, state Senator from Delaware and President of the National Conference of State Legislatures—1076
- Senator Priebe introduced the Honorable Earl Bass, former member of the Senate—1132
- Senator Fink presented foreign exchange students—1155
- Senator Lloyd-Jones introduced Ivan Nikishin, the mayor of the city of Zheleznovopsk and member of the Stavropol Legislature—1205

#### POINT OF PARLIAMENTARY INQUIRY—

- House File 2180, S-5030C, would be in order if S-5043 was adopted, Senator Riordan—370

#### 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 101, Support ethanol, request the U.S. Environmental Protection Agency adopt and implement the proposed oxygenate standard. S.J. 89, 92, 118 adopted
- Senate Concurrent Resolution 103, Request the U.S. Congress propose a constitutional amendment for ratification by the states, which

- would specify Congress & the states have power to protect the American flag. S.J. 108, 133, 142, 143, 158, 173, 215, 218, 257
- Senate Concurrent Resolution 104, Encourage the U.S. Drug Enforcement Agency to provide adequate supplies of the drug methylphenidate sold under the brand name Ritalin, for therapeutic purposes for American children. S.J. 142, 144, 145, 168, 184, 203, 590 adopted, 594 - H.J. 524, 580, 608
- Senate Concurrent Resolution 108, State and federal fuel tax collection. S.J. 485, 489, 946, 1097-1098 adopted, 1105 - H.J. 1299, 1351
- Senate Concurrent Resolution 111, Urge passage by the U.S. Congress of S-1825, the Tax Fairness for Main Street Business Act of 1994 or similar legislation. S.J. 635, 637, 646 adopted, 650, 1395 - H.J. 607, 643, 677, 1547, 1982 adopted & msgd
- Senate Resolution 105, Express appreciation and thanks to U.S. Air Force cadets who assisted with flood cleanup efforts at Ledges State Park & Dolliver State Park. S.J. 332, 336, 444 adopted
- Senate Resolution 106, Urge additional federal action to diagnose and treat a mysterious illness of veterans of the Persian Gulf hostilities. S.J. 1000, 1017, 1068, 1098 adopted
- Senate Resolution 121, Petition President of the U.S. Congress & protesting proposed reductions in programs included in the 1995 fed. farm bill, resulting from the General Agreement on Tariffs and Trade. S.J. 1325, 1348

#### PRESENTATIONS—

Senators Deluhery and Welsh escorted Senator Horn, Majority Leader, to the Senate well; Senators McLaren and Lind escorted Senator Rife, Minority Leader, to the Senate well; Senators Gettings and Vilsack escorted Senator Boswell, President of the Senate, to the Senate well; and Senator Priebe escorted Senator Palmer, President pro tempore, to the Senate well. Each were presented with a framed print symbolizing Iowa on behalf of the members of the Senate in recognition of their leadership service during the Seventy-fifth General Assembly—1374

The Senate Pages were invited to the Senate well for special presentation and were thanked by Senators Horn and Rife for their service to the Senate. A Certificate of Recognition for serving with honor and distinction as Senate Page during 1994 Regular Session of the Seventy-fifth General Assembly, an individual and Page group picture were presented to each one—475, 1234

#### PRESIDENT PRO TEMPORE OF THE SENATE—SENATOR WILLIAM D. PALMER

(See PALMER, WILLIAM D.—Senator Thirty-third District)

#### PRIEBE, BERL E.—Senator Eighth District

Bills introduced—11, 59, 68, 69, 92, 146, 225, 282, 284, 285, 302, 317, 337, 469

Amendments filed—46, 185, 414, 559, 598, 616, 632, 655, 669, 752, 777, 801, 867, 915, 930, 935, 945, 994, 1004, 1048, 1055, 1056, 1094, 1118, 1123, 1157, 1189, 1190, 1312, 1334, 1359

Amendments offered—46, 213, 632, 699, 752, 867, 927, 928, 935, 1056, 1118, 1189, 1190, 1359  
 Amendments withdrawn—414, 655, 927, 1118, 1191, 1366  
 Committee appointments—423, 805, 1179, 1353, 1381  
 Conference committee reports—1260, 1289, 1381, 1399  
 Introduced the Honorable Earl Bass, former member of the Senate—1132  
 Objection raised—802  
 Objection withdrawn—879  
 Resolutions offered—68, 108, 1325

#### REAPPOINTMENTS—

(See Appointments - Reappointments, Statutory - Senators)

#### REDFERN, DONALD. B.— Senator Twelfth District

Administered oath of office on September 8, 1993—5  
 Bills introduced—264, 303, 317, 352  
 Amendments filed—575, 771, 880, 938, 1071, 1302, 1304  
 Amendments offered—771  
 Committee appointments—30, 130, 805, 1104  
 Conference committee reports—1287  
 Introduced Jim and Mary Slife, son and daughter-in-law of the late Senator and Mrs. Harry Slife—478  
 Standing committees and subcommittees appointed to—15

#### RENSINK, WILMER—Senator Third District

Bills introduced—68, 69, 264  
 Amendments filed—121, 363, 629, 655, 899, 1210, 1302, 1330  
 Amendments offered—1330  
 Called up appointees on Individual Confirmation Calendar—1129  
 Committee appointments—7  
 Escorted Senator Taylor to the Senate well—1259  
 Petitions presented—1001  
 Resolutions offered—108

#### REPORTS—

(See Communications and/or individual headings)

#### REQUEST OUT OF ORDER—

Senator Lind rose to invoke Senate Rule 24 on House File 2180—390

#### REQUEST FOR UNANIMOUS CONSENT—

Refer Senate File 2148 to committee—802  
 Withdrawn—878

#### RESIGNATIONS (See also Officers and Employees)—

Senators—101-102  
 Committee—78

#### RESOLUTIONS—

(See also Legislative Index Volume)

- Assigned to committee—44, 71, 133, 144, 288, 305, 318, 335, 499, 595, 1017, 1232, 1281, 1282, 1348
- Introduction, Senate Concurrent Resolutions—28, 68, 108, 145, 264, 302, 332, 489, 587, 637, 1033, 1199, 1325, 1388
- Introduction, Senate Resolutions—92, 184, 290, 292, 332, 1000, 1182, 1208, 1209, 1210, 1281, 1282, 1306, 1325
- Placed on Appropriations Calendar—1033
- Placed on calendar—92, 184, 290, 332, 489, 1182, 1208, 1209, 1210, 1306, 1388
- Placed on Ways and Means Calendar—637
- Referred from Regular Calendar to Rules and Administration—1281, 1282
- Resolutions printed after session—2740-2757
- Withdrawn—1353
- RIFE, JACK**—Senator Twentieth District, Minority Leader
- Bills introduced—12, 264
- Amendments filed—946, 1302, 1312
- Amendments offered—1376
- Amendments withdrawn—950
- Committee appointments—130, 131
- Escorted Senator Taylor to the Senate well—1259
- Resolution offered—1281
- Special presentation to pages—1234
- Standing committees and subcommittees appointed to—349
- RIORDAN, JAMES R.**—Senator Thirty-ninth District
- Bills introduced—43, 45, 135, 171, 184, 200, 264
- Amendments filed—213, 362, 363, 364, 366, 367, 371, 377, 617, 630, 631, 632, 661, 676, 705, 791, 892, 915, 935, 938, 945, 965, 978, 1060, 1162, 1302, 1320, 1336, 1358, 1366, 1370, 1377
- Amendments offered—213, 362, 363, 366, 631, 665, 729, 892, 935, 965, 1014, 1060, 1162, 1320, 1336, 1377
- Amendments withdrawn—362, 365, 938, 965, 1366
- Committee appointments—6, 423, 1346, 1351
- Conference committee reports—1260, 1390
- Presented students and sponsors from the Academic Homestay Program of Cultural Homestay International who are spending the year living with Iowa families—205
- Presented the Kyrgystan Parliament Delegation and their host—760
- Welcomed visitors from the Asian Foundation—112
- Presided at sessions of the Senate—95, 792
- Resolutions offered—68, 108
- Reports—6
- RITTMER, SHELDON**—Senator Nineteenth District
- Bills introduced—12, 68, 123, 125, 145, 153, 186, 264
- Amendments filed—363, 559, 580, 915, 983, 1036, 1056, 1070, 1071, 1089, 1090, 1385
- Amendments offered—580, 1046
- Appointed to—14

Committee appointments—1216, 1418  
 Conference committee reports—1261  
 Petitions presented—652, 1001, 1142  
 Presented Brian Feldpausch, the 1993-94 Iowa FFA President from Dewitt—  
 295  
 Resolutions offered—68, 108

**ROSENBERG, RALPH—Senator Thirty-first District**

Bills introduced—12, 68, 107, 171, 224, 244, 320, 489  
 Amendments filed—218, 239, 367, 369, 372, 377, 616, 629, 630, 661, 696,  
 705, 729, 768, 777, 830, 929, 931, 932, 945, 984, 992, 1003, 1024, 1087,  
 1187, 1210, 1246  
 Amendments offered—367, 369, 372, 668, 729, 732, 735, 768, 830, 929, 931,  
 981, 984, 1024, 1087, 1246  
 Amendments withdrawn—367, 372, 830  
 Committee appointments—1254  
 Conference committee reports—1342  
 Resolutions offered—68, 587, 1325

**RULES—**

Rules invoked—

Rule 13 (returned to calendar):  
 House File 2179—843

Rule 21 (Secretary's report in engrossment):

Senate File 2057—738  
 Senate File 2222—651  
 Senate File 2279—805  
 Senate File 2313—674  
 Senate File 2314—775  
 Senate File 2326—1231  
 Senate File 2330—1347  
 Senate File 2330, S-5705—1347

Rule 21 (Secretary's report in enrolling)

Senate File 413—1172  
 Senate File 2057—1402-1403  
 Senate File 2069—976  
 Senate File 2190, S-5188—1357  
 Senate File 2217—1311  
 Senate File 2219—1403  
 Senate File 2223—1403  
 Senate File 2282—1403  
 Senate File 2311—1403  
 Senate File 2314—1403  
 Senate File 2318—1403  
 Senate File 2319—1403  
 Senate File 2330—1404

**Rule 24 (Motions to reconsider-reconsideration)**

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House File 455—1402

House File 2180—390

House File 2410—1043

**Rule 28 (introduction, reading and form of bills and resolutions):**

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Senate File 2034—73

Senate File 2035—73

Senate File 2041—94

Senate File 2044—106

Senate File 2065—146

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Senate File 2157—307

Senate File 2163—319

Senate File 2169—337

Senate File 2170—337

Senate File 2199—406

Senate File 2200—407

Senate File 2201—407

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Senate File 2216—427

Senate File 2217—427

Senate File 2218—427-428

Senate File 2227—449-450

Senate File 2229—450

Senate File 2271—502

Senate File 2292—526

Senate File 2293—526

Senate File 2294—526

Senate File 2295—526

Senate File 2296—526

Senate File 2297—526

Senate File 2298—527

Senate File 2299—527

Senate File 2300—527

Senate File 2301—527

Senate File 2302—527



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 Senate File 2317—801  
 Senate File 2323—1070  
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 Senate Resolution 108—1209  
 Senate Resolution 109—1209  
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**Rule 59 (Confirmation of Appointments):**

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**Rule 60 (Time of Committee Passage and Consideration of Bills):**

Referred to committee—841-842

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Senate File 2089, S-5391—958  
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Senate File 2183, S-5593, S-5651—1338  
Senate File 2190, S-5089—691  
Senate File 2196, S-5076—555  
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Senate Resolution 108 - Honor Senator Florence Buhr. S.J. 1206, 1209, 1284-1285, 1285 adopted.

Senate Resolution 109 - Honor Senator Jean Lloyd-Jones. S.J. 1206, 1209, 1254, 1255 adopted.

Senate Resolution 110 - Honor Senator Ralph Rosenberg. S.J. 1207, 1209, 1355 adopted.

Senate Resolution 111 - Honor Senator William W. Dieleman. S.J. 1207, 1209, 1274-1275, 1275 adopted.

Senate Resolution 112 - Honor Senator Ray Taylor. S.J. 1207, 1209, 1258, 1259 adopted.

Senate Resolution 113 - Honor Senator Al Sturgeon. S.J. 1207, 1209, 1280, 1376 adopted.

Senate Resolution 114 - Honor Senator James B. Kersten. S.J. 1208, 1209, 1269-1270, 1270 adopted.

Senate Resolution 116 - Honor Senator James R. Riordan. S.J. 1208, 1209, 1282-1283, 1283 adopted.

Senate Resolution 117 - Honor Senator Jack W. Hester. S.J. 1208, 1210, 1242 adopted.

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Bills introduced—29, 123, 125, 145

Amendments filed—502, 919, 920, 945, 1018, 1320, 1322, 1360, 1363

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Bills introduced—68, 103, 183, 230, 292, 293, 303, 352  
Amendments filed—218, 422, 575, 601, 602, 616, 777, 793, 801, 929, 932,  
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#### SZYMONIAK, ELAINE—Senator Thirty-sixth District

Bills introduced—45, 92, 103, 116, 154, 243, 284, 302, 389, 446

Amendments filed—502, 548, 587, 597, 617, 623, 631, 633, 634, 652, 653, 654, 655, 660, 675, 686, 777, 840, 915, 924, 945, 946, 990, 1015, 1036, 1060, 1070, 1071, 1095, 1112, 1354, 1377  
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 Amendments withdrawn—260, 653, 659, 672  
 Appointed to—14  
 Committee appointment—1189  
 Conference committee reports—1239  
 Escorted Senator Sturgeon to the Senate well—1376  
 Introduced Gregory Allen Williams, former Iowan who has been recognized nationally for his heroic efforts during 1992 Los Angeles riots—1035  
 Resolutions offered—28, 68, 264, 587

**TAYLOR, RAY—Senator Ninth District**

Bills introduced—12, 68, 171, 264, 292, 374  
 Amendments filed—120, 121, 363, 393, 629, 655, 656, 731, 801, 926, 931, 932, 959, 995, 1036, 1048, 1070, 1075, 1077, 1083, 1236, 1313  
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 Amendments withdrawn—655, 1317  
 Committee appointments—805  
 Resolutions offered—68, 108, 587, 1325

**TINSMAN, MAGGIE—Senator Twenty-first District, Assistant Minority Leader**

Bills introduced—12, 45, 68, 264, 285, 348, 390, 415  
 Amendments filed—121, 503, 555, 660, 686, 810, 828, 959, 983, 992, 1036, 1095, 1354, 1385  
 Amendments offered—555, 688, 983, 992, 1385  
 Appointed to—14  
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 Conference committee reports—1342  
 Escorted Senator Kersten to the Senate well—1270  
 Petitions presented—418, 1171  
 Resolutions offered—587, 1199, 1325

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Appointees, investigation of—758  
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 Amendments filed—318, 422, 502, 705  
 Investigating committee reports—824  
 Resolutions offered—489

**VARN, RICHARD—Senator Twenty-fifth District, Majority Floor Whip**

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 Appointed to—14  
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- Bills introduced—116, 244, 389
- Amendments filed—364, 370, 376, 377, 496, 559, 575, 630, 660, 675, 828, 880, 915, 945, 959, 977, 978, 1070, 1071, 1076, 1083, 1157, 1175, 1187, 1193, 1211, 1233, 1237, 1251, 1354, 1362
- Amendments offered—364, 370, 496, 566, 610, 630, 981, 1026, 1044, 1074, 1075, 1076, 1106, 1165, 1187, 1251, 1354
- Amendments withdrawn—1064, 1076, 1362
- Called up appointees on Individual Confirmation Calendar—1151
- Committee appointments—7, 51, 445, 805, 1418
- Conference committee reports—499
- Petitions presented—112
- Resolutions offered—68, 108, 587, 1000

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- Appointees, investigation of—758
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- Amendments filed—366, 559, 659, 660, 922, 932
- Investigating committee reports—878
- Referred to—304, 321, 348, 530, 1089, 1230
- Resolutions offered—637

## WELSH, JOE J.—Senator Seventeenth District—

- Amendments filed—441, 575, 606, 616, 628, 670, 675, 731, 874, 898, 909, 915, 935, 936, 945, 946, 952, 958, 978, 992, 1003, 1004, 1010, 1015, 1036, 1055, 1077, 1078, 1091, 1092, 1114, 1115, 1193, 1227, 1233, 1312, 1314, 1318, 1320, 1328, 1358, 1363, 1384, 1390
- Amendments offered—497, 606, 670, 731, 874, 909, 936, 938, 950, 958, 962, 986, 992, 1077, 1078, 1091, 1114, 1115, 1296, 1318, 1320, 1363
- Amendments withdrawn—670, 950, 992, 1010, 1015, 1092, 1296, 1384
- Called up appointees on Individual Confirmation Calendar—1161, 1271
- Committee appointments—1104
- Conference committee reports—1287
- Presented the situational drama group “Whispers” and their leaders from Dubuque—256
- Resolutions offered—1325

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- Bills introduced—69, 264, 285, 352
- Amendments filed—363, 1036, 1280, 1314, 1319, 1320
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- Resolutions offered—108